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HOUSE OF REPRESENTATIVES—*Tuesday, December 18, 2007*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Ms. SOLIS).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
December 18, 2007.

I hereby appoint the Honorable HILDA L. SOLIS to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 25 minutes and each Member, other than the majority and minority leaders and the minority whip, limited to 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentleman from Maryland (Mr. HOYER).

HONORING DR. VINOD K. SHAH AND THE DOCTORS SHAH

Mr. HOYER. Madam Speaker, rarely do I avail myself of this opportunity, but I do so today to recognize the extraordinary contributions of an extraordinary man, extraordinary woman and extraordinary family.

The holiday season is traditionally a season of giving. Today I would like to take just a few minutes to recognize the vital contributions of a man and his family who have continually given his time, his energy and his efforts to the residents of St. Mary's County and to southern Maryland, which I am honored to represent in this body, my dear and great friend Dr. Vinod K. Shah, affectionately known as Vinnie or V.K.

Every so often an individual comes along who leaves an indelible mark on his or her community and the people around them. In southern Maryland, two such individuals are Dr. Shah and his wife, Dr. Shah. Her name is Ila. Together they established their medical practice in southern Maryland roughly 30 years ago when the citizens there were greatly in need of medical services.

We had some good doctors, but we needed more. Since then Vinnie and Ila have built a medical practice that has literally changed the face of health care in our region, expanding to become the largest private medical practice in the State of Maryland.

Dr. Shah's service and the service of his family to southern Maryland as well as our Nation's dependence on foreign-born doctors, particularly in rural America, was recounted in a front-page story in the Washington Post on December 7, 2007.

As Richard Martin, who was the head of St. Mary's County Hospital when Dr. Shah arrived, told the Post, and I quote, "It was just like miracle workers had walked in. I told them, 'You are the answer to my prayers.'"

The Shahs epitomize family values. Vinod and Ila recruited family and friends, including Vinod's eight siblings, each of whom is a doctor or is married to one.

When I refer to the Shah family, let me just recite their names, all family, brothers or sisters, sons or daughters, giving service in this country to our people:

Dr. Vinod Shah.

His wife, Dr. Ila Shah.

Dr. Mamesh P. Shah.

Dr. Anil K. Shah.

Dr. Amish Shah, Dr. Shah's son.

Dr. Deepak K. Shah.

Dr. Arpana Shah, his daughter-in-law.

Dr. Umed K. Shah.

Dr. Nayan Shah.

Dr. Atul Shah.

Dr. Avani Shah.

Dr. Dhiren Shah.

Dr. Beena Shah.

Dr. Jyoti D. Shah.

It is an amazing list, and it doesn't end there, with his daughter doing her residency and her husband doing his residency. The Shahs epitomize family values. As I said, they are an extraordinary family.

Today, Shah Associates is a growing practice that includes 65 physicians in 10 locations, and which recently announced that it will partner with specialists from Georgetown University Hospital and the Washington Hospital Center in a planned 32,000 square-foot addition to his medical center.

Leslie Miller, who heads the cardiac program at both hospitals, told the Washington Post, referring to Shah Associates, "They are a model of health care of the future. These guys, on their own, using their own money, have put together this extraordinary system. We want to extend what they have done."

Madam Speaker, the manner in which Dr. Shah operates Shah Associates is an accurate reflection of this generous and good man and the values that he and his family hold and demonstrate to all of us daily. This medical practice is truly a family affair, as I have noted, and accepts all those who need care, regardless of their ability to pay. I have heard extraordinary stories from my constituents about the extent to which the Shah family has gone to help them, the care that they have extended.

I have known Dr. Shah for many years. He is my next-door neighbor. He is one of my closest friends. He, his wife, his son, his daughter, his son-in-law and daughter-in-law are all very close.

Without doubt, he is one of the most decent, honorable and honest men that I have ever met. His wife, Ila, reflects that same character, as do his children, their spouses and his extended family, his brothers and sisters, brothers-in-law and sisters-in-law. He is not only my friend and my neighbor, but he is a friend and neighbor to the entire community in southern Maryland. He has touched countless lives over the years, and the difference he has made, that

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

his family have made, that Shah Associates have made, cannot be overstated.

Let me say, too, that Dr. Shah's success is a quintessential American story in which a husband and wife, both immigrants, both physicians, come to our Nation and through hard work, intelligence, merit and reputation become, quite literally, the backbone of the community. Gandhi once remarked, "Be the change you want to see in the world."

Vinod Shah, Ila Shah and their family have lived this philosophy to the fullest. They saw a dire need and, rather than turn their back or leave the problem to someone else, they embraced a great challenge and have made an immeasurable, positive, extraordinary contribution. They faced discrimination, rejection and challenge.

Their positive, unflagging, and extraordinary talented effort has resulted in their being embraced by their community, which they have served so well. They brought hope and care and service, and they have enriched the lives of all whom they have touched.

I want to thank Vinod and Ila as well as all the physicians and providers at Shah Associates for the incredible service that they have delivered to residents of St. Mary's County and to the entire southern Maryland area, and, indeed, a broader reach as well.

Dr. Vinod Shah is the vice president of the Association of Physicians of Indian Origin. I presume, in a short period of time, he will be their leader. He will be an extraordinary representative of an extraordinary group of people who, like so many immigrants before them, have responded to America's welcome and have made such an extraordinary difference. We are all the better and healthier for it.

[From washingtonpost.com, Dec. 7, 2007]

Born in India, Transforming Rural MD.—Extended Family of Medical Specialists Helps St. Mary's Thrive

(By Jenna Johnson)

St. Mary's County was once a place where no doctor wanted to settle. In the 1970s, the county hospital used decades-old equipment, struggled to make payroll and had no full-time specialists—not even an obstetrician, although more than 600 babies were born there each year.

Then came Vinod K. and Ila Shah, Bombay-educated and D.C.-trained husband-and-wife doctors who were eager to open a practice in the rural area. They had heard about St. Mary's from Vinod's younger brother and were enticed by the potential impact that even a small practice could have there.

"It was just like miracle workers walked in," said Richard Martin, 92, who was then head of the hospital. "I told them, 'You are the answer to my prayers.'"

The couple was soon joined by Vinod's younger brother, Umed K. Shah, a gastroenterologist. Next came two family friends. A few years later, another brother arrived, cardiologist Anil K. Shah, with his wife, Beena Shah, a neurologist.

In time, Vinod and Ila Shah recruited more friends and family, including the rest of Vinod's eight siblings, each of whom is a doctor or is married to one. They built the largest private specialty practice in Southern Maryland, Shah Associates, which has treated about 90,000 of St. Mary's 110,000 residents.

For many years, foreign-born doctors have been the unlikely medical backbone of rural America. In the 1970s, the United States actively recruited them, promoting the opportunities available in remote areas avoided by many U.S.-born physicians. Then, starting in the 1990s, a visa waiver program promised to fast-track doctors to a green card if they worked in a rural area for at least three years.

Today, at least 23 percent of practicing doctors in the United States attended a foreign medical school, and almost all of those practitioners were born overseas. But recent changes in visa policy have had the unintended consequence of slowing the flow of foreign-born doctors to rural areas, a trend that Shah is, in small ways, resisting.

Two generations of Shah doctors see patients who span several generations of Southern Maryland families. "We come here for everything," Navy retiree Paul Hailor said at their main office in Hollywood, Md. "My fiancee is down the hall waiting for a pulmonary appointment. Kids come here for MRIs, CAT scans."

Nurses and patients have a system for keeping all of the Shahs straight. They use initials for the four Shah brothers: Dr. V.K. the cardiologist; Dr. U.K. the gastroenterologist; Dr. D.K. the child psychiatrist; and Dr. A.K., another cardiologist. The other Shahs, especially the four with names beginning with 'A,' often go by their first name: Dr. Amish the cardiologist, also V.K.'s son; his wife, Dr. Arpana the dermatologist; Dr. Beena the neurologist; Dr. Jyoti the sleep specialist.

"Every once in a while, we get someone calling in wanting to talk to 'Dr. Shah,'" said Betsy Warren, a registered nurse who has worked for Shah Associates for 16 years. "You ask them, 'Which Dr. Shah?' And they say, 'The one with dark hair.'"

To Southern Maryland, the Shah family has imported distinctive aspects of Indian culture: colorful saris, lavish parties for hundreds stocked with huge trays of vegetarian Indian food and recitals featuring classical Indian dances.

Family members say it took years to earn the trust of the community, but once they did, the practice quickly grew. Some local doctors who once viewed the Shahs as competition eventually joined the practice.

Each time the nearby Patuxent River Naval Base added employees, the practice received a wave of patients. The practice's offices, where employees had once been asked to park in front so business would appear brisk, were soon overflowing.

In 1995, V.K. Shah found an empty lot on Route 235 in Hollywood. Two years later, he opened the Philip J. Bean Medical Center, dedicating it to a late local physician who he said "delivered half the county."

"We said 'Let's name it after someone who means something to this community,'" Shah said. "I think people should feel good about this place—it should mean something to them."

But the facility that felt like a palace then is already too small, and the practice with 65 physicians in 10 locations, is scrambling to recruit more doctors. "Demand is so high across the board," said Shah, 66. "I can't retire."

Plans were announced last week for a 32,000-square-foot addition to the medical center. The extra space will allow specialists from Georgetown University Hospital and Washington Hospital Center to practice there as part of a new partnership.

Because Shah Associates provides so much of the medical care in the region, the partnership will allow the universities to study health patterns over generations, said Leslie Miller, head of the cardiac program at both hospitals.

Shah Associates has compiled its patients' medical records into a database that allows it to track the medical histories of families and look for early warning signs in younger generations. Such locally comprehensive databases might one day help researchers better understand such hereditary conditions as heart problems, he said.

"They are a model of the health care of the future," Miller said. "These guys, on their own, using their own money, have put together this extraordinary system. . . . We want to extend what they have done."

But in many areas that are more rural than Southern Maryland, as in many inner cities, the gap between medical needs and resources remains great, despite government efforts.

In 1994, Congress made foreign doctors who train in the United States while holding a so-called J-1 visa eligible to apply for a green card if they practiced for at least three years in underserved areas. The program, which exempts J-1 holders from a required return home for two years after their training is complete, has placed thousands of doctors in inner-city and rural communities, as well as in prisons.

They continue to flood the United States with residency applications, but each year the program receives fewer applications and fills fewer spots. Last year, only 900 of the 1,620 available waivers were issued.

Rural health experts attribute much of that drop to the popularity of another visa, the H-1B, which allows U.S. companies to temporarily sponsor highly skilled foreign workers in such fields as medicine, architecture and science.

In 2000, to make more H-1B visas available for technology companies, Congress exempted research institutions and universities, including their hospitals, from a cap on the hard-to-get visas. The popularity of the J-1 waiver program plummeted, and the pipeline that once channeled doctors to underserved areas narrowed.

Today, no medical facilities in Southern Maryland are eligible to sponsor physicians under the J-1 waiver program. A majority of the nearly 30 Maryland primary medical care centers designated as having a specialist shortage are in Baltimore. The District has 13 sites, including the D.C. jail. Virginia has nearly 120, two of which are in the Washington area.

With baby boomers beginning to retire, the American Medical Association says, the country could be short as many as 200,000 doctors before 2020—a shortage that is expected to hurt already-underserved areas the most.

V.K. Shah, who is also vice president of the American Association of Physicians of Indian Origin, said a shortage could be prevented by drastically increasing the number of medical schools in the United States, relying more on nurses and nurse practitioners or by allowing more qualified international medical graduates to practice in the United States.

But to practice, foreign doctors must first complete training in a U.S. residency program, for which spots are scarce. Last year, 46 percent of foreign applicants received residencies, compared with 93 percent of American graduates, according to the National Resident Match Program, which facilitates the application process for more than 1,000 U.S. institutions.

Each year, Shah Associates hosts a handful of graduates from foreign medical schools, encouraging them to seek opportunities beyond big cities. This summer, four recent graduates of Mumbai medical schools traveled to Southern Maryland on tourist visas for an unpaid crash course in American medicine.

The graduates watched as the Shahs cracked jokes with their patients, reassured them about upcoming operations and gently recommended diet changes. Mitesh Lotia, 24, one of the graduates, said that the one-on-one interaction held great appeal.

"In India, we would see 100, 150 patients a day," he said. "There was no time to get to know patients. I want to practice here. I'll go anywhere."

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 9 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order at 10 a.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

In the beginning, at the leap of nothingness to material existence, You, the Almighty, acted.

In the desperation of human search for lasting truth, You spoke Your prophetic word.

In the tangled history of nations and faith, You established a new world.

Even in this century, You breathe forth in people the desire for salvation and lasting freedom.

Dear God, be with us today, that Your lasting values may take shape in this Nation. Make this government of the people Your instrument of stability and hope. Abide within Your people as equal justice and incarnate love, both now and forever.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from New York (Mrs. MALONEY) come forward and lead the House in the Pledge of Allegiance.

Mrs. MALONEY of New York led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

9/11 HEALTH AND COMPENSATION ACT

(Mrs. MALONEY of New York asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY of New York. Madam Speaker, last night when Congress passed its year-end spending bill, our Nation took another step forward in caring for the heroes and heroines of 9/11.

By including $108 million for the health needs of the World Trade Center first responders, residents, students, and others exposed to the deadly toxins at Ground Zero, we again show that we will not turn our backs on those who came to New York from every single State in our Nation to help in the aftermath of 9/11.

And in the new year, I look forward to continuing to build support for the bipartisan 9/11 Health and Compensation Act, which I introduced with my colleagues JERRY NADLER, VITO FOSSELLA, and GEORGE MILLER.

Caring for the heroes and heroines of 9/11 is our duty. They were there for us, we were there for them last night in our budget, and we need to be there in the future.

I thank my colleagues for their support, especially for the leadership of Mr. OBEY and Speaker PELOSI.

TAX RELIEF, NOT TAX INCREASES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last week the majority forced a vote on a faulty fix to the alternative minimum tax, AMT, that raises taxes elsewhere. Consequently, this bill had no chance of ever becoming law, and everyone knew it. The Senate resoundingly rejected the tax increase legislation the week before and instead passed legislation that offers a clean fix of the AMT. The majority in the House knew this, and yet they chose to pursue a political statement rather than a solution.

Instead of getting down to business and working with the Senate, House Republicans and President Bush, the majority leadership in the House has failed to repeal a tax that unnecessarily threatens 23 million Americans. Treasury Secretary Henry Paulson has already made it clear that the delay in passing a fix or a complete repeal will cause delays in tax refunds for 50 million Americans. This is the price of inaction. The American people should not have to pay that price. The majority needs to bring a clean AMT fix to the floor, and not another tax increase.

In conclusion, God bless our troops, and we will never forget September the 11th.

PRESIDENT BUSH IS OUT OF TOUCH WHEN HE SAYS THE AMERICAN ECONOMY IS STRONG

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. WALZ of Minnesota. Mr. Speaker, it's hard for this Congress to get President Bush to prioritize the needs of the middle-class families when he refuses to face reality and chooses to govern by veto rather than vision.

Yesterday, the President surprised a lot of us when he said the economy is perfectly strong. That's news to them. You don't need the polls to tell you that the American people are deeply concerned about this economy. Who can blame them? With home values and wages dropping, and health care costs, home heating costs, gasoline costs, college tuition costs and food costs all rising, the hardworking American middle class is trying to make ends meet.

This Congress is not satisfied with the economic status quo that serves a very few at the very top. We've made progress over the last year easing the economic crunch. We passed legislation to address the subprime mortgage crisis, increased the minimum wage, passed legislation that cut taxes on middle-class families and made college more affordable by investing in our children.

We're proud of these accomplishments, but we know the American middle class is still struggling. And we look forward to working on creative solutions that actually address the problem instead of simply vetoing with no leadership.

POLITICAL GAMES SHOULD NOT STAND IN THE WAY OF PROTECTING AMERICA

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Yesterday, the Democratic leadership unveiled a half-trillion-dollar spending bill because they were unable to fulfill their constitutional duties.

This spending bill is 3,500 pages long, and the majority gave Members of Congress less than 24 hours to look at it. And that's simply ridiculous. We had less than 24 hours to review a bill funding our national priorities, but chock full with earmarks and frivolous spending, and it failed to go through the proper committee checks. But the liberal leadership of this House added mounds of earmarks for their friends and liberal policies that most Americans do not support.

In all of this spending, however, the glaring neglect by the Democratic leadership is our troops. Those fighting around the world, making us safer from al Qaeda and other terrorist groups, will not receive the necessary resources to continue their mission.

Mr. Speaker, ensuring our Armed Forces have the tools at their disposal to defeat the terrorist threat is one of our responsibilities in Congress. And I urge all of my colleagues to remember that.

THE FIRST STEP TOWARD COMPREHENSIVE ENERGY LEGISLATION

(Ms. GIFFORDS asked and was given permission to address the House for 1 minute.)

Ms. GIFFORDS. Mr. Speaker, I rise today to recognize a historic first step for this United States Congress; it's a step towards energy independence.

The energy bill that we're considering today recognizes a tremendous renewable resource that we literally have at our fingertips, the power of the sun. This bill includes my provisions to authorize new research and development into solar technologies. These technologies have the potential to revolutionize our energy production, not just in southern Arizona, but across this Nation.

As we develop these new technologies, we're going to need qualified workers to install and maintain the latest solar technologies. That is why this bill includes training programs specifically for solar technology.

But this bill is only a first step. I'm disappointed that we're not passing the House's fiscally responsible renewable energy tax policies and the tax incentives that go with this legislation. Those are the incentives that are really going to spur energy innovation, so we're going to continue to work for those.

I support this bill today, but we have a lot more work that we have to do. Mr. Speaker, I urge support on both sides of the aisle.

JUDGES HALL OF SHAME—AUSTRALIA

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, crimes against children continue to be a crisis in our civilized communities. How society reacts to such crimes is a reflection on the value or lack of value it places on children.

Recently, a 10-year-old girl was raped in Australia by nine males. The victim and the nine rapists were all native-born Aboriginals. The nine deviants were captured, and all nine admitted their guilt. So what did the Australian judge do to these criminals? Well, none of them went to prison. All of them received a suspended sentence, and the judge made the absurd comment at the trial that the 10-year-old girl "probably agreed to have sex with the perpetrators." I wonder what sentence the female judge would have imposed on the nine had the 10-year-old girl been of European descent. A prominent Aboriginal leader said he believed that "the chronic leniency toward offenders contributes to the abuse of Aboriginal children."

Mr. Speaker, a society is judged not by the way it treats the powerful or the rich, but how it treats the weakest among its people, like 10-year-old little girls. The judge in this case is a new member of the Judges Hall of Shame. And that's just the way it is.

VETERANS GUARANTEED BONUS ACT

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, today the House will take a huge step towards addressing one of the great injustices affecting our brave men and women in uniform. With today's passage of the Veterans Guaranteed Bonus Act, we will once and for all end the practice of denying combat-injured service men and women their enlistment bonuses that they were promised, that they deserve, and that they have earned.

It defies belief that some of America's combat-wounded veterans were actually sent a bill to repay their enlistment bonuses after they were injured, or that the Pentagon would stop making payments if the bonuses were paid in installments.

The American people were justifiably outraged when this situation came to light. And today Congress is going to do something about it by passing the Veterans Guaranteed Bonus Act. Hopefully, this bill will soon be signed into law and we can demonstrate for our brave men and women in uniform that this Congress will support our troops with our actions, not just our words.

GREAT PLACES TO RAISE KIDS FOR LESS—NEBRASKA

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, I rise today to congratulate 11 Nebraska towns for being named "Great Places to Raise Kids for Less" by Business Week Magazine.

Anyone who has ever been to Nebraska knows it's a great place to raise a family. Now it looks like others are finding out, and I hope the rest of the Nation takes note.

Nebraska boasts 11 of the 50 places in the United States which offer kids and their parents the right combination of safety, community, and education. I am also proud to point out that out of those 11, seven are in Nebraska's Third Congressional District, which I have the honor of representing.

So congratulations to the towns of Davenport, Loomis, Diller, Petersburg, Bartlett, Lawrence and Arapahoe for showing the rest of the country how good Nebraska's good life can be.

FCC NEEDS TO LISTEN TO THE AMERICAN PEOPLE

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, today the Federal Communications Commission may do violence to its own name. The idea of communication is that you speak, but you also listen. And in a stunning act of bureaucratic arrogance, the FCC today may refuse to listen to the thousands of Americans who have told them to listen to America and not change the media consolidation laws.

The FCC went out and held these hearings, including in Seattle, Washington, where thousands of people came and told the FCC in no uncertain terms that their arrogant effort to remove these productions for the first amendment could not stand, and yet they refused to listen to Americans who told them that.

We know that when we lose access to information, democracy suffers. I hope the FCC today might have second thoughts and decide that part of their job is listening to the American people, in fact, the highest part of their job. And we're going to do everything we can, if they do this today, to stop in the tracks this effort to undo protection against media consolidation.

□ 1015

THIRTEEN-FOLD FLAG RECITATION

(Mr. BROUN of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROUN of Georgia. Veterans service organizations across the Nation often provide funeral honors at national cemeteries, including the folding and presentation of the flag, the recitation of the flag-folding steps, and playing of Taps.

As you may know, for a very brief period recently, the Veterans Affairs prohibited the flag-folding step, known as the 13-fold flag recitation, at funerals. In response to national outrage, the

VA issued a letter to all cemetery directors in the National Cemetery Administration that states that 13-fold flag recitation will be allowed at veterans' funerals.

While I commend this decision, the policy will allow employees and volunteers to recite the ceremony only if requested by the veterans' grieving family members. Families should not have to remember to request the 13-fold flag recitation. The recitation of flag-folding steps should be proactively offered.

The choice to have the flag-folding ceremony read aloud should belong to the family of the deceased. That is why today I am introducing a resolution that requires the VA to offer families the choice of whether or not to have the ceremony and let the decision rest with the families and not with the bureaucrats here in Washington.

FINAL OMNIBUS BILL IS A SIGNIFICANT IMPROVEMENT OVER THE PRESIDENT'S BUDGET REQUEST

(Mr. YARMUTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YARMUTH. Mr. Speaker, last night this House acted in bipartisan fashion to reject some of the President's harmful budget cuts to important education programs. Had this Congress simply rubber-stamped President Bush's budget, education funding would have been slashed by $1.2 billion, including a 50 percent cut in vocational education and the elimination of every student aid program except Pell Grants and Work Study.

This House rejected those cuts. Instead, we invest $767 million more than the President's request for K–12 education, including targeted increases in special education, teacher quality grants, after-school programs and Head Start. We invested $575 million above the President's budget for technical training in high schools and community colleges. And we provide $1.7 billion more than the President for Pell Grants and other student aid programs.

Mr. Speaker, this new Democratic Congress has prioritized the needs of children and young adults by investing in their education so they can better compete in an ever-expanding global economy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OBEY). The rules of the House stipulate that Members are to keep the well cleared when another Member is under recognition.

IT IS TIME TO LIFT THE TRAVEL BAN TO CUBA

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, in the past 24 hours, we have heard word from Cuba that President Fidel Castro does not plan to return to power. This is good news, I think, for all of us. And this is not a surprise to those of us who have been watching Cuba. But here we are, as Americans, on the sidelines again still. For the past 40 years, we have been on the sidelines offering no influence whatsoever in what happens in Cuba.

This is a travesty, Mr. Speaker. It is time for a get-tough policy with Cuba. It is time to allow Americans to travel there and spread freedom and influence. If we lift our travel ban, some say that Cuba will simply impose their own on us. But if somebody is going to limit my travel, it should be a communist, not my own government. We should let freedom ring here, and it will soon ring free in Cuba.

ARMED SERVICES AND NATURALIZED CITIZENS

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, today I rise to recognize all our service men and women, especially those celebrating the holiday season away from their families and friends. This past Saturday, I had the honor of welcoming home 200 soldiers who served in the 115th U.S. Army Unit located and based out of South El Monte. These are two young gentlemen that I happened to meet earlier this year in Iraq on a recent visit. I was delighted to see that they were home. Many had already spent two or three tours there. In fact, I would like to have the House recognize that there are over 600,000 immigrants currently serving in our Nation's Armed Forces; 35,000 of those have pledged their service and loyalty to our country in spite of not being citizens.

I am particularly proud of this young gentleman, Jose Diaz, a resident in the 32nd Congressional District, who came, communicated in my office and said, Congresswoman, I want to become a citizen. We helped to expedite his paperwork while he was serving abroad. I was also happy to see him this Saturday at a homecoming for his family.

I say this today to you, Members, because in the holiday season, we need to remember all of our brave soldiers, men and women who are currently serving us across the country, and I would ask all of you to please remember them in your prayers.

THE OMINOUS OMNIBUS BILL

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. At 3,500 pages, 34 pounds, members of the minority had roughly 1 day to review its contents. Mr. Speaker, here comes the bus. But the American people don't want this Congress to get on. Last night, the House passed a massive omnibus spending bill that gives deafening evidence that this government is broken. This budget process is broken.

I want to commend men and women of good will in this Congress who improved this bill along the margins, but $515 billion without a penny for Iraq is wrong and evidence that the budget process is broken. $515 billion with $10 billion in budget gimmicks and hundreds of unexamined earmarks gives evidence that this budget process is broken.

President Reagan said it 20 years ago from this podium. He said: "The budget process is broken down; it needs a drastic overhaul. With each ensuing year, the spectacle before the American people is the same as it was this Christmas." He added: "Budget deadlines delayed or missed completely, hundreds of billions worth of spending packed into one bill, and a Federal Government on the brink of default."

The more things change in Congress, the more they stay the same. Say "no" to the ominous omnibus bill.

OMNIBUS SPENDING BILL ADDRESSES INFRASTRUCTURE NEEDS

(Mr. CUELLAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUELLAR. Mr. Speaker, I rise today to support the passage of this year's omnibus appropriation bill which covers 11 appropriations bills that were passed by the House of Representatives earlier this year. The omnibus appropriation bill includes language from my bill, H.R. 2431, the Border Infrastructure and Technology Modernizations Act of 2007, which authorizes appropriations for a nationwide strategy to address infrastructure needs at the land ports of entry.

The language from H.R. 2431 that was included in the homeland security section of this bill requires an assessment to study to identify ports of entry infrastructure and technology improvement projects to minimize border-crossing wait times at our Nation's ports of entry. I worked in a bipartisan way with my cosponsor of this legislation, Congressman REHBERG, and I want to thank him for his leadership on this effort.

Mr. Speaker, I also want to give my sincere thanks to the chairman, Mr. OBEY, of the House Appropriations Committee and Chairman PRICE for including this language.

FINAL OMNIBUS BILL IS A SIGNIFICANT IMPROVEMENT OVER THE PRESIDENT'S BUDGET REQUEST

(Mr. MURPHY of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MURPHY of Connecticut. Mr. Speaker, we need a tear-down reform of our national health care system. But until we do that, we have an obligation to fund the providers and institutions that make our system work despite the system. That is why I am so proud of the budget passed by the House last night.

President Bush's budget would have required cuts of 800 grants for medical research at the National Institutes of Health. He would also cut programs that provide access to health care by $595 million and rural health care initiatives by more than 50 percent. We rejected those cuts last night in a bipartisan fashion. We approved a bill that included $607 million above the President's request for critical medical research. And we approved money for community health centers so that they can provide access to 280,000 more uninsured Americans. Finally, we approved $147 million above the President's budget request for rural health care for those critical access projects.

Mr. Speaker, the health of the United States is stronger today because of the budget we passed last night.

THE ENERGY INDEPENDENCE AND SECURITY ACT

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, today the House will be voting on the Energy Independence and Security Act. With this legislation, the new Democratic Congress is leading America in a new direction on energy policy, the most significant energy bill in a generation. We are taking a major step toward ending our dependence on foreign oil by increasing efficiency standards for cars and trucks for the first time in 30 years. This will reduce America's need for oil by 1.1 million gallons per day, cut millions of tons of global warming pollution, and save families up to $1,000 every year.

The bill implements landmark energy efficiency standards for appliances, lighting and buildings, which will save American families and businesses billions of dollars in unnecessary energy costs. Finally, the bill boosts the production of environmentally protective home-grown biofuels such as cellulosic ethanol.

We can and we will do more: promote solar, wind and other renewable energy sources, for example. But this legislation finally begins to address high gas prices, America's oil addiction and the global warming crisis. It will help create hundreds of thousands of jobs in clean energy technologies. So I urge my colleagues to join me in supporting a new direction of energy. Vote for H.R. 6.

HONORING THE MEMORY OF CONGRESSWOMAN JULIA CARSON

(Mr. ELLSWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ELLSWORTH. Mr. Speaker, I rise today in sadness, but also to honor the life and memory of the gentlewoman from Indiana that passed this week, Congresswoman JULIA CARSON. JULIA will be remembered as a political trailblazer, a tireless advocate and dedicated public servant to the people of Indiana.

Her life was a shining example of the power of the American Dream: rising from the humble beginnings of poverty and segregation to become a leading champion for civil rights, women's rights and the working poor in this House. She leaves behind a legacy of standing up for those most vulnerable among us. But most of all, JULIA accomplished what we should all strive to do. She left the world a better place than what she found it. She will be deeply missed by this House, by me, and by the people of Indiana. Our thoughts and prayers are with her family and friends during this difficult time.

PRESIDENT BUSH IS OUT OF TOUCH WHEN HE SAYS THE AMERICAN ECONOMY IS STRONG

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PERLMUTTER. Mr. Speaker, President Bush has to get out of the White House a little more often so that he can see firsthand how average Americans are struggling to make ends meet during this holiday season. Over the past 7 years, the President has presided over an economy in which the poverty rate has gone up and household incomes have gone down. The average family is making less today than they did last year, while at the same time, everyday costs for food, home heating oil, gas, college tuition and health care skyrocket out of control.

Former Fed Chairman Alan Greenspan voiced concern this weekend that the economy may be heading into a recession early next year. Despite all of these warnings, President Bush stood before the American people and proclaimed that the American economy was strong and pointed to the tax cuts of his first term as a reason for this strong economy.

Well, the President needs a reality check. It is time for the President to recognize that the struggles of average working families are here to stay and he needs to check them out. Together, we can address those concerns, and we wish to work with him.

THE FINAL OMNIBUS BILL IS A SIGNIFICANT IMPROVEMENT OVER THE PRESIDENT'S BUDGET REQUEST

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, at the beginning of this year, the Democratic Congress proposed a 2008 budget that was both fiscally responsible and reinvested in long-forgotten domestic priorities. All year President Bush has stubbornly said that he will not sign any appropriations bill that was higher than his budget request. So after months of working with our Republican colleagues, we approved an omnibus spending bill last night that fits into the President's funding levels, but addresses important Democratic priorities.

At a time when crime rates are increasing all around our country, we invest $1.2 billion over the President's budget to help local communities make their neighborhoods safer. At a time when significant infrastructure improvements are needed to prevent more bridges from collapsing, we invest $1 billion to make our bridges safer. And as Americans continue to pay record prices at the pump, we invest an additional $486 million in renewable energy and energy efficiency.

Mr. Speaker, this final omnibus bill invests in critical priorities that were ignored in the President's budget.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 6, ENERGY INDEPENDENCE AND SECURITY ACT OF 2007

Mr. WELCH of Vermont. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 877 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 877

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 6) to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers, to increase the efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes, with the Senate amendment to the House amendment to the Senate amendment to the text, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the Majority Leader or his designee that the House concur in the Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the Majority Leader and the Minority Leader or their designees. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

SEC. 2. During consideration of the motion to concur pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the motion to such time as may be designated by the Speaker.

SEC. 3. On the first legislative day of the second session of the One Hundred Tenth Congress, the House shall not conduct organizational or legislative business.

The SPEAKER pro tempore. The gentleman from Vermont is recognized for 1 hour.

Mr. WELCH of Vermont. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. WELCH of Vermont. I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on H. Res. 877.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

☐ 1030

Mr. WELCH of Vermont. Mr. Speaker, I yield myself such time as I may consume.

H. Res. 877 provides for the consideration of the Senate amendment to the House amendment to the Senate amendment to H.R. 6, to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers, to increase the efficiency of products, buildings, and vehicles, and to promote research on and deploy greenhouse gas capture and storage options. In short, it's a comprehensive energy bill.

The rule makes in order a motion by the majority leader that the House concur in the Senate amendment. The rule waives all points of order against the motion except clause 10 of rule XXI. The rule provides 1 hour of debate, controlled by the majority leader and the minority leader.

Mr. Speaker, this is historic legislation. Today, we will move from a policy of dependence on foreign oil, a policy of endless drilling, to a policy of independence and efficiency. It's a policy that is overdue. It's overdue for the health of the American economy, the health of the world environment, and for the strengthening of our foreign policy options.

Mr. Speaker, as you know, the American economy is being hit very hard by spiraling fuel prices. Around the country, families are sitting around their kitchen tables wondering how they are going to afford their fuel bills this winter. In December of 2002, just a few years ago, the price of a gallon of gas was $1.48. It's now $3.09. Five years ago, in Vermont it cost a family about $600 to heat their homes. Now, it's about $1,500.

Our current energy policy of spiraling costs, environmental degradation, and increasing dependence on people who are not particularly our friends is weakening America, harming our environment, and stretching the budgets of our families.

Mr. Speaker, this bill addresses each and every one of these problems. It's fiscally responsible. It starts by repealing some, but not all, of the big oil and gas tax giveaways and reinvests that money to ensure energy independence. It increases fuel efficiency standards, and this is probably the single most important provision of this bill. The last time this Congress increased fuel efficiency standards was 32 years ago, and since that time the American auto industry has lost market share. The cost of operating a car has increased. What this bill does, which is historic, is increase the mileage standards by 40 percent so that the fleet-wide average in 2020 will be 35 miles per gallon.

That is the first real step toward fuel efficiency in those 32 years. It's going to save American families $700 to $1,000 at the pump; it's going to produce $22 billion in net annual savings for consumers by 2020; and through the application in this legislation of efficiency standards, which essentially is that you make a toaster that uses less rather than more energy, and other appliances the same, it's going to save consumers $400 billion through 2030.

Mr. Speaker, this bill is long overdue, and it is a declaration of independence from the old energy policy that had us relying on people who were not our friends to supply us oil that we were addicted to, at prices that we could no longer afford. Today, we are going to turn the corner, and the American people are going to see direct results in our economy, in our environment, and in our security as a result of this landmark legislation.

I urge my colleagues to support the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. I would like to thank the gentleman from Vermont (Mr. WELCH) for the time, and I yield myself such time as I may consume.

It is our duty to do all we can to provide future generations a better world in which to live. Our Nation has made great strides in protecting human health and the environment, but there is still much more to do. We must continue to decrease carbon emissions and invest in multiple forms of energy-efficient technologies to help preserve the environment and lessen our dependence on foreign energy sources.

For our national security, we must make investments to increase clean energy sources and increase domestic energy supplies. From 2001 to 2006, Republican-led Congresses invested nearly $12 billion to develop cleaner, cheaper, and more reliable domestic energy sources. They included the development of biofuels such as cellulosic ethanol, advanced hybrid and plug-in, hybrid electric vehicle technologies, hydrogen fuel cell technologies, wind and solar energy, clean coal and advanced nuclear technologies.

The underlying legislation, the Renewable Fuels, Consumer Protection and Energy Efficiency Act of 2007, further promotes research and development into next-generation energy resources such as solar, wind, geothermal and marine energy. Furthermore, it authorizes almost $3 billion for energy storage and development programs to make renewable energy sources more effective. But we must keep in mind that right now, alternative fuels will not eliminate the need for traditional energy sources, and without additional supply, the tight market conditions that have put pressure on prices are going to persist.

I am pleased that incentives for the domestic production of oil and gas have been retained in this final legislation. These incentives are aimed at reducing U.S. dependence on foreign oil by encouraging domestic exploration and production of oil and natural gas. Removal of these incentives, which were included in earlier versions of this legislation, would have driven up the costs of oil and natural gas to American consumers even further and increased our dependence on foreign suppliers such as the strongman/clown in Venezuela, Hugo Chavez.

I am also pleased that a provision that would have taxed domestic oil companies at higher rates than the Chavez-controlled oil company was removed.

This legislation also provides for the H-Prize. The H-Prize will award cash prices to individuals, universities and businesses making significant advances in the field of hydrogen energy. Hydrogen is a clean domestic energy source that produces no emissions other than water. The use of hydrogen as an energy source will simultaneously reduce dependence on foreign oil and emissions of greenhouse gases and other pollutants.

Unfortunately, this bill has taken almost a year to make it to the President's desk because the majority decided to shut out the minority from deliberations for much of the year. When this bill first came before the House in the opening days of the 110th Congress, the majority blocked all amendments with a closed rule. In August when we considered H.R. 3221, the majority shut out over 90 amendments and allowed only five minority amendments out of 23 amendments. Just last week, we considered Senate amendments to H.R. 6, and once again the majority blocked the minority from providing amendments. If the majority had just decided to follow its campaign promise and allow the minority to participate in the formulation of this legislation, this bill could have been signed into law months ago.

I would also point out that the majority brings this legislation to the floor as a Senate amendment instead of as a conference report. As such, it fits into one of the loopholes of the majority's earmark rule, just as it did last week. Because the earmark rule did not apply to the legislation last week, it wasn't possible to find out that the bill contained earmarks until after the bill passed the House. So we wonder if the legislation we are considering today also contains earmarks. Unfortunately, we will not know, because the legislation is not subject to the earmark rule.

Mr. Speaker, I reserve the balance of my time.

Mr. WELCH of Vermont. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. I thank the gentleman for yielding time.

Today, I rise in strong support of the rule and H.R. 6. H.R. 6 will lower energy costs, strengthen our national security, reduce global warming emissions and create green collar jobs. The bill recognizes that energy policy is not only about improving the infrastructure, but also about creating economic opportunities for all.

Major investment in renewable energy could create 3 million green jobs over the course of 10 years. These jobs can lead to self-sufficiency, prosperity, higher wages and access to benefits and better career choices. These jobs will stay in the U.S. and will not be outsourced.

I am proud that the bill authorizes $125 million for workforce training and green collar jobs which includes Pathways Out of Poverty grants, so that as Silicon Valley advances, so will people in East Los Angeles, the Bronx and the Midwest.

The bill says to American workers, particularly urban and rural workers, there is a place for you in the green economy. I urge passage of the rule and passage of H.R. 6.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my pleasure to yield 4 minutes to the distinguished gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I certainly appreciate the gentleman yielding.

Mr. Speaker, I intend to vote "no" on this rule as well as the underlying bill, and I want my reasons for doing so to be a matter of public record, because I believe that this vote will come back to haunt many Members, maybe in 3 years, maybe in 5, maybe in 10, but at some point.

This is actually not an energy bill, it is simply a CAFE bill, and so it should rightly be called the "how Congress destroyed the domestic auto industry bill."

Let's consider for a moment that the domestic auto industry is the only carbon-restricted industry in our Nation, and this bill certainly continues that unfairness. In fact, under this legislation, the domestic auto industry will almost entirely shoulder the burden for this Congress so that we can say we are reducing CO_2 emissions, even though the auto industry is responsible for less than 20 percent of that.

This bill attacks the domestic auto industry because they are a very easy target. In fact, it is just the "weak chicken" scenario, and all the other chickens in the barnyard, including the oil industry and the natural gas and the utilities and coal, are all pecking the domestic auto industry to death, because by doing so they can avert any such government sanctions against themselves. And I mean that literally, because it is estimated that the cost to comply with this energy bill with these new CAFE mandates, it is going to cost the domestic auto industry $85 billion. $85 billion from an industry that is struggling just to survive right now with all the unfair trade practices and the legacy costs that they face. And if you don't believe me, just read the Detroit papers today to get a clear vision of exactly what is happening in the domestic auto industry.

But instead of spending all of those dollars on R&D and manufacturing vehicles that will truly reduce our addiction on foreign oil, like lithium ion batteries, or flex-fuel or hydrogen fuel cells, we are going to mandate higher CAFE standards, continuing to use an antiquated approach and an antiquated model that we started in the 1970s. The result of that has actually been that our consumption of oil since we have had these CAFE standards has doubled. It is very hard to say the CAFE mandates have been a success. Really, so what if thousands of jobs are lost in the domestic auto industry? Some in this Congress would say that we did it to ourselves.

And this bill will allow some to thump their chest. But, Mr. Speaker, it is a very hollow thumping, just to say they are green, because we should remember the entire history of the domestic auto industry and what it has meant for this country. Not just because it created the middle class in a State like Michigan, or because after 9/11 when the domestic auto manufacturers immediately offered zero-interest financing to keep the plants running and people buying cars so that our national economy would not succumb to the terrorists as they had hoped. But also because during World War II, Michigan was known as the "arsenal of democracy," because we had the manufacturing capability to build the armaments that literally led the world to peace and to keep our Nation free.

☐ 1045

We didn't even build cars for 2 years then because we were so busy building tanks and planes and Jeeps. We were totally engaged in the war effort and protecting freedom and liberty and democracy. And in the future when our country needs that capacity again, and we will, we will find that we will be at the mercy of countries who either manufacture their vehicles cheaply in their own countries and import them to us, or they will build their product here but, the company's ownership is foreign, countries like Japan or Korea or China. And will our national interests match theirs? We had better hope so.

Mr. Speaker, I ask my colleagues to vote "no" on this rule and on the underlying energy bill.

Mr. WELCH of Vermont. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy.

I listened to my friend from Michigan, and in one respect I think she is right: there will be people who will be haunted by the bill that we are voting on here today, but not because it goes too far, but because it doesn't go far enough. I am confident, under the leadership of Speaker PELOSI and the commitment that we have by the American people, that we will go back to the comprehensive energy bill that we had a few moments ago.

I find it ironic talking about the CAFE standards and the problems. Now we see the American auto industry is reluctantly accepting to do in this country what they are already doing in Europe. And, frankly, if they don't get it right in terms of fuel efficiency, there is nothing that we are going to be able to do to bail them out, and they will continue to lose market share to foreign companies that are more energy efficient.

I am pleased that this bill contains provisions I have worked on to align the interests of the natural gas companies to promote energy efficiency rather than penalizing them for conservation. I am pleased that we are going to have increased energy efficiency for light bulbs, appliances, buildings, and government agencies. All of these are starting to lay the foundation for legislation that is long overdue.

I am sad that it does not include the renewable energy portfolio standard which half American States, and the public is already represented by States that have galloped ahead of us, and it is unfortunate that the Senate could not deal with the tax provisions that would have put government subsidies for emerging renewable technologies that need that government support to turn a profit and come to scale, and instead continue to lavish subsidies on the petroleum industry that frankly doesn't need it to turn a profit. But these we will return and address.

I am pleased that this is an important step in the right direction and urge support of the rule and the legislation today.

Mr. LINCOLN DIAZ-BALART of Florida. It is my pleasure to yield 4 minutes to the distinguished gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Speaker, I rise today to, I hope, bring some balance to this debate. I was stunned in my office listening to the opening comments that it is going to be a new era in America on energy prices.

Americans are struggling to heat their homes. Americans are struggling to have fuel to drive their cars affordably. Companies all across this country are struggling to make a profit because of energy prices. And the bill before us will not change that in the next 3 to 5 years.

I don't oppose better CAFE standards. It takes 2 or 3 years to design new cars, other years to build them. You are 4 to 5 years away from people. And the poorest among us seldom ever own a new car with high efficiency standards, the poorest among us.

Folks, America needs more affordable energy. We have the highest energy prices in the world because of this Congress, because we have locked up natural gas reserves, we have locked up oil reserves. We have not allowed the movement that should be in coal-to-liquids and coal-to-gas, and there has been resistance to expanding nuclear which provides the vast majority of America's energy. I hope renewables become a major force, but it will be years if not decades.

Today, Americans need affordable gasoline. They need affordable diesel fuel to fuel our trucks. They need affordable home heating fuel to heat their homes. They need affordable natural gas. And this bill does nothing for any of those.

The ethanol, biofuels, the second part of this bill, it is futuristic. We now have 7 billion gallons; that mandates 36 billion. It limits 15 to corn. And we know that corn was $1.80 when it started; it is $4.37 today, and rising. It is going to raise food prices. God forbid we get dependent on corn and we have a bad crop year. We will have high-cost food and unaffordable energy.

Now, I am not saying we shouldn't do that, but we should do it carefully. But we can't build America's energy future on CAFE standards. I am all for the fuel efficiency appliances. It takes years for that to happen. Americans today expect more from this Congress. High oil prices on the backs of Congress because we locked it up. Clean green natural gas, the affordable fuels that Americans should be using in greater quantities if it were affordable. $11.37, it spiked a couple bucks in the last couple days because it is cold and we are starting to use a lot of gas. Natural gas is used in heavy amounts to make ethanol, almost an even swap. Natural gas is what will be the hydrogen car if we get there.

Folks, we need affordable energy that runs 90-some percent of this country's energy needs, and we are ignoring it. This bill does nothing. The big bill that we voted on last week did nothing. Natural gas supplies need to be increased; oil supplies need to be increased in this country so we are not buying it from foreign countries. Coal-to-liquid, coal-to-gas needs to be advanced like we are force-feeding cellulosic ethanol. I am not against cellulosic ethanol. It is being sold to do most of the 36 billion gallons, and it is still in the laboratory, folks. I hope it comes out. I hope we build a successful plant. But it won't be this year; it won't be next year. It will be down the road.

People are struggling here in 2007, and 2008 coming, to heat their homes; and they are going to struggle in rural America to drive their car a long distance because they have to drive everywhere, they don't have mass transit. They need money to run their families, and energy costs are robbing them of their ability. Fifty-eight degrees was common for seniors in my district. That is because they couldn't afford more energy.

Mr. WELCH of Vermont. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Speaker, I feel passionately enough about renewable energy to have spent most of my career developing it, and I know firsthand that clean energy is an economic reality. Because of this, I will continue to fight for renewable energy standards and important tax incentives that are not included, but should be included, in this bill. However, I believe that H.R. 6 will create jobs here at home and is an important first step for greater energy independence and a green future.

H.R. 6 raises our fuel economy standards, stimulates energy efficiency, and allows the development of exciting clean energy technologies, such as the language I wrote to stimulate the development of geothermal energy technologies. New geothermal energy technologies have the potential to generate vast amounts of clean, domestically produced electricity, and we should begin research immediately. I support H.R. 6.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. WELCH of Vermont. Mr. Speaker, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Speaker, we are starting a clean energy revolution today. It is not the end of that revolution, it is not perhaps even the beginning of the end of that clean energy revolution, but it is the end of the beginning for two important points.

First, we are starting a revolution in transportation today in the United States, and exhibit A in that regard is the GM Volt. The GM Volt, which GM hopes to have in mass production, is a plug-in hybrid car. You plug it in at night, you drive it for 40 miles just on electricity, zero gasoline, and after 40 miles you use a hybrid train with gasoline and someday cellulosic ethanol for the remaining part of your range.

Our corporate average fuel economy standards, which we make the first strides in in three decades, will enhance the opportunity for Americans to have not just a few miles here or there per gallon, but a revolution in transportation.

This car will get over 100 miles per gallon of gasoline. This car will operate all on electricity for the first 40 miles. It is this revolutionary attitude that we need to have in America, and we make the first steps, and the first shots in that revolution are fired today.

But it is not the end of that revolution, because we have much more to do. We did not succeed this week in advancing renewable energy to have 15 percent of renewables. We did not succeed this week to advance tax relief for those emerging new businesses.

But exhibit A, on the renewable energy front, is a picture of the solar thermal array produced by the Austra Energy Company. This company this last month signed enough contracts for 500,000 homes to be heated by solar thermal energy which, within the decade, will be price competitive with coal-based energy if we succeed in our next steps in this clean energy revolution. That is why we will be back next year to have the true clean energy revolution America deserves.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. WELCH of Vermont. Mr. Speaker, I yield 2 minutes to the gentleman from New Hampshire (Mr. HODES).

Mr. HODES. Mr. Speaker, I thank the gentleman from Vermont for yielding.

I rise in support of this rule and the underlying bill, H.R. 6, the Energy Independence and Security Act. This legislation represents an historic opportunity to move our country towards a secure future. The bill marks a turning point in this Nation's history and moves us towards energy independence.

Energy security is something that my constituents in New Hampshire take very seriously. And although this legislation is not perfect, because it doesn't go far enough, we need a renewable portfolio standard that is a national standard. Industry recognizes that. The voters and the markets are ahead of the politicians on this. This bill is the start of a 21st-century energy policy for America.

With this bill, Mr. Speaker, we take a firm stand for real security, for healthy families, for a thriving economy in a competitive global market, and for a sustainable future for our planet.

Energy policy is the key to our national security. Our real security requires energy independence. We require new green jobs and an aggressive program to deal with global warming. We need this bill to start to protect our country and strengthen our economy. I ask all of my colleagues to cast their vote with America's future in mind.

Mr. WELCH of Vermont. Mr. Speaker, I yield 7 minutes to the gentleman from Massachusetts, the chairman of the Select Committee on Energy Independence and Global Warming, Mr. MARKEY.

Mr. MARKEY. I thank the gentleman from Vermont.

Ladies and gentlemen, today is an historic day. It is the day when we begin to take seriously the issue of energy dependency and the issue of global warming.

The legislation that we have before us today is the culmination of a vision which Speaker PELOSI had as she was sworn in almost 1 year ago. She announced at that time that her goal was to make a huge down payment on the issue of energy independence and global warming. Today, we vote to pass the legislation which will send a signal not only to the citizens of our country but to the citizens of the world that our Nation is now serious about these issues.

☐ 1100

I want to compliment Chairman JOHN DINGELL of the Energy and Commerce Committee for his statesmanship and leadership on these issues throughout this year.

I want to compliment all of the Members on both sides who have worked so hard to bring us to this point. It has not been easy.

For this decade, I have worked very hard in order to raise by 10 miles per gallon the fuel economy standard of the vehicles of our country. Back in 1985 we reached a peak of about 27 miles per gallon. Since that time, we have gone backwards. In fact, during that period of time we have actually seen an increase in America's dependence on imported oil go from 27 percent of the oil which we consume in our country to 61 percent of the oil that we consume in our country. That is since 1985. And that has sent the wrong signal to OPEC and to the rest of the world.

Today, in this legislation, we increase to 35 miles per gallon the fuel economy standard of the vehicles that we are going to drive by the year 2020. In conjunction with the cellulosic fuel component, the biofuel component that is built into this legislation, by the year 2030 this bill will back out the equivalent of twice the amount of oil which we import from the Persian Gulf today.

What we have today, is this whirlpool within which the United States has caught itself where we send nearly $150 million a day to the Persian Gulf to purchase the 2.2 million barrels per day that we import out of the Persian Gulf to bring to the United States. That is $55 to $60 billion a year that we are sending over to parts of the world which we should have no business in. And caught in that whirlpool are our young men and women in our military who are over in the Middle East protecting this oil supply so it can come to our country.

And for the first time the American people are now going to be made part of this effort. We no longer are going to pretend that the efficiency of the vehicles which Americans drive has no relationship to this amount of money that we send to the Middle East and the number of troops that we have to send to the Middle East.

So this is going to be a very powerful message: 2.7 million barrels of oil a day from the Middle East not having to be imported by the year 2030 because of the increase in fuel economy standards; 1.8 million barrels of oil per day in equivalence of oil in now biofuels, cellulosic fuels, that will substitute for the oil that we otherwise would have to import from the Middle East.

Together that is over 4 million barrels of oil a day equivalent. What a tremendous victory for the American people here today. Everyone in our country will now be part of it. Rather than in the Middle East, we will produce the fuels in the Middle West in our country and stop pretending that we can't improve the efficiency of the vehicles we drive.

Secondly, this legislation will in fact reduce by nearly a quarter all of the greenhouse gases that the United States has to meet as a goal by the year 2030. So on climate change, energy efficiency will play a huge role in reducing the amount of greenhouse gases that the United States sends up into the atmosphere. The buildings will be greener. The lighting and appliances will be better. And because of fuel efficiency and renewable fuels, we will reduce by the amount of 100 coal-fired plants the amount of greenhouse gases we will send up into the atmosphere. What a victory. What a day the United States Congress will enjoy today.

I congratulate Speaker PELOSI for her work on this legislation. I congratulate my colleague TODD PLATTS, and all of the Members who have worked on it. I salute President Bush for saying that he will sign this legislation. It is an historic signal. And I urge all of the Members who are here to realize that this is a moment that will be remembered forever as the energy revolution day, as the climate change revolutionary day where we changed course and sent a signal to the world that we mean business.

So, ladies and gentlemen, please today vote "aye" and join with Speaker PELOSI, with HARRY REID and President Bush in this effort to change the direction of our country. It is a monumental day.

Mr. WELCH of Vermont. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GENE GREEN of Texas. I thank my colleague from the Rules Committee for allowing me to speak.

I have to admit, it is not very often I follow my colleague from Massachusetts and support a lot of what he said. The legislation before us today is the result of almost a year of hard work and negotiation to compromise by the new majority to produce an energy bill that helps address the serious concern of climate change in our Nation.

For the first time in over 30 years, Democrats increase the fuel economy standards by 40 percent, as well as increase energy efficiency requirements and promote research and development of alternative sources of energy.

Speaker PELOSI, Majority Leader HOYER and Chairman DINGELL deserve special praise for their work in crafting this historic legislation.

Almost as important as what is included is what is not included. H.R. 6 omitted provisions from the previous energy bills that I feared could raise the cost of energy for consumers, including a Federal renewable electricity standard, new taxes on the energy industry outside of those carefully negotiated in the original H.R. 6 from January of this year that could tilt the competitive playing field against U.S. companies, and provisions that could hamper domestic oil and natural gas production. These changes are commendable and represent a more balanced proposal which I support.

What was unfortunately omitted was the opportunity to create a balanced energy policy that invests in our energy future without ignoring America's energy needs today. Energy security cannot be achieved by alternative energy and conservation alone.

The Energy Information Administration predicts that natural gas, oil, and coal will comprise approximately the same share of our total energy supply in 2030 as they did in 2005, even with new investments in renewable sources of energy.

Comprehensive energy legislation must be enacted that will increase America's domestic energy supply, particularly clean-burning natural gas which will play a critical role in reducing our greenhouse gas emissions.

What's also lacking was the debate on renewable fuel standards, RFS, a provision not moved through the regular process of the House and that lacks a clear mechanism to reduce the mandate prior to taking effect in the case of environmental challenges, technological, feasibility or supply issues, or other adverse consequences.

There is no shortage of literature detailing the negative environmental impacts of corn-based ethanol, its questionable greenhouse gas emission reductions, its reduced fuel efficiency, and its effect on food and energy prices.

I hope in a few years down the road we don't find ourselves asking whether the supposed cure for our oil addiction is not worse than the disease.

In closing, I believe as Democrats we can craft a sensible energy policy that actually enhances our energy security. I hope our House leadership will continue to try to work with Democrats and Republicans together to address America's need to produce additional domestic energy, both conventional and renewable, and to ensure the reliability and affordability of our Nation's critical energy supplies.

[From the Houston Chronicle, Dec. 8, 2007]

ENERGY POLICY

The energy bill passed by the U.S. House last week is more a political statement than a blueprint for U.S. energy policy. Titled the Energy Independence and Security Act, it misses many chances to attain those goals.

The bill's best feature is the requirement that automakers have a fleet average of 35 miles per gallon. The measure's proponents say the higher mileage standard would save the United States 1.1 million barrels of oil per day—about half of what the country imports from the Persian Gulf. With populations and demand for energy growing, more efficient cars and SUVs are essential.

The bill's reliance on the use of ethanol to cut crude imports is suspect, however. Most ethanol here is made from corn. The present mandate for gasoline blenders to use ethanol has driven up food prices, but the nation hasn't enjoyed a significant net gain in energy. The bill aims to force the development of efficient cellulosic ethanol, but the technology might be slow in coming. If House Democrats wanted to increase use of efficiently made ethanol, they would eliminate the tariff on imported ethanol made from sugar cane.

A requirement that utilities produce 15 percent of their electricity from renewable sources is arbitrary and does not suit every locality, but it would prompt market solutions. Texas, one of the leading producers of wind power, has a 5 percent renewable requirement, and the state's economy and consumers have benefited.

President Bush has voiced objection to the bill's new taxes applied to the oil industry, and he has good reason. Does it make sense to raise the tax burden on the companies that produce and distribute the energy the nation's prosperity rests on? The oil industry should be taxed as near as possible in the same manner as other corporations.

If Congress wanted to increase domestic oil and gas production, as it should, it would allow responsible drilling on the Atlantic and Pacific coasts. There is no reason the Gulf of Mexico should bear the strain of providing the nation's only offshore energy.

Perhaps one day the Democrats and Republicans in the House and Senate will agree on a compromise that would enhance efficiency and the nation's energy supply. For that to happen, both parties must decide policy based on the common good rather than on narrow competing interests.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind Members that the well is to remain clear while another Member is speaking.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, we have heard about the CAFE standards. Most of us think they are a good idea and that that will help us conserve more energy.

But the truth is we shouldn't be paying the highest natural gas prices in the world when we have perhaps the first but at least the second most generous deposits of natural gas in the world. We have perhaps the most coal in the world, and we could be using it. We could be driving down the cost of energy if it were not for the policies that were put in place this year.

Now, this bill doesn't help that. In fact, it drives prices the other way. I understand, I have some colleagues in here who believe that if we can drive the price of gasoline high enough, drive the price of carbon energy high enough, then the alternatives become the way to go and everybody goes to them more quickly. I understand that.

Some of us, though, like me, believe that a free market will drive the prices and drive the market in the right direction. So as the price of energy becomes higher, as we use more of our own God-given deposits in this country and use them wisely, have zero emissions, that the alternatives will come in naturally without this artificial demand to drive it there.

The point is a lot of this legislation will end up, in conjunction with what we have already done this year, driving the price of gasoline to $5 a gallon. That is what happens when you interfere to the extent we are interfering with this legislation and others this year.

The thing I would ask is that as the price of gasoline is driven to $5 a gallon with legislative interests that is being pushed this year and next that, please, the people that have pushed it come down here to the well, to the floor and say, "That's right, gas is $5 a gallon. We think in the long run you'll be better off and we are so proud that we made your gasoline $5 a gallon." That's where we're headed. Let's be honest about it, and then those who did it take credit for it when it gets there.

Mr. WELCH of Vermont. Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I will be asking for a "no" vote on the previous question so we can amend this rule and allow the House to consider a change to the rules of the House to restore accountability and enforceability to the earmark rule, while closing the loopholes we have found over the last few months.

Under the current rule, so long as the chairman of a committee of jurisdiction includes either a list of earmarks contained in the bill or a report or a statement there are no earmarks, no point of order lies against the bill. This is the same as the rule in the last Congress.

However, under the rule as it functioned under the Republican majority in the 109th Congress, even if the point of order was not available on the bill, it was always available on the rule as a question of consideration. But because the Democratic Rules Committee specifically exempts earmarks from the waiver of all points of order, they deprive Members of the ability to raise the question of earmarks on the rule or on the bill.

The earmark rule is also not applicable when the majority uses a procedure to accept "amendments between the Houses" such as they plan to do with the underlying legislation. Because the energy bill is not a conference report, the bill will fall squarely within one of the loopholes to the earmark rule and the rules of the House will not require any disclosure of earmarks that will be contained in the legislation.

I would like to direct all Members to a letter that House Parliamentarian, John Sullivan, recently sent to House Rules Committee Chairwoman SLAUGHTER which confirms what we have been saying since January that the Democratic earmark rule contains loopholes. In his letter to Chairwoman SLAUGHTER, the Parliamentarian states that the Democratic earmark rule "does not comprehensively apply to all legislative propositions at all stages of the legislative process."

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, October 2, 2007.

HON. LOUISE MCINTOSH SLAUGHTER,
Committee on Rules, House of Representatives,
Washington, DC.

DEAR CHAIRWOMAN SLAUGHTER: Thank you for your letter of October 2, 2007, asking for an elucidation of our advice on how best to word a special rule. As you also know, we have advised the committee that language waiving all points of order "except those arising under clause 9 of rule XXI" should not be adopted as boilerplate for all special rules, notwithstanding that the committee may be resolved not to recommend that the House waive the earmark-disclosure requirements of clause 9.

In rule XXI, clause 9(a) establishes a point of order against undisclosed earmarks in certain measures and clause 9(b) establishes a point of order against a special rule that waives the application of clause 9(a). As illuminated in the rulings of September 25 and 27, 2007, clause 9(a) of rule XXI does not comprehensively apply to all legislative propositions at all stages of the legislative process.

Clause 9(a) addresses the disclosure of earmarks in a bill or joint resolution, in a conference report on a bill or joint resolution, or in a so-called "manager's amendment" to a bill or joint resolution. Other forms of amendment—whether they be floor amendments during initial House consideration or later amendments between the Houses—are not covered. (One might surmise that those who developed the rule felt that proposals to amend are naturally subject to immediate peer review, though they harbored reservations about the so-called "manager's amendment," i.e., one offered at the outset of consideration for amendment by a member of a committee of initial referral under the terms of a special rule.)

The question of order on September 25 involved a special rule providing for a motion to dispose of an amendment between the Houses. As such, clause 9(a) was inapposite. It had no application to the motion in the first instance. Accordingly, Speaker pro tempore Holden held that the special rule had no tendency to waive any application of clause 9(a). The question of order on September 27 involved a special rule providing (in pertinent part) that an amendment be considered as adopted. Speaker pro tempore Blumenauer employed the same rationale to hold that, because clause 9(a) had no application to the amendment in the first instance, the special rule had no tendency to waive any application of clause 9(a).

The same would be true in the more common case of a committee amendment in the nature of a substitute made in order as original text for the purpose of further amendment. Clause 9(a) of rule XXI is inapposite to such an amendment.

In none of these scenarios would a ruling by a presiding officer hold that earmarks are or are not included in a particular measure or proposition. Under clause 9(b) of rule XXI, the threshold question for the Chair—the cognizability of a point of order—turns on whether the earmark-disclosure requirements of clause 9(a) of rule XXI apply to the object of the special rule in the first place. Embedded in the question whether a special rule waives the application of clause 9(a) is the question whether clause 9(a) has any application.

In these cases to which clause 9 of rule XXI has no application in the first instance, stating a waiver of all points of order except those arising under that rule—when none can so arise—would be, at best, gratuitous. Its negative implication would be that such a point of order might lie. That would be as confusing as a waiver of all points of order against provisions of an authorization bill except those that can only arise in the case of a general appropriation bill (e.g., clause 2 of rule XXI). Both in this area and as a general principle, we try hard not to use language that yields a misleading implication.

I appreciate your consideration and trust that this response is to be shared among all members of the committee. Our office will share it with all inquiring parties.

Sincerely,

JOHN V. SULLIVAN,
Parliamentarian.

This amendment will restore the accountability and enforceability of the earmark rule. I urge my colleagues to close this loophole in the earmark rule by opposing the previous question.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment and extraneous materials immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. With that, Mr. Speaker, I yield back the balance of my time.

Mr. WELCH of Vermont. Mr. Speaker, my friend from Texas was expressing his concern about the impact on American families with the ever-escalating cost of gasoline, the ever-escalating cost of home heating fuel. Certainly you are no stranger in your job to the impact of that on our budget, trying to find money for the low-income heating assistance program. All of us have constituents that experience the kind of pain the gentleman from Texas is describing.

The problem is the policy we have pursued has resulted in endless consumption, endless escalation of prices, and constant dependence on the Persian Gulf folks who are not really our friends. If there is a metaphor for what has been the American energy policy through many administrations, one of dependence, of drilling and drilling, consumption and wastefulness, it was a photograph that appeared in the New York Times in April of 2005.

☐ 1115

At that time there was an emerging sense that the cost of energy was having an enormously negative impact on our families. The cost of gasoline had risen over $2 a gallon. That price now seems quite wonderful; but in an effort to deal with it, the President of the United States invited the Crown Prince of Saudi Arabia to Crawford and invited him there for discussions. And the picture on the front page of the paper was of the President of the United States and the Crown Prince holding hands going into the President's home to discuss energy policy. And the request by the President on behalf of the American people to the Crown Prince was that they raise production, in order, theoretically, to lower prices. Well, you know what? That's the same policy that we've pursued for generations, raise production, drill more, leave control in the hands, many times, of foreign countries that have very little regard for the long-term interests of the American people.

It's a policy that has not worked and is running into the dead-end reality that there are limits on how much fossil fuels we can drill. There's damage to the environment, and the cost is ever escalating as the demand for this commodity increases with the growth in economies in India, China, and the rest of the emerging world.

That was a photograph of dependence. This energy bill is about turning the corner and being the self-confident Nation that we should be, that within our own borders, with the resources and technical skills of our people, with what can be done in the agriculture sector, the engineering sector, that we can actually take resources that are immediately available to us, that are renewable, and we can transform them into the energy that our families need to drive their cars to and from day care, to get to and from work; that we can transform that into the energy that our industries need in order to produce, manufacture, and create jobs for the American people.

And the side benefit, and a central goal, is that it can, as it must, dramatically reduce the carbon emissions that are polluting this world and threatening our planetary future. That is a real crisis that requires immediate action.

We have a responsibility to the families that the gentleman from Texas mentioned to do everything that we can to make it affordable for them to do what they have to do to raise their families, to get to work. And we all jointly have a responsibility to the environment because it is our obligation, very simply, that we leave this planet as clean, hopefully cleaner than, as when we found it. The path that we're on has been one of further degradation. The path we're choosing is one of renewal and redemption. This is good for jobs. It's good for the environment. It's good for securing America's foreign policy independence.

Mr. Speaker, I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 877

OFFERED BY MR. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 4. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall he considered as read. The previous question shall be considered as ordered on the resolution and any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; (2) the amendment printed in section 5, if offered by Representative Boehner of Ohio or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall he considered as read and shall be separately debatable for forty minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 5. The amendment referred to in section 4 is as follows:

Strike all after "That" and insert the following:

(1) Clause 9(a) of rule XXI is amended by striking "or" at the end of subparagraph (3), striking the period at the end of subparagraph (4) and inserting "; or", and adding the following at the end:

"(5) a Senate bill held at the desk, an amendment between the Houses, or an amendment considered as adopted pursuant to an order of the House, unless the Majority Leader or his designee has caused a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill and amendments (and the name of any Member, Delegate, or Resident Commissioner who submitted the request for each respective item in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration.".

(2) Clause 9(c) of rule XXI is amended to read as follows:

"(c) As disposition of a point of order under paragraph (a), the Chair shall put the question of consideration with respect to the proposition. The question of consideration shall he debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent, but shall otherwise he decided without intervening motion except one that the House adjourn.".

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. WELCH of Vermont. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of H. Res. 877, if ordered; and suspending the rules and passing H.R. 3793.

The vote was taken by electronic device, and there were—yeas 220, nays 187, not voting 25, as follows:

[Roll No. 1174]

YEAS—220

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—187

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller

Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—25

Bishop (UT)
Broun (GA)
Cannon
Cubin
Culberson
Davis (IL)
Fossella
Gallegly
Gilchrest
Gutierrez
Hastings (FL)
Hinchey
Hooley
Jindal
Johnson, E. B.
Miller, Gary
Ortiz
Pastor
Paul
Pryce (OH)
Thompson (CA)
Weller
Wexler
Woolsey
Young (AK)

☐ 1142

Messrs. TERRY, GINGREY and JOHNSON of Illinois changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. OBEY). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 215, nays 190, not voting 27, as follows:

[Roll No. 1175]

YEAS—215

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Clyburn
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hare
Harman
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Peterson (MN)
Pomeroy
Rahall
Rangel
Reyes
Richardson
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (MS)
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wilson (OH)
Wu
Wynn
Yarmuth

NAYS—190

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cohen
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Latta
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (SC)
Wittman (VA)
Wolf
Young (FL)

NOT VOTING—27

Bachus
Cleaver
Cubin
Davis (IL)
Fossella
Gallegly
Gilchrest
Gutierrez
Hastings (FL)
Hinchey
Hooley
Jindal
Johnson, E. B.
Miller, Gary
Ortiz
Pastor
Paul
Perlmutter
Price (NC)
Pryce (OH)
Shimkus
Tanner
Thompson (CA)
Weller
Wexler
Woolsey
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in the vote.

☐ 1148

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

VETERANS GUARANTEED BONUS ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 3793, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Hampshire (Ms. SHEA-PORTER) that the House suspend the rules and pass the bill, H.R. 3793, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 0, not voting 27, as follows:

[Roll No. 1176]

YEAS—405

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis

Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—27

Cubin
Davis (IL)
Davis, Lincoln
Duncan
Fossella
Gallegly
Gilchrest
Gutierrez
Hastings (FL)
Hinchey
Hooley
Jindal
Johnson, E. B.
Jones (OH)
McKeon
Miller, Gary
Ortiz
Pastor
Paul
Pomeroy
Pryce (OH)
Rush
Thompson (CA)
Weller
Wexler
Woolsey
Young (AK)

☐ 1155

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A Bill to amend title 37, United States Code, to require the continued payment to a member of the uniformed services who dies or is retired or separated under chapter 61 of title 10, United States Code, bonuses and similar benefits that the member was entitled to before the death, retirement, or separation of the member and would be paid if the member had not died, retired, or separated, to prohibit requiring the member to repay any portion of the bonuses or similar benefits previously paid, and for other purposes.".

A motion to reconsider was laid on the table.

Stated for:

Mr. POMEROY. Mr. Speaker, on rollcall No. 1176, regarding passage of the Veterans Guaranteed Bonus Act, I was detained by important constituent business and inadvertently missed the vote. Had I been pesent, I would have voted "yea."

Mr. RUSH. Mr. Speaker, on rollcall No. 1176, I was unable to vote. Had I been present, I would have voted "yea."

Mr. POMEROY. Mr. Speaker, on December 18, 2007, I missed Rollcall vote no. 1176 on H.R. 3793. I am a cosponsor of this important piece of legislation that will ensure that our troops receive the enlistment benefit that they have been promised. Had I been present, I would have voted in the following manner: Rollcall no.: 1776—"yea."

ENERGY INDEPENDENCE AND SECURITY ACT OF 2007

Mr. DINGELL. Mr. Speaker, pursuant to House Resolution 877 and as the designee of the majority leader, I call up from the Speaker's table the bill (H.R. 6) to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers, to increase the efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes, with a Senate amendment to the House amendment to the Senate amendment thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment to House amendment to Senate amendment:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Energy Independence and Security Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Relationship to other law.

TITLE I—ENERGY SECURITY THROUGH IMPROVED VEHICLE FUEL ECONOMY

Subtitle A—Increased Corporate Average Fuel Economy Standards

Sec. 101. Short title.
Sec. 102. Average fuel economy standards for automobiles and certain other vehicles.
Sec. 103. Definitions.
Sec. 104. Credit trading program.
Sec. 105. Consumer information.
Sec. 106. Continued applicability of existing standards.
Sec. 107. National Academy of Sciences studies.
Sec. 108. National Academy of Sciences study of medium-duty and heavy-duty truck fuel economy.
Sec. 109. Extension of flexible fuel vehicle credit program.
Sec. 110. Periodic review of accuracy of fuel economy labeling procedures.
Sec. 111. Consumer tire information.
Sec. 112. Use of civil penalties for research and development.
Sec. 113. Exemption from separate calculation requirement.

Subtitle B—Improved Vehicle Technology

Sec. 131. Transportation electrification.
Sec. 132. Domestic manufacturing conversion grant program.
Sec. 133. Inclusion of electric drive in Energy Policy Act of 1992.
Sec. 134. Loan guarantees for fuel-efficient automobile parts manufacturers.
Sec. 135. Advanced battery loan guarantee program.
Sec. 136. Advanced technology vehicles manufacturing incentive program.

Subtitle C—Federal Vehicle Fleets

Sec. 141. Federal vehicle fleets.
Sec. 142. Federal fleet conservation requirements.

TITLE II—ENERGY SECURITY THROUGH INCREASED PRODUCTION OF BIOFUELS

Subtitle A—Renewable Fuel Standard

Sec. 201. Definitions.
Sec. 202. Renewable fuel standard.
Sec. 203. Study of impact of Renewable Fuel Standard.
Sec. 204. Environmental and resource conservation impacts.
Sec. 205. Biomass based diesel and biodiesel labeling.
Sec. 206. Study of credits for use of renewable electricity in electric vehicles.
Sec. 207. Grants for production of advanced biofuels.
Sec. 208. Integrated consideration of water quality in determinations on fuels and fuel additives.
Sec. 209. Anti-backsliding.
Sec. 210. Effective date, savings provision, and transition rules.

Subtitle B—Biofuels Research and Development

Sec. 221. Biodiesel.
Sec. 222. Biogas.
Sec. 223. Grants for biofuel production research and development in certain States.
Sec. 224. Biorefinery energy efficiency.
Sec. 225. Study of optimization of flexible fueled vehicles to use E–85 fuel.
Sec. 226. Study of engine durability and performance associated with the use of biodiesel.
Sec. 227. Study of optimization of biogas used in natural gas vehicles.
Sec. 228. Algal biomass.
Sec. 229. Biofuels and biorefinery information center.
Sec. 230. Cellulosic ethanol and biofuels research.
Sec. 231. Bioenergy research and development, authorization of appropriation.
Sec. 232. Environmental research and development.
Sec. 233. Bioenergy research centers.
Sec. 234. University based research and development grant program.

Subtitle C—Biofuels Infrastructure

Sec. 241. Prohibition on franchise agreement restrictions related to renewable fuel infrastructure.
Sec. 242. Renewable fuel dispenser requirements.
Sec. 243. Ethanol pipeline feasibility study.
Sec. 244. Renewable fuel infrastructure grants.
Sec. 245. Study of the adequacy of transportation of domestically-produced renewable fuel by railroads and other modes of transportation.
Sec. 246. Federal fleet fueling centers.
Sec. 247. Standard specifications for biodiesel.
Sec. 248. Biofuels distribution and advanced biofuels infrastructure.

Subtitle D—Environmental Safeguards

Sec. 251. Waiver for fuel or fuel additives.

TITLE III—ENERGY SAVINGS THROUGH IMPROVED STANDARDS FOR APPLIANCE AND LIGHTING

Subtitle A—Appliance Energy Efficiency

Sec. 301. External power supply efficiency standards.
Sec. 302. Updating appliance test procedures.
Sec. 303. Residential boilers.
Sec. 304. Furnace fan standard process.
Sec. 305. Improving schedule for standards updating and clarifying State authority.
Sec. 306. Regional standards for furnaces, central air conditioners, and heat pumps.
Sec. 307. Procedure for prescribing new or amended standards.
Sec. 308. Expedited rulemakings.
Sec. 309. Battery chargers.
Sec. 310. Standby mode.
Sec. 311. Energy standards for home appliances.
Sec. 312. Walk-in coolers and walk-in freezers.
Sec. 313. Electric motor efficiency standards.
Sec. 314. Standards for single package vertical air conditioners and heat pumps.
Sec. 315. Improved energy efficiency for appliances and buildings in cold climates.
Sec. 316. Technical corrections.

Subtitle B—Lighting Energy Efficiency

Sec. 321. Efficient light bulbs.
Sec. 322. Incandescent reflector lamp efficiency standards.
Sec. 323. Public building energy efficient and renewable energy systems.
Sec. 324. Metal halide lamp fixtures.
Sec. 325. Energy efficiency labeling for consumer electronic products.

TITLE IV—ENERGY SAVINGS IN BUILDINGS AND INDUSTRY

Sec. 401. Definitions.

Subtitle A—Residential Building Efficiency

Sec. 411. Reauthorization of weatherization assistance program.
Sec. 412. Study of renewable energy rebate programs.
Sec. 413. Energy code improvements applicable to manufactured housing.

Subtitle B—High-Performance Commercial Buildings

Sec. 421. Commercial high-performance green buildings.
Sec. 422. Zero Net Energy Commercial Buildings Initiative.
Sec. 423. Public outreach.

Subtitle C—High-Performance Federal Buildings

Sec. 431. Energy reduction goals for Federal buildings.
Sec. 432. Management of energy and water efficiency in Federal buildings.
Sec. 433. Federal building energy efficiency performance standards.
Sec. 434. Management of Federal building efficiency.
Sec. 435. Leasing.
Sec. 436. High-performance green Federal buildings.
Sec. 437. Federal green building performance.
Sec. 438. Storm water runoff requirements for Federal development projects.
Sec. 439. Cost-effective technology acceleration program.
Sec. 440. Authorization of appropriations.
Sec. 441. Public building life-cycle costs.

Subtitle D—Industrial Energy Efficiency

Sec. 451. Industrial energy efficiency.
Sec. 452. Energy-intensive industries program.
Sec. 453. Energy efficiency for data center buildings.

Subtitle E—Healthy High-Performance Schools

Sec. 461. Healthy high-performance schools.
Sec. 462. Study on indoor environmental quality in schools.

Subtitle F—Institutional Entities

Sec. 471. Energy sustainability and efficiency grants and loans for institutions.

Subtitle G—Public and Assisted Housing

Sec. 481. Application of International Energy Conservation Code to public and assisted housing.

Subtitle H—General Provisions

Sec. 491. Demonstration project.
Sec. 492. Research and development.
Sec. 493. Environmental Protection Agency demonstration grant program for local governments.
Sec. 494. Green Building Advisory Committee.
Sec. 495. Advisory Committee on Energy Efficiency Finance.

TITLE V—ENERGY SAVINGS IN GOVERNMENT AND PUBLIC INSTITUTIONS

Subtitle A—United States Capitol Complex

Sec. 501. Capitol complex photovoltaic roof feasibility studies.
Sec. 502. Capitol complex E–85 refueling station.
Sec. 503. Energy and environmental measures in Capitol complex master plan.
Sec. 504. Promoting maximum efficiency in operation of Capitol power plant.
Sec. 505. Capitol power plant carbon dioxide emissions feasibility study and demonstration projects.

Subtitle B—Energy Savings Performance Contracting

Sec. 511. Authority to enter into contracts; reports.
Sec. 512. Financing flexibility.
Sec. 513. Promoting long-term energy savings performance contracts and verifying savings.
Sec. 514. Permanent reauthorization.
Sec. 515. Definition of energy savings.
Sec. 516. Retention of savings.
Sec. 517. Training Federal contracting officers to negotiate energy efficiency contracts.
Sec. 518. Study of energy and cost savings in nonbuilding applications.

Subtitle C—Energy Efficiency in Federal Agencies

Sec. 521. Installation of photovoltaic system at Department of Energy headquarters building.
Sec. 522. Prohibition on incandescent lamps by Coast Guard.
Sec. 523. Standard relating to solar hot water heaters.
Sec. 524. Federally-procured appliances with standby power.
Sec. 525. Federal procurement of energy efficient products.
Sec. 526. Procurement and acquisition of alternative fuels.
Sec. 527. Government efficiency status reports.
Sec. 528. OMB government efficiency reports and scorecards.
Sec. 529. Electricity sector demand response.

Subtitle D—Energy Efficiency of Public Institutions

Sec. 531. Reauthorization of State energy programs.
Sec. 532. Utility energy efficiency programs.

Subtitle E—Energy Efficiency and Conservation Block Grants

Sec. 541. Definitions.
Sec. 542. Energy Efficiency and Conservation Block Grant Program.
Sec. 543. Allocation of funds.
Sec. 544. Use of funds.
Sec. 545. Requirements for eligible entities.
Sec. 546. Competitive grants.
Sec. 547. Review and evaluation.
Sec. 548. Funding.

TITLE VI—ACCELERATED RESEARCH AND DEVELOPMENT

Subtitle A—Solar Energy

Sec. 601. Short title.
Sec. 602. Thermal energy storage research and development program.
Sec. 603. Concentrating solar power commercial application studies.
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Sec. 1500. Amendment of 1986 Code.
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TITLE XVI—EFFECTIVE DATE

Sec. 1601. Effective date.

SEC. 2. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term "Department" means the Department of Energy.

(2) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101(a) of the

Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(3) SECRETARY.—The term "Secretary" means the Secretary of Energy.

SEC. 3. RELATIONSHIP TO OTHER LAW.

Except to the extent expressly provided in this Act or an amendment made by this Act, nothing in this Act or an amendment made by this Act supersedes, limits the authority provided or responsibility conferred by, or authorizes any violation of any provision of law (including a regulation), including any energy or environmental law or regulation.

TITLE I—ENERGY SECURITY THROUGH IMPROVED VEHICLE FUEL ECONOMY

Subtitle A—Increased Corporate Average Fuel Economy Standards

SEC. 101. SHORT TITLE.

This subtitle may be cited as the "Ten-in-Ten Fuel Economy Act".

SEC. 102. AVERAGE FUEL ECONOMY STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "NON-PASSENGER AUTOMOBILES.—" and inserting "PRESCRIPTION OF STANDARDS BY REGULATION.—";

(B) by striking "(except passenger automobiles)" in subsection (a); and

(C) by striking the last sentence;

(2) by striking subsection (b) and inserting the following:

"(b) STANDARDS FOR AUTOMOBILES AND CERTAIN OTHER VEHICLES.—

"(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall prescribe separate average fuel economy standards for—

"(A) passenger automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with this subsection;

"(B) non-passenger automobiles manufactured by manufacturers in each model year beginning with model year 2011 in accordance with this subsection; and

"(C) work trucks and commercial medium-duty or heavy-duty on-highway vehicles in accordance with subsection (k).

"(2) FUEL ECONOMY STANDARDS FOR AUTOMOBILES.—

"(A) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2011 THROUGH 2020.—The Secretary shall prescribe a separate average fuel economy standard for passenger automobiles and a separate average fuel economy standard for non-passenger automobiles for each model year beginning with model year 2011 to achieve a combined fuel economy average for model year 2020 of at least 35 miles per gallon for the total fleet of passenger and non-passenger automobiles manufactured for sale in the United States for that model year.

"(B) AUTOMOBILE FUEL ECONOMY AVERAGE FOR MODEL YEARS 2021 THROUGH 2030.—For model years 2021 through 2030, the average fuel economy required to be attained by each fleet of passenger and non-passenger automobiles manufactured for sale in the United States shall be the maximum feasible average fuel economy standard for each fleet for that model year.

"(C) PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under subparagraph (A), the Secretary shall prescribe annual fuel economy standard increases that increase the applicable average fuel economy standard ratably beginning with model year 2011 and ending with model year 2020.

"(3) AUTHORITY OF THE SECRETARY.—The Secretary shall—

"(A) prescribe by regulation separate average fuel economy standards for passenger and non-passenger automobiles based on 1 or more vehicle attributes related to fuel economy and express each standard in the form of a mathematical function; and

"(B) issue regulations under this title prescribing average fuel economy standards for at least 1, but not more than 5, model years.

"(4) MINIMUM STANDARD.—In addition to any standard prescribed pursuant to paragraph (3), each manufacturer shall also meet the minimum standard for domestically manufactured passenger automobiles, which shall be the greater of—

"(A) 27.5 miles per gallon; or

"(B) 92 percent of the average fuel economy projected by the Secretary for the combined domestic and non-domestic passenger automobile fleets manufactured for sale in the United States by all manufacturers in the model year, which projection shall be published in the Federal Register when the standard for that model year is promulgated in accordance with this section."; and

(3) in subsection (c)—

(A) by striking "(1) Subject to paragraph (2) of this subsection, the" and inserting "The"; and

(B) by striking paragraph (2).

(b) FUEL ECONOMY STANDARD FOR COMMERCIAL MEDIUM-DUTY AND HEAVY-DUTY ON-HIGHWAY VEHICLES AND WORK TRUCKS.—Section 32902 of title 49, United States Code, is amended by adding at the end the following:

"(k) COMMERCIAL MEDIUM- AND HEAVY-DUTY ON-HIGHWAY VEHICLES AND WORK TRUCKS.—

"(1) STUDY.—Not later than 1 year after the National Academy of Sciences publishes the results of its study under section 108 of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall examine the fuel efficiency of commercial medium- and heavy-duty on-highway vehicles and work trucks and determine—

"(A) the appropriate test procedures and methodologies for measuring the fuel efficiency of such vehicles and work trucks;

"(B) the appropriate metric for measuring and expressing commercial medium- and heavy-duty on-highway vehicle and work truck fuel efficiency performance, taking into consideration, among other things, the work performed by such on-highway vehicles and work trucks and types of operations in which they are used;

"(C) the range of factors, including, without limitation, design, functionality, use, duty cycle, infrastructure, and total overall energy consumption and operating costs that affect commercial medium- and heavy-duty on-highway vehicle and work truck fuel efficiency; and

"(D) such other factors and conditions that could have an impact on a program to improve commercial medium- and heavy-duty on-highway vehicle and work truck fuel efficiency.

"(2) RULEMAKING.—Not later than 24 months after completion of the study required under paragraph (1), the Secretary, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, by regulation, shall determine in a rulemaking proceeding how to implement a commercial medium- and heavy-duty on-highway vehicle and work truck fuel efficiency improvement program designed to achieve the maximum feasible improvement, and shall adopt and implement appropriate test methods, measurement metrics, fuel economy standards, and compliance and enforcement protocols that are appropriate, cost-effective, and technologically feasible for commercial medium- and heavy-duty on-highway vehicles and work trucks. The Secretary may prescribe separate standards for different classes of vehicles under this subsection.

"(3) LEAD-TIME; REGULATORY STABILITY.—The commercial medium- and heavy-duty on-highway vehicle and work truck fuel economy standard adopted pursuant to this subsection shall provide not less than—

"(A) 4 full model years of regulatory lead-time; and

"(B) 3 full model years of regulatory stability.".

SEC. 103. DEFINITIONS.

(a) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (3) and inserting the following:

"(3) except as provided in section 32908 of this title, 'automobile' means a 4-wheeled vehicle that is propelled by fuel, or by alternative fuel, manufactured primarily for use on public streets, roads, and highways and rated at less than 10,000 pounds gross vehicle weight, except—

"(A) a vehicle operated only on a rail line;

"(B) a vehicle manufactured in different stages by 2 or more manufacturers, if no intermediate or final-stage manufacturer of that vehicle manufactures more than 10,000 multi-stage vehicles per year; or

"(C) a work truck.";

(2) by redesignating paragraphs (7) through (16) as paragraphs (8) through (17), respectively;

(3) by inserting after paragraph (6) the following:

"(7) 'commercial medium- and heavy-duty on-highway vehicle' means an on-highway vehicle with a gross vehicle weight rating of 10,000 pounds or more.";

(4) in paragraph (9)(A), as redesignated, by inserting "or a mixture of biodiesel and diesel fuel meeting the standard established by the American Society for Testing and Materials or under section 211(u) of the Clean Air Act (42 U.S.C. 7545(u)) for fuel containing 20 percent biodiesel (commonly known as 'B20')" after "alternative fuel";

(5) by redesignating paragraph (17), as redesignated, as paragraph (15);

(6) by inserting after paragraph (16), as redesignated, the following:

"(17) 'non-passenger automobile' means an automobile that is not a passenger automobile or a work truck."; and

(7) by adding at the end the following:

"(19) 'work truck' means a vehicle that—

"(A) is rated at between 8,500 and 10,000 pounds gross vehicle weight; and

"(B) is not a medium-duty passenger vehicle (as defined in section 86.1803-01 of title 40, Code of Federal Regulations, as in effect on the date of the enactment of the Ten-in-Ten Fuel Economy Act).".

SEC. 104. CREDIT TRADING PROGRAM.

(a) IN GENERAL.—Section 32903 of title 49, United States Code, is amended—

(1) by striking "section 32902(b)-(d) of this title" each place it appears and inserting "subsections (a) through (d) of section 32902";

(2) in subsection (a)(2)—

(A) by striking "3 consecutive model years" and inserting "5 consecutive model years";

(B) by striking "clause (1) of this subsection," and inserting "paragraph (1)";

(3) by redesignating subsection (f) as subsection (h); and

(4) by inserting after subsection (e) the following:

"(f) CREDIT TRADING AMONG MANUFACTURERS.—

"(1) IN GENERAL.—The Secretary of Transportation may establish, by regulation, a fuel economy credit trading program to allow manufacturers whose automobiles exceed the average fuel economy standards prescribed under section

32902 to earn credits to be sold to manufacturers whose automobiles fail to achieve the prescribed standards such that the total oil savings associated with manufacturers that exceed the prescribed standards are preserved when trading credits to manufacturers that fail to achieve the prescribed standards.

"(2) LIMITATION.—The trading of credits by a manufacturer to the category of passenger automobiles manufactured domestically is limited to the extent that the fuel economy level of such automobiles shall comply with the requirements of section 32902(b)(4), without regard to any trading of credits from other manufacturers.

"(g) CREDIT TRANSFERRING WITHIN A MANUFACTURER'S FLEET.—

"(1) IN GENERAL.—The Secretary of Transportation shall establish by regulation a fuel economy credit transferring program to allow any manufacturer whose automobiles exceed any of the average fuel economy standards prescribed under section 32902 to transfer the credits earned under this section and to apply such credits within that manufacturer's fleet to a compliance category of automobiles that fails to achieve the prescribed standards.

"(2) YEARS FOR WHICH USED.—Credits transferred under this subsection are available to be used in the same model years that the manufacturer could have applied such credits under subsections (a), (b), (d), and (e), as well as for the model year in which the manufacturer earned such credits.

"(3) MAXIMUM INCREASE.—The maximum increase in any compliance category attributable to transferred credits is—

"(A) for model years 2011 through 2013, 1.0 mile per gallon;

"(B) for model years 2014 through 2017, 1.5 miles per gallon; and

"(C) for model year 2018 and subsequent model years, 2.0 miles per gallon.

"(4) LIMITATION.—The transfer of credits by a manufacturer to the category of passenger automobiles manufactured domestically is limited to the extent that the fuel economy level of such automobiles shall comply with the requirements under section 32904(b)(4), without regard to any transfer of credits from other categories of automobiles described in paragraph (6)(B).

"(5) YEARS AVAILABLE.—A credit may be transferred under this subsection only if it is earned after model year 2010.

"(6) DEFINITIONS.—In this subsection:

"(A) FLEET.—The term 'fleet' means all automobiles manufactured by a manufacturer in a particular model year.

"(B) COMPLIANCE CATEGORY OF AUTOMOBILES.—The term 'compliance category of automobiles' means any of the following 3 categories of automobiles for which compliance is separately calculated under this chapter:

"(i) Passenger automobiles manufactured domestically.

"(ii) Passenger automobiles not manufactured domestically.

"(iii) Non-passenger automobiles.".

(b) CONFORMING AMENDMENTS.—

(1) LIMITATIONS.—Section 32902(h) of title 49, United States Code, is amended—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) may not consider, when prescribing a fuel economy standard, the trading, transferring, or availability of credits under section 32903.".

(2) SEPARATE CALCULATIONS.—Section 32904(b)(1)(B) is amended by striking "chapter." and inserting "chapter, except for the purposes of section 32903.".

SEC. 105. CONSUMER INFORMATION.

Section 32908 of title 49, United States Code, is amended by adding at the end the following:

"(g) CONSUMER INFORMATION.—

"(1) PROGRAM.—The Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall develop and implement by rule a program to require manufacturers—

"(A) to label new automobiles sold in the United States with—

"(i) information reflecting an automobile's performance on the basis of criteria that the Administrator shall develop, not later than 18 months after the date of the enactment of the Ten-in-Ten Fuel Economy Act, to reflect fuel economy and greenhouse gas and other emissions over the useful life of the automobile;

"(ii) a rating system that would make it easy for consumers to compare the fuel economy and greenhouse gas and other emissions of automobiles at the point of purchase, including a designation of automobiles—

"(I) with the lowest greenhouse gas emissions over the useful life of the vehicles; and

"(II) the highest fuel economy; and

"(iii) a permanent and prominent display that an automobile is capable of operating on an alternative fuel; and

"(B) to include in the owner's manual for vehicles capable of operating on alternative fuels information that describes that capability and the benefits of using alternative fuels, including the renewable nature and environmental benefits of using alternative fuels.

"(2) CONSUMER EDUCATION.—

"(A) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency, shall develop and implement by rule a consumer education program to improve consumer understanding of automobile performance described in paragraph (1)(A)(i) and to inform consumers of the benefits of using alternative fuel in automobiles and the location of stations with alternative fuel capacity.

"(B) FUEL SAVINGS EDUCATION CAMPAIGN.—The Secretary of Transportation shall establish a consumer education campaign on the fuel savings that would be recognized from the purchase of vehicles equipped with thermal management technologies, including energy efficient air conditioning systems and glass.

"(3) FUEL TANK LABELS FOR ALTERNATIVE FUEL AUTOMOBILES.—The Secretary of Transportation shall by rule require a label to be attached to the fuel compartment of vehicles capable of operating on alternative fuels, with the form of alternative fuel stated on the label. A label attached in compliance with the requirements of section 32905(h) is deemed to meet the requirements of this paragraph.

"(4) RULEMAKING DEADLINE.—The Secretary of Transportation shall issue a final rule under this subsection not later than 42 months after the date of the enactment of the Ten-in-Ten Fuel Economy Act.".

SEC. 106. CONTINUED APPLICABILITY OF EXISTING STANDARDS.

Nothing in this subtitle, or the amendments made by this subtitle, shall be construed to affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2011.

SEC. 107. NATIONAL ACADEMY OF SCIENCES STUDIES.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating vehicle fuel economy standards, including—

(1) an assessment of automotive technologies and costs to reflect developments since the Academy's 2002 report evaluating the corporate average fuel economy standards was conducted;

(2) an analysis of existing and potential technologies that may be used practically to improve automobile and medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the automotive and medium-duty and heavy-duty truck manufacturing process; and

(4) an assessment of how such technologies may be used to meet the new fuel economy standards under chapter 329 of title 49, United States Code, as amended by this subtitle.

(b) REPORT.—The Academy shall submit the report to the Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Energy and Commerce of the House of Representatives, with its findings and recommendations not later than 5 years after the date on which the Secretary executes the agreement with the Academy.

(c) QUINQUENNIAL UPDATES.—After submitting the initial report, the Academy shall update the report at 5 year intervals thereafter through 2025.

SEC. 108. NATIONAL ACADEMY OF SCIENCES STUDY OF MEDIUM-DUTY AND HEAVY-DUTY TRUCK FUEL ECONOMY.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Transportation shall execute an agreement with the National Academy of Sciences to develop a report evaluating medium-duty and heavy-duty truck fuel economy standards, including—

(1) an assessment of technologies and costs to evaluate fuel economy for medium-duty and heavy-duty trucks;

(2) an analysis of existing and potential technologies that may be used practically to improve medium-duty and heavy-duty truck fuel economy;

(3) an analysis of how such technologies may be practically integrated into the medium-duty and heavy-duty truck manufacturing process;

(4) an assessment of how such technologies may be used to meet fuel economy standards to be prescribed under section 32902(k) of title 49, United States Code, as amended by this subtitle; and

(5) associated costs and other impacts on the operation of medium-duty and heavy-duty trucks, including congestion.

(b) REPORT.—The Academy shall submit the report to the Secretary, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Energy and Commerce of the House of Representatives, with its findings and recommendations not later than 1 year after the date on which the Secretary executes the agreement with the Academy.

SEC. 109. EXTENSION OF FLEXIBLE FUEL VEHICLE CREDIT PROGRAM.

(a) IN GENERAL.—Section 32906 of title 49, United States Code, is amended to read as follows:

"§32906. Maximum fuel economy increase for alternative fuel automobiles

"(a) IN GENERAL.—For each of model years 1993 through 2019 for each category of automobile (except an electric automobile), the maximum increase in average fuel economy for a manufacturer attributable to dual fueled automobiles is—

"(1) 1.2 miles a gallon for each of model years 1993 through 2014;

"(2) 1.0 miles per gallon for model year 2015;

"(3) 0.8 miles per gallon for model year 2016;

"(4) 0.6 miles per gallon for model year 2017;

"(5) 0.4 miles per gallon for model year 2018;

"(6) 0.2 miles per gallon for model year 2019; and

“(7) 0 miles per gallon for model years after 2019.

“(b) CALCULATION.—In applying subsection (a), the Administrator of the Environmental Protection Agency shall determine the increase in a manufacturer's average fuel economy attributable to dual fueled automobiles by subtracting from the manufacturer's average fuel economy calculated under section 32905(e) the number equal to what the manufacturer's average fuel economy would be if it were calculated by the formula under section 32904(a)(1) by including as the denominator for each model of dual fueled automobiles the fuel economy when the automobiles are operated on gasoline or diesel fuel.”.

(b) CONFORMING AMENDMENTS.—Section 32905 of title 49, United States Code, is amended—

(1) in subsection (b), by striking “1993–2010,” and inserting “1993 through 2019,”;

(2) in subsection (d), by striking “1993–2010,” and inserting “1993 through 2019,”;

(3) by striking subsections (f) and (g); and

(4) by redesignating subsection (h) as subsection (f).

(c) B20 BIODIESEL FLEXIBLE FUEL CREDIT.—Section 32905(b)(2) of title 49, United States Code, is amended to read as follows:

“(2) .5 divided by the fuel economy—

“(A) measured under subsection (a) when operating the model on alternative fuel; or

“(B) measured based on the fuel content of B20 when operating the model on B20, which is deemed to contain 0.15 gallon of fuel.”.

SEC. 110. PERIODIC REVIEW OF ACCURACY OF FUEL ECONOMY LABELING PROCEDURES.

Beginning in December, 2009, and not less often than every 5 years thereafter, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Transportation, shall—

(1) reevaluate the fuel economy labeling procedures described in the final rule published in the Federal Register on December 27, 2006 (71 Fed. Reg. 77,872; 40 C.F.R. parts 86 and 600) to determine whether changes in the factors used to establish the labeling procedures warrant a revision of that process; and

(2) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that describes the results of the reevaluation process.

SEC. 111. CONSUMER TIRE INFORMATION.

(a) IN GENERAL.—Chapter 323 of title 49, United States Code, is amended by inserting after section 32304 the following:

“§32304A. Consumer tire information

“(a) RULEMAKING.—

“(1) IN GENERAL.—Not later than 24 months after the date of enactment of the Ten-in-Ten Fuel Economy Act, the Secretary of Transportation shall, after notice and opportunity for comment, promulgate rules establishing a national tire fuel efficiency consumer information program for replacement tires designed for use on motor vehicles to educate consumers about the effect of tires on automobile fuel efficiency, safety, and durability.

“(2) ITEMS INCLUDED IN RULE.—The rulemaking shall include—

“(A) a national tire fuel efficiency rating system for motor vehicle replacement tires to assist consumers in making more educated tire purchasing decisions;

“(B) requirements for providing information to consumers, including information at the point of sale and other potential information dissemination methods, including the Internet;

“(C) specifications for test methods for manufacturers to use in assessing and rating tires to avoid variation among test equipment and manufacturers; and

“(D) a national tire maintenance consumer education program including, information on tire inflation pressure, alignment, rotation, and tread wear to maximize fuel efficiency, safety, and durability of replacement tires.

“(3) APPLICABILITY.—This section shall apply only to replacement tires covered under section 575.104(c) of title 49, Code of Federal Regulations, in effect on the date of the enactment of the Ten-in-Ten Fuel Economy Act.

“(b) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on the means of conveying tire fuel efficiency consumer information.

“(c) REPORT TO CONGRESS.—The Secretary shall conduct periodic assessments of the rules promulgated under this section to determine the utility of such rules to consumers, the level of cooperation by industry, and the contribution to national goals pertaining to energy consumption. The Secretary shall transmit periodic reports detailing the findings of such assessments to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Energy and Commerce.

“(d) TIRE MARKING.—The Secretary shall not require permanent labeling of any kind on a tire for the purpose of tire fuel efficiency information.

“(e) APPLICATION WITH STATE AND LOCAL LAWS AND REGULATIONS.—Nothing in this section prohibits a State or political subdivision thereof from enforcing a law or regulation on tire fuel efficiency consumer information that was in effect on January 1, 2006. After a requirement promulgated under this section is in effect, a State or political subdivision thereof may adopt or enforce a law or regulation on tire fuel efficiency consumer information enacted or promulgated after January 1, 2006, if the requirements of that law or regulation are identical to the requirement promulgated under this section. Nothing in this section shall be construed to preempt a State or political subdivision thereof from regulating the fuel efficiency of tires (including establishing testing methods for determining compliance with such standards) not otherwise preempted under this chapter.”.

(b) ENFORCEMENT.—Section 32308 of title 49, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d)and (e), respectively; and

(2) by inserting after subsection (b) the following:

“(c) SECTION 32304A.—Any person who fails to comply with the national tire fuel efficiency information program under section 32304A is liable to the United States Government for a civil penalty of not more than $50,000 for each violation.”.

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 323 of title 49, United States Code, is amended by inserting after the item relating to section 32304 the following:

“32304A. Consumer tire information”.

SEC. 112. USE OF CIVIL PENALTIES FOR RESEARCH AND DEVELOPMENT.

Section 32912 of title 49, United States Code, is amended by adding at the end the following:

“(e) USE OF CIVIL PENALTIES.—For fiscal year 2008 and each fiscal year thereafter, from the total amount deposited in the general fund of the Treasury during the preceding fiscal year from fines, penalties, and other funds obtained through enforcement actions conducted pursuant to this section (including funds obtained under consent decrees), the Secretary of the Treasury, subject to the availability of appropriations, shall—

“(1) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which shall be used by the Secretary to support rulemaking under this chapter; and

“(2) transfer 50 percent of such total amount to the account providing appropriations to the Secretary of Transportation for the administration of this chapter, which shall be used by the Secretary to carry out a program to make grants to manufacturers for retooling, reequipping, or expanding existing manufacturing facilities in the United States to produce advanced technology vehicles and components.”.

SEC. 113. EXEMPTION FROM SEPARATE CALCULATION REQUIREMENT.

(a) REPEAL.—Paragraphs (6), (7), and (8) of section 32904(b) of title 49, United States Code, are repealed.

(b) EFFECT OF REPEAL ON EXISTING EXEMPTIONS.—Any exemption granted under section 32904(b)(6) of title 49, United States Code, prior to the date of the enactment of this Act shall remain in effect subject to its terms through model year 2013.

(c) ACCRUAL AND USE OF CREDITS.—Any manufacturer holding an exemption under section 32904(b)(6) of title 49, United States Code, prior to the date of the enactment of this Act may accrue and use credits under sections 32903 and 32905 of such title beginning with model year 2011.

Subtitle B—Improved Vehicle Technology

SEC. 131. TRANSPORTATION ELECTRIFICATION.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) BATTERY.—The term “battery” means an electrochemical energy storage system powered directly by electrical current.

(3) ELECTRIC TRANSPORTATION TECHNOLOGY.—The term “electric transportation technology” means—

(A) technology used in vehicles that use an electric motor for all or part of the motive power of the vehicles, including battery electric, hybrid electric, plug-in hybrid electric, fuel cell, and plug-in fuel cell vehicles, or rail transportation; or

(B) equipment relating to transportation or mobile sources of air pollution that use an electric motor to replace an internal combustion engine for all or part of the work of the equipment, including—

(i) corded electric equipment linked to transportation or mobile sources of air pollution; and

(ii) electrification technologies at airports, ports, truck stops, and material-handling facilities.

(4) NONROAD VEHICLE.—The term “nonroad vehicle” means a vehicle—

(A) powered—

(i) by a nonroad engine, as that term is defined in section 216 of the Clean Air Act (42 U.S.C. 7550); or

(ii) fully or partially by an electric motor powered by a fuel cell, a battery, or an off-board source of electricity; and

(B) that is not a motor vehicle or a vehicle used solely for competition.

(5) PLUG-IN ELECTRIC DRIVE VEHICLE.—The term “plug-in electric drive vehicle” means a vehicle that—

(A) draws motive power from a battery with a capacity of at least 4 kilowatt-hours;

(B) can be recharged from an external source of electricity for motive power; and

(C) is a light-, medium-, or heavy-duty motor vehicle or nonroad vehicle (as those terms are defined in section 216 of the Clean Air Act (42 U.S.C. 7550)).

(6) QUALIFIED ELECTRIC TRANSPORTATION PROJECT.—The term “qualified electric transportation project” means an electric transportation technology project that would significantly reduce emissions of criteria pollutants, greenhouse gas emissions, and petroleum, including—

(A) shipside or shoreside electrification for vessels;

(B) truck-stop electrification;

(C) electric truck refrigeration units;

(D) battery powered auxiliary power units for trucks;

(E) electric airport ground support equipment;

(F) electric material and cargo handling equipment;

(G) electric or dual-mode electric rail;

(H) any distribution upgrades needed to supply electricity to the project; and

(I) any ancillary infrastructure, including panel upgrades, battery chargers, in-situ transformers, and trenching.

(b) PLUG-IN ELECTRIC DRIVE VEHICLE PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a competitive program to provide grants on a cost-shared basis to State governments, local governments, metropolitan transportation authorities, air pollution control districts, private or nonprofit entities, or combinations of those governments, authorities, districts, and entities, to carry out 1 or more projects to encourage the use of plug-in electric drive vehicles or other emerging electric vehicle technologies, as determined by the Secretary.

(2) ADMINISTRATION.—The Secretary shall, in consultation with the Secretary of Transportation and the Administrator, establish requirements for applications for grants under this section, including reporting of data to be summarized for dissemination to grantees and the public, including safety, vehicle, and component performance, and vehicle and component life cycle costs.

(3) PRIORITY.—In making awards under this subsection, the Secretary shall—

(A) give priority consideration to applications that—

(i) encourage early widespread use of vehicles described in paragraph (1); and

(ii) are likely to make a significant contribution to the advancement of the production of the vehicles in the United States; and

(B) ensure, to the maximum extent practicable, that the program established under this subsection includes a variety of applications, manufacturers, and end-uses.

(4) REPORTING.—The Secretary shall require a grant recipient under this subsection to submit to the Secretary, on an annual basis, data relating to safety, vehicle performance, life cycle costs, and emissions of vehicles demonstrated under the grant, including emissions of greenhouse gases.

(5) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a grant made under this subsection.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $90,000,000 for each of fiscal years 2008 through 2012, of which not less than ⅓ of the total amount appropriated shall be available each fiscal year to make grants to local and municipal governments.

(c) NEAR-TERM TRANSPORTATION SECTOR ELECTRIFICATION PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation and the Administrator, shall establish a program to provide grants for the conduct of qualified electric transportation projects.

(2) PRIORITY.—In providing grants under this subsection, the Secretary shall give priority to large-scale projects and large-scale aggregators of projects.

(3) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a grant made under this subsection.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $95,000,000 for each of fiscal years 2008 through 2013.

(d) EDUCATION PROGRAM.—

(1) IN GENERAL.—The Secretary shall develop a nationwide electric drive transportation technology education program under which the Secretary shall provide—

(A) teaching materials to secondary schools and high schools; and

(B) assistance for programs relating to electric drive system and component engineering to institutions of higher education.

(2) ELECTRIC VEHICLE COMPETITION.—The program established under paragraph (1) shall include a plug-in hybrid electric vehicle competition for institutions of higher education, which shall be known as the "Dr. Andrew Frank Plug-In Electric Vehicle Competition".

(3) ENGINEERS.—In carrying out the program established under paragraph (1), the Secretary shall provide financial assistance to institutions of higher education to create new, or support existing, degree programs to ensure the availability of trained electrical and mechanical engineers with the skills necessary for the advancement of—

(A) plug-in electric drive vehicles; and

(B) other forms of electric drive transportation technology vehicles.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SEC. 132. DOMESTIC MANUFACTURING CONVERSION GRANT PROGRAM.

Section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062) is amended to read as follows:

"SEC. 712. DOMESTIC MANUFACTURING CONVERSION GRANT PROGRAM.

"(a) PROGRAM.—

"(1) IN GENERAL.—The Secretary shall establish a program to encourage domestic production and sales of efficient hybrid and advanced diesel vehicles and components of those vehicles.

"(2) INCLUSIONS.—The program shall include grants to automobile manufacturers and suppliers and hybrid component manufacturers to encourage domestic production of efficient hybrid, plug-in electric hybrid, plug-in electric drive, and advanced diesel vehicles.

"(3) PRIORITY.—Priority shall be given to the refurbishment or retooling of manufacturing facilities that have recently ceased operation or will cease operation in the near future.

"(b) COORDINATION WITH STATE AND LOCAL PROGRAMS.—The Secretary may coordinate implementation of this section with State and local programs designed to accomplish similar goals, including the retention and retraining of skilled workers from the manufacturing facilities, including by establishing matching grant arrangements.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.".

SEC. 133. INCLUSION OF ELECTRIC DRIVE IN ENERGY POLICY ACT OF 1992.

Section 508 of the Energy Policy Act of 1992 (42 U.S.C. 13258) is amended—

(1) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively;

(2) by inserting before subsection (b) the following:

"(a) DEFINITIONS.—In this section:

"(1) FUEL CELL ELECTRIC VEHICLE.—The term 'fuel cell electric vehicle' means an on-road or nonroad vehicle that uses a fuel cell (as defined in section 803 of the Spark M. Matsunaga Hydrogen Act of 2005 (42 U.S.C. 16152)).

"(2) HYBRID ELECTRIC VEHICLE.—The term 'hybrid electric vehicle' means a new qualified hybrid motor vehicle (as defined in section 30B(d)(3) of the Internal Revenue Code of 1986).

"(3) MEDIUM- OR HEAVY-DUTY ELECTRIC VEHICLE.—The term 'medium- or heavy-duty electric vehicle' means an electric, hybrid electric, or plug-in hybrid electric vehicle with a gross vehicle weight of more than 8,501 pounds.

"(4) NEIGHBORHOOD ELECTRIC VEHICLE.—The term 'neighborhood electric vehicle' means a 4-wheeled on-road or nonroad vehicle that—

"(A) has a top attainable speed in 1 mile of more than 20 mph and not more than 25 mph on a paved level surface; and

"(B) is propelled by an electric motor and onboard, rechargeable energy storage system that is rechargeable using an off-board source of electricity.

"(5) PLUG-IN ELECTRIC DRIVE VEHICLE.—The term 'plug-in electric drive vehicle' means a vehicle that—

"(A) draws motive power from a battery with a capacity of at least 4 kilowatt-hours;

"(B) can be recharged from an external source of electricity for motive power; and

"(C) is a light-, medium-, or heavy duty motor vehicle or nonroad vehicle (as those terms are defined in section 216 of the Clean Air Act (42 U.S.C. 7550).";

(3) in subsection (b) (as redesignated by paragraph (1))—

(A) by striking "The Secretary" and inserting the following:

"(1) ALLOCATION.—The Secretary"; and

(B) by adding at the end the following:

"(2) ELECTRIC VEHICLES.—Not later than January 31, 2009, the Secretary shall—

"(A) allocate credit in an amount to be determined by the Secretary for—

"(i) acquisition of—

"(I) a hybrid electric vehicle;

"(II) a plug-in electric drive vehicle;

"(III) a fuel cell electric vehicle;

"(IV) a neighborhood electric vehicle; or

"(V) a medium- or heavy-duty electric vehicle; and

"(ii) investment in qualified alternative fuel infrastructure or nonroad equipment, as determined by the Secretary; and

"(B) allocate more than 1, but not to exceed 5, credits for investment in an emerging technology relating to any vehicle described in subparagraph (A) to encourage—

"(i) a reduction in petroleum demand;

"(ii) technological advancement; and

"(iii) a reduction in vehicle emissions.";

(4) in subsection (c) (as redesignated by paragraph (1)), by striking "subsection (a)" and inserting "subsection (b)"; and

(5) by adding at the end the following:

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2013.".

SEC. 134. LOAN GUARANTEES FOR FUEL-EFFICIENT AUTOMOBILE PARTS MANUFACTURERS.

(a) IN GENERAL.—Section 712(a)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16062(a)(2)) (as amended by section 132) is amended by inserting "and loan guarantees under section 1703" after "grants".

(b) CONFORMING AMENDMENT.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended by striking paragraph (8) and inserting the following:

"(8) Production facilities for the manufacture of fuel efficient vehicles or parts of those vehicles, including electric drive vehicles and advanced diesel vehicles.".

SEC. 135. ADVANCED BATTERY LOAN GUARANTEE PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program to provide guarantees of loans by private institutions for the construction of facilities for the manufacture of advanced vehicle batteries and battery systems *that are developed and produced in the United States, including advanced lithium ion batteries and hybrid electrical system and component manufacturers and software designers.*

(b) REQUIREMENTS.—The Secretary may provide a loan guarantee under subsection (a) to an applicant if—

(1) without a loan guarantee, credit is not available to the applicant under reasonable terms or conditions sufficient to finance the construction of a facility described in subsection (a);

(2) the prospective earning power of the applicant and the character and value of the security pledged provide a reasonable assurance of repayment of the loan to be guaranteed in accordance with the terms of the loan; and

(3) the loan bears interest at a rate determined by the Secretary to be reasonable, taking into account the current average yield on outstanding obligations of the United States with remaining periods of maturity comparable to the maturity of the loan.

(c) CRITERIA.—In selecting recipients of loan guarantees from among applicants, the Secretary shall give preference to proposals that—

(1) meet all applicable Federal and State permitting requirements;

(2) are most likely to be successful; and

(3) are located in local markets that have the greatest need for the facility.

(d) MATURITY.—A loan guaranteed under subsection (a) shall have a maturity of not more than 20 years.

(e) TERMS AND CONDITIONS.—The loan agreement for a loan guaranteed under subsection (a) shall provide that no provision of the loan agreement may be amended or waived without the consent of the Secretary.

(f) ASSURANCE OF REPAYMENT.—The Secretary shall require that an applicant for a loan guarantee under subsection (a) provide an assurance of repayment in the form of a performance bond, insurance, collateral, or other means acceptable to the Secretary in an amount equal to not less than 20 percent of the amount of the loan.

(g) GUARANTEE FEE.—The recipient of a loan guarantee under subsection (a) shall pay the Secretary an amount determined by the Secretary to be sufficient to cover the administrative costs of the Secretary relating to the loan guarantee.

(h) FULL FAITH AND CREDIT.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this section. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the loan for the guarantee with respect to principal and interest. The validity of the guarantee shall be incontestable in the hands of a holder of the guaranteed loan.

(i) REPORTS.—Until each guaranteed loan under this section has been repaid in full, the Secretary shall annually submit to Congress a report on the activities of the Secretary under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

(k) TERMINATION OF AUTHORITY.—The authority of the Secretary to issue a loan guarantee under subsection (a) terminates on the date that is 10 years after the date of enactment of this Act.

SEC. 136. ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADVANCED TECHNOLOGY VEHICLE.—The term "advanced technology vehicle" means a light duty vehicle that meets—

(A) the Bin 5 Tier II emission standard established in regulations issued by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)), or a lower-numbered Bin emission standard;

(B) any new emission standard in effect for fine particulate matter prescribed by the Administrator under that Act (42 U.S.C. 7401 et seq.); and

(C) at least 125 percent of the average base year combined fuel economy for vehicles with substantially similar attributes.

(2) COMBINED FUEL ECONOMY.—The term "combined fuel economy" means—

(A) the combined city/highway miles per gallon values, as reported in accordance with section 32904 of title 49, United States Code; and

(B) in the case of an electric drive vehicle with the ability to recharge from an off-board source, the reported mileage, as determined in a manner consistent with the Society of Automotive Engineers recommended practice for that configuration or a similar practice recommended by the Secretary.

(3) ENGINEERING INTEGRATION COSTS.—The term "engineering integration costs" includes the cost of engineering tasks relating to—

(A) incorporating qualifying components into the design of advanced technology vehicles; and

(B) designing tooling and equipment and developing manufacturing processes and material suppliers for production facilities that produce qualifying components or advanced technology vehicles.

(4) QUALIFYING COMPONENTS.—The term "qualifying components" means components that the Secretary determines to be—

(A) designed for advanced technology vehicles; and

(B) installed for the purpose of meeting the performance requirements of advanced technology vehicles.

(b) ADVANCED VEHICLES MANUFACTURING FACILITY.—The Secretary shall provide facility funding awards under this section to automobile manufacturers and component suppliers to pay not more than 30 percent of the cost of—

(1) reequipping, expanding, or establishing a manufacturing facility in the United States to produce—

(A) qualifying advanced technology vehicles; or

(B) qualifying components; and

(2) engineering integration performed in the United States of qualifying vehicles and qualifying components.

(c) PERIOD OF AVAILABILITY.—An award under subsection (b) shall apply to—

(1) facilities and equipment placed in service before December 30, 2020; and

(2) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2020.

(d) DIRECT LOAN PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and subject to the availability of appropriated funds, the Secretary shall carry out a program to provide a total of not more than $25,000,000,000 in loans to eligible individuals and entities (as determined by the Secretary) for the costs of activities described in subsection (b).

(2) APPLICATION.—An applicant for a loan under this subsection shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a written assurance that—

(A) all laborers and mechanics employed by contractors or subcontractors during construction, alteration, or repair that is financed, in whole or in part, by a loan under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with sections 3141–3144, 3146, and 3147 of title 40, United States Code; and

(B) the Secretary of Labor shall, with respect to the labor standards described in this paragraph, have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

(3) SELECTION OF ELIGIBLE PROJECTS.—The Secretary shall select eligible projects to receive loans under this subsection in cases in which, as determined by the Secretary, the award recipient—

(A) is financially viable without the receipt of additional Federal funding associated with the proposed project;

(B) will provide sufficient information to the Secretary for the Secretary to ensure that the qualified investment is expended efficiently and effectively; and

(C) has met such other criteria as may be established and published by the Secretary.

(4) RATES, TERMS, AND REPAYMENT OF LOANS.—A loan provided under this subsection—

(A) shall have an interest rate that, as of the date on which the loan is made, is equal to the cost of funds to the Department of the Treasury for obligations of comparable maturity;

(B) shall have a term equal to the lesser of—

(i) the projected life, in years, of the eligible project to be carried out using funds from the loan, as determined by the Secretary; and

(ii) 25 years;

(C) may be subject to a deferral in repayment for not more than 5 years after the date on which the eligible project carried out using funds from the loan first begins operations, as determined by the Secretary; and

(D) shall be made by the Federal Financing Bank.

(e) IMPROVEMENT.—The Secretary shall issue regulations that require that, in order for an automobile manufacturer to be eligible for an award or loan under this section during a particular year, the adjusted average fuel economy of the manufacturer for light duty vehicles produced by the manufacturer during the most recent year for which data are available shall be not less than the average fuel economy for all light duty vehicles of the manufacturer for model year 2005. In order to determine fuel economy baselines for eligibility of a new manufacturer or a manufacturer that has not produced previously produced equivalent vehicles, the Secretary may substitute industry averages.

(f) FEES.—Administrative costs shall be no more than $100,000 or 10 basis point of the loan.

(g) PRIORITY.—The Secretary shall, in making awards or loans to those manufacturers that have existing facilities, give priority to those facilities that are oldest or have been in existence for at least 20 years. Such facilities can currently be sitting idle.

(h) SET ASIDE FOR SMALL AUTOMOBILE MANUFACTURERS AND COMPONENT SUPPLIERS.—

(1) DEFINITION OF COVERED FIRM.—In this subsection, the term "covered firm" means a firm that—

(A) employs less than 500 individuals; and

(B) manufactures automobiles or components of automobiles.

(2) SET ASIDE.—Of the amount of funds that are used to provide awards for each fiscal year under subsection (b), the Secretary shall use not less than 10 percent to provide awards to covered firms or consortia led by a covered firm.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

Subtitle C—Federal Vehicle Fleets

SEC. 141. FEDERAL VEHICLE FLEETS.

Section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) is amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following new subsection:

"(f) VEHICLE EMISSION REQUIREMENTS.—

"(1) DEFINITIONS.—In this subsection:

"(A) FEDERAL AGENCY.—The term 'Federal agency' does not include any office of the legislative branch, except that it does include the House of Representatives with respect to an acquisition described in paragraph (2)(C).

"(B) MEDIUM DUTY PASSENGER VEHICLE.—The term 'medium duty passenger vehicle' has the meaning given that term section 523.2 of title 49 of the Code of Federal Regulations, as in effect on the date of enactment of this paragraph.

"(C) MEMBER'S REPRESENTATIONAL ALLOWANCE.—The term 'Member's Representational Allowance' means the allowance described in section 101(a) of the House of Representatives Administrative Reform Technical Corrections Act (2 U.S.C. 57b(a)).

"(2) PROHIBITION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), no Federal agency shall acquire a light duty motor vehicle or medium duty passenger vehicle that is not a low greenhouse gas emitting vehicle.

"(B) EXCEPTION.—The prohibition in subparagraph (A) shall not apply to acquisition of a vehicle if the head of the agency certifies in writing, in a separate certification for each individual vehicle purchased, either—

"(i) that no low greenhouse gas emitting vehicle is available to meet the functional needs of the agency and details in writing the functional needs that could not be met with a low greenhouse gas emitting vehicle; or

"(ii) that the agency has taken specific alternative more cost-effective measures to reduce petroleum consumption that—

"(I) have reduced a measured and verified quantity of greenhouse gas emissions equal to or greater than the quantity of greenhouse gas reductions that would have been achieved through acquisition of a low greenhouse gas emitting vehicle over the lifetime of the vehicle; or

"(II) will reduce each year a measured and verified quantity of greenhouse gas emissions equal to or greater than the quantity of greenhouse gas reductions that would have been achieved each year through acquisition of a low greenhouse gas emitting vehicle.

"(C) SPECIAL RULE FOR VEHICLES PROVIDED BY FUNDS CONTAINED IN MEMBERS' REPRESENTATIONAL ALLOWANCE.—This paragraph shall apply to the acquisition of a light duty motor vehicle or medium duty passenger vehicle using any portion of a Member's Representational Allowance, including an acquisition under a long-term lease.

"(3) GUIDANCE.—

"(A) IN GENERAL.—Each year, the Administrator of the Environmental Protection Agency shall issue guidance identifying the makes and model numbers of vehicles that are low greenhouse gas emitting vehicles.

"(B) CONSIDERATION.—In identifying vehicles under subparagraph (A), the Administrator shall take into account the most stringent standards for vehicle greenhouse gas emissions applicable to and enforceable against motor vehicle manufacturers for vehicles sold anywhere in the United States.

"(C) REQUIREMENT.—The Administrator shall not identify any vehicle as a low greenhouse gas emitting vehicle if the vehicle emits greenhouse gases at a higher rate than such standards allow for the manufacturer's fleet average grams per mile of carbon dioxide-equivalent emissions for that class of vehicle, taking into account any emissions allowances and adjustment factors such standards provide.".

SEC. 142. FEDERAL FLEET CONSERVATION REQUIREMENTS.

Part J of title III of the Energy Policy and Conservation Act (42 U.S.C. 6374 et seq.) is amended by adding at the end the following:

"SEC. 400FF. FEDERAL FLEET CONSERVATION REQUIREMENTS.

"(a) MANDATORY REDUCTION IN PETROLEUM CONSUMPTION.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary shall issue regulations for Federal fleets subject to section 400AA to require that, beginning in fiscal year 2010, each Federal agency shall reduce petroleum consumption and increase alternative fuel consumption each year by an amount necessary to meet the goals described in paragraph (2).

"(2) GOALS.—The goals of the requirements under paragraph (1) are that not later than October 1, 2015, and for each year thereafter, each Federal agency shall achieve at least a 20 percent reduction in annual petroleum consumption and a 10 percent increase in annual alternative fuel consumption, as calculated from the baseline established by the Secretary for fiscal year 2005.

"(3) MILESTONES.—The Secretary shall include in the regulations described in paragraph (1)—

"(A) interim numeric milestones to assess annual agency progress towards accomplishing the goals described in that paragraph; and

"(B) a requirement that agencies annually report on progress towards meeting each of the milestones and the 2015 goals.

"(b) PLAN.—

"(1) REQUIREMENT.—

"(A) IN GENERAL.—The regulations under subsection (a) shall require each Federal agency to develop a plan, and implement the measures specified in the plan by dates specified in the plan, to meet the required petroleum reduction levels and the alternative fuel consumption increases, including the milestones specified by the Secretary.

"(B) INCLUSIONS.—The plan shall—

"(i) identify the specific measures the agency will use to meet the requirements of subsection (a)(2); and

"(ii) quantify the reductions in petroleum consumption or increases in alternative fuel consumption projected to be achieved by each measure each year.

"(2) MEASURES.—The plan may allow an agency to meet the required petroleum reduction level through—

"(A) the use of alternative fuels;

"(B) the acquisition of vehicles with higher fuel economy, including hybrid vehicles, neighborhood electric vehicles, electric vehicles, and plug-in hybrid vehicles if the vehicles are commercially available;

"(C) the substitution of cars for light trucks;

"(D) an increase in vehicle load factors;

"(E) a decrease in vehicle miles traveled;

"(F) a decrease in fleet size; and

"(G) other measures.".

TITLE II—ENERGY SECURITY THROUGH INCREASED PRODUCTION OF BIOFUELS

Subtitle A—Renewable Fuel Standard

SEC. 201. DEFINITIONS.

Section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)) is amended to read as follows:

"(1) DEFINITIONS.—In this section:

"(A) ADDITIONAL RENEWABLE FUEL.—The term 'additional renewable fuel' means fuel that is produced from renewable biomass and that is used to replace or reduce the quantity of fossil fuel present in home heating oil or jet fuel.

"(B) ADVANCED BIOFUEL.—

"(i) IN GENERAL.—The term 'advanced biofuel' means renewable fuel, other than ethanol derived from corn starch, that has lifecycle greenhouse gas emissions, as determined by the Administrator, after notice and opportunity for comment, that are at least 50 percent less than baseline lifecycle greenhouse gas emissions.

"(ii) INCLUSIONS.—The types of fuels eligible for consideration as 'advanced biofuel' may include any of the following:

"(I) Ethanol derived from cellulose, hemicellulose, or lignin.

"(II) Ethanol derived from sugar or starch (other than corn starch).

"(III) Ethanol derived from waste material, including crop residue, other vegetative waste material, animal waste, and food waste and yard waste.

"(IV) Biomass-based diesel.

"(V) Biogas (including landfill gas and sewage waste treatment gas) produced through the conversion of organic matter from renewable biomass.

"(VI) Butanol or other alcohols produced through the conversion of organic matter from renewable biomass.

"(VII) Other fuel derived from cellulosic biomass.

"(C) BASELINE LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term 'baseline lifecycle greenhouse gas emissions' means the average lifecycle greenhouse gas emissions, as determined by the Administrator, after notice and opportunity for comment, for gasoline or diesel (whichever is being replaced by the renewable fuel) sold or distributed as transportation fuel in 2005.

"(D) BIOMASS-BASED DIESEL.—The term 'biomass-based diesel' means renewable fuel that is biodiesel as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f)) and that has lifecycle greenhouse gas emissions, as determined by the Administrator, after notice and opportunity for comment, that are at least 50 percent less than the baseline lifecycle greenhouse gas emissions. Notwithstanding the preceding sentence, renewable fuel derived from co-processing biomass with a petroleum feedstock shall be advanced biofuel if it meets the requirements of subparagraph (B), but is not biomass-based diesel.

"(E) CELLULOSIC BIOFUEL.—The term 'cellulosic biofuel' means renewable fuel derived from any cellulose, hemicellulose, or lignin that is derived from renewable biomass and that has lifecycle greenhouse gas emissions, as determined by the Administrator, that are at least 60 percent less than the baseline lifecycle greenhouse gas emissions.

"(F) CONVENTIONAL BIOFUEL.—The term 'conventional biofuel' means renewable fuel that is ethanol derived from corn starch.

"(G) GREENHOUSE GAS.—The term 'greenhouse gas' means carbon dioxide, hydrofluorocarbons, methane, nitrous oxide, perfluorocarbons, sulfur hexafluoride. The Administrator may include any other anthropogenically-emitted gas that is determined by the Administrator, after notice and comment, to contribute to global warming.

"(H) LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term 'lifecycle greenhouse gas emissions' means the aggregate quantity of greenhouse gas emissions (including direct emissions and significant indirect emissions such as significant emissions from land use changes), as determined by the Administrator, related to the full fuel lifecycle, including all stages of fuel and feedstock production and distribution, from feedstock generation or extraction through the distribution and delivery and use of the finished fuel to the ultimate consumer, where the mass values for all greenhouse gases are adjusted to account for their relative global warming potential.

"(I) RENEWABLE BIOMASS.—The term 'renewable biomass' means each of the following:

"(i) Planted crops and crop residue harvested from agricultural land cleared or cultivated at *any time prior to the enactment of this sentence that is either actively managed or fallow, and nonforested.*

"(ii) Planted trees and tree residue from actively managed tree plantations on non-federal land cleared at any time prior to enactment of this sentence, including land belonging to an Indian tribe or an Indian individual, that is held in trust by the United States or subject to a restriction against alienation imposed by the United States.

"(iii) Animal waste material and animal byproducts.

"(iv) Slash and pre-commercial thinnings that are from non-federal forestlands, including forestlands belonging to an Indian tribe or an Indian individual, that are held in trust by the United States or subject to a restriction against alienation imposed by the United States, but not forests or forestlands that are ecological communities with a global or State ranking of critically imperiled, imperiled, or rare pursuant to a State Natural Heritage Program, old growth forest, or late successional forest.

"(v) Biomass obtained from the immediate vicinity of buildings and other areas regularly occupied by people, or of public infrastructure, at risk from wildfire.

"(vi) Algae.

"(vii) Separated yard waste or food waste, including recycled cooking and trap grease.

"(J) RENEWABLE FUEL.—The term 'renewable fuel' means fuel that is produced from renewable biomass and that is used to replace or reduce the quantity of fossil fuel present in a transportation fuel.

"(K) SMALL REFINERY.—The term 'small refinery' means a refinery for which the average aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

"(L) TRANSPORTATION FUEL.—The term 'transportation fuel' means fuel for use in motor vehicles, motor vehicle engines, nonroad vehicles, or nonroad engines (except for ocean-going vessels).".

SEC. 202. RENEWABLE FUEL STANDARD.

(a) RENEWABLE FUEL PROGRAM.—Paragraph (2) of section 211(o) (42 U.S.C. 7545(o)(2)) of the Clean Air Act is amended as follows:

(1) REGULATIONS.—Clause (i) of subparagraph (A) is amended by adding the following at the end thereof: "Not later than 1 year after the date of enactment of this sentence, the Administrator shall revise the regulations under this paragraph to ensure that transportation fuel sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains at least the applicable volume of renewable fuel, advanced biofuel, cellulosic biofuel, and biomass-based diesel, determined in accordance with subparagraph (B) and, in the case of any such renewable fuel produced from new facilities that commence construction after the date of enactment of this sentence, achieves at least a 20 percent reduction in lifecycle greenhouse gas emissions compared to baseline lifecycle greenhouse gas emissions."

(2) APPLICABLE VOLUMES OF RENEWABLE FUEL.—Subparagraph (B) is amended to read as follows:

"(B) APPLICABLE VOLUMES.—

"(i) CALENDAR YEARS AFTER 2005.—

"(I) RENEWABLE FUEL.—For the purpose of subparagraph (A), the applicable volume of renewable fuel for the calendar years 2006 through 2022 shall be determined in accordance with the following table:

"Calendar year:	Applicable volume of renewable fuel (in billions of gallons):
2006	4.0
2007	4.7
2008	9.0
2009	11.1
2010	12.95
2011	13.95
2012	15.2
2013	16.55
2014	18.15
2015	20.5
2016	22.25
2017	24.0
2018	26.0
2019	28.0
2020	30.0
2021	33.0
2022	36.0

"(II) ADVANCED BIOFUEL.—For the purpose of subparagraph (A), of the volume of renewable fuel required under subclause (I), the applicable volume of advanced biofuel for the calendar years 2009 through 2022 shall be determined in accordance with the following table:

"Calendar year:	Applicable volume of advanced biofuel (in billions of gallons):
2009	0.6
2010	0.95
2011	1.35
2012	2.0
2013	2.75
2014	3.75
2015	5.5
2016	7.25
2017	9.0
2018	11.0
2019	13.0
2020	15.0
2021	18.0
2022	21.0

"(III) CELLULOSIC BIOFUEL.—For the purpose of subparagraph (A), of the volume of advanced biofuel required under subclause (II), the applicable volume of cellulosic biofuel for the calendar years 2010 through 2022 shall be determined in accordance with the following table:

"Calendar year:	Applicable volume of cellulosic biofuel (in billions of gallons):
2010	0.1
2011	0.25
2012	0.5
2013	1.0
2014	1.75
2015	3.0
2016	4.25
2017	5.5
2018	7.0
2019	8.5
2020	10.5
2021	13.5
2022	16.0

"(IV) BIOMASS-BASED DIESEL.—For the purpose of subparagraph (A), of the volume of advanced biofuel required under subclause (II), the applicable volume of biomass-based diesel for the calendar years 2009 through 2012 shall be determined in accordance with the following table:

"Calendar year:	Applicable volume of biomass-based diesel (in billions of gallons):
2009	0.5
2010	0.65
2011	0.80
2012	1.0

"(ii) OTHER CALENDAR YEARS.—For the purposes of subparagraph (A), the applicable volumes of each fuel specified in the tables in clause (i) for calendar years after the calendar years specified in the tables shall be determined by the Administrator, in coordination with the Secretary of Energy and the Secretary of Agriculture, based on a review of the implementation of the program during calendar years specified in the tables, and an analysis of—

"(I) the impact of the production and use of renewable fuels on the environment, including on air quality, climate change, conversion of wet lands, eco-systems, wildlife habitat, water quality, and water supply;

"(II) the impact of renewable fuels on the energy security of the United States;

"(III) the expected annual rate of future commercial production of renewable fuels, including advanced biofuels in each category (cellulosic biofuel and biomass-based diesel);

"(IV) the impact of renewable fuels on the infrastructure of the United States, including deliverability of materials, goods, and products other than renewable fuel, and the sufficiency of infrastructure to deliver and use renewable fuel;

"(V) the impact of the use of renewable fuels on the cost to consumers of transportation fuel and on the cost to transport goods; and

"(VI) the impact of the use of renewable fuels on other factors, including job creation, the price and supply of agricultural commodities, rural economic development, and food prices.

The Administrator shall promulgate rules establishing the applicable volumes under this clause no later than 14 months before the first year for which such applicable volume will apply.

"(iii) APPLICABLE VOLUME OF ADVANCED BIOFUEL.—For the purpose of making the determinations in clause (ii), for each calendar year, the applicable volume of advanced biofuel shall be at least the same percentage of the applicable volume of renewable fuel as in calendar year 2022.

"(iv) APPLICABLE VOLUME OF CELLULOSIC BIOFUEL.—For the purpose of making the determinations in clause (ii), for each calendar year, the applicable volume of cellulosic biofuel established by the Administrator shall be based on the assumption that the Administrator will not need to issue a waiver for such years under paragraph (7)(D).

"(v) MINIMUM APPLICABLE VOLUME OF BIOMASS-BASED DIESEL.—For the purpose of making the determinations in clause (ii), the applicable volume of biomass-based diesel shall not be less than the applicable volume listed in clause (i)(IV) for calendar year 2012.".

(b) APPLICABLE PERCENTAGES.—Paragraph (3) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(3)) is amended as follows:

(1) In subparagraph (A), by striking "2011" and inserting "2021".

(2) In subparagraph (A), by striking "gasoline" and inserting "transportation fuel, biomass-based diesel, and cellulosic biofuel".

(3) In subparagraph (B), by striking "2012" and inserting "2021" in clause (i).

(4) In subparagraph (B), by striking "gasoline" and inserting "transportation fuel" in clause (ii)(II).

(c) MODIFICATION OF GREENHOUSE GAS PERCENTAGES.—Paragraph (4) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(4)) is amended to read as follows:

"(4) MODIFICATION OF GREENHOUSE GAS REDUCTION PERCENTAGES.—

"(A) IN GENERAL.—The Administrator may, in the regulations under the last sentence of paragraph (2)(A)(i), adjust the 20 percent, 50 percent, and 60 percent reductions in lifecycle greenhouse gas emissions specified in paragraphs (2)(A)(i)(relating to renewable fuel), (1)(D) (relating to biomass-based diesel), (1)(B)(i)(relating to advanced biofuel), and

(1)(E) (relating to cellulosic biofuel) to a lower percentage. For the 50 and 60 percent reductions, the Administrator may make such an adjustment only if he determines that generally such reduction is not commercially feasible for fuels made using a variety of feedstocks, technologies, and processes to meet the applicable reduction.

"(B) AMOUNT OF ADJUSTMENT.—In promulgating regulations under this paragraph, the specified 50 percent reduction in greenhouse gas emissions from advanced biofuel and in biomass-based diesel may not be reduced below 40 percent. The specified 20 percent reduction in greenhouse gas emissions from renewable fuel may not be reduced below 10 percent, and the specified 60 percent reduction in greenhouse gas emissions from cellulosic biofuel may not be reduced below 50 percent.

"(C) ADJUSTED REDUCTION LEVELS.—An adjustment under this paragraph to a percent less than the specified 20 percent greenhouse gas reduction for renewable fuel shall be the minimum possible adjustment, and the adjusted greenhouse gas reduction shall be established by the Administrator at the maximum achievable level, taking cost in consideration, for natural gas fired corn-based ethanol plants, allowing for the use of a variety of technologies and processes. An adjustment in the 50 or 60 percent greenhouse gas levels shall be the minimum possible adjustment for the fuel or fuels concerned, and the adjusted greenhouse gas reduction shall be established at the maximum achievable level, taking cost in consideration, allowing for the use of a variety of feedstocks, technologies, and processes.

"(D) 5-YEAR REVIEW.—Whenever the Administrator makes any adjustment under this paragraph, not later than 5 years thereafter he shall review and revise (based upon the same criteria and standards as required for the initial adjustment) the regulations establishing the adjusted level.

"(E) SUBSEQUENT ADJUSTMENTS.—After the Administrator has promulgated a final rule under the last sentence of paragraph (2)(A)(i) with respect to the method of determining lifecycle greenhouse gas emissions, except as provided in subparagraph (D), the Administrator may not adjust the percent greenhouse gas reduction levels unless he determines that there has been a significant change in the analytical methodology used for determining the lifecycle greenhouse gas emissions. If he makes such determination, he may adjust the 20, 50, or 60 percent reduction levels through rulemaking using the criteria and standards set forth in this paragraph.

"(F) LIMIT ON UPWARD ADJUSTMENTS.—If, under subparagraph (D) or (E), the Administrator revises a percent level adjusted as provided in subparagraph (A), (B), and (C) to a higher percent, such higher percent may not exceed the applicable percent specified in paragraph (2)(A)(i), (1)(D),(1)(B)(i), or (1)(E).

"(G) APPLICABILITY OF ADJUSTMENTS.—If the Administrator adjusts, or revises, a percent level referred to in this paragraph or makes a change in the analytical methodology used for determining the lifecycle greenhouse gas emissions, such adjustment, revision, or change (or any combination thereof) shall only apply to renewable fuel from new facilities that commence construction after the effective date of such adjustment, revision, or change.".

(d) CREDITS FOR ADDITIONAL RENEWABLE FUEL.—Paragraph (5) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(5)) is amended by adding the following new subparagraph at the end thereof:

"(E) CREDITS FOR ADDITIONAL RENEWABLE FUEL.—The Administrator may issue regulations providing (i) for the generation of an appropriate amount of credits by any person that refines, blends, or imports additional renewable fuels specified by the Administrator and (ii) for the use of such credits by the generator, or the transfer of all or a portion of the credits to another person, for the purpose of complying with paragraph (2).".

(e) WAIVERS.—

(1) IN GENERAL.—Paragraph (7)(A) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(7)(A)) is amended by inserting ", by any person subject to the requirements of this subsection, or by the Administrator on his own motion" after "one or more States" in subparagraph (A) and by striking out "State" in subparagraph (B).

(2) CELLULOSIC BIOFUEL.—Paragraph (7) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(7)) is amended by adding the following at the end thereof:

"(D) CELLULOSIC BIOFUEL.—(i) For any calendar year for which the projected volume of cellulosic biofuel production is less than the minimum applicable volume established under paragraph (2)(B), as determined by the Administrator based on the estimate provided under paragraph (3)(A), not later than November 30 of the preceding calendar year, the Administrator shall reduce the applicable volume of cellulosic biofuel required under paragraph (2)(B) to the projected volume available during that calendar year. For any calendar year in which the Administrator makes such a reduction, the Administrator may also reduce the applicable volume of renewable fuel and advanced biofuels requirement established under paragraph (2)(B) by the same or a lesser volume.

"(ii) Whenever the Administrator reduces the minimum cellulosic biofuel volume under this subparagraph, the Administrator shall make available for sale cellulosic biofuel credits at the higher of $0.25 per gallon or the amount by which $3.00 per gallon exceeds the average wholesale price of a gallon of gasoline in the United States. Such amounts shall be adjusted for inflation by the Administrator for years after 2008.

"(iii) 18 months after date of enactment of this subparagraph, the Administrator shall promulgate regulations to govern the issuance of credits under this subparagraph. The regulations shall set forth the method for determining the exact price of credits in the event of a waiver. The price of such credits shall not be changed more frequently than once each quarter. These regulations shall include such provisions, including limiting the credits' uses and useful life, as the Administrator deems appropriate to assist market liquidity and transparency, to provide appropriate certainty for regulated entities and renewable fuel producers, and to limit any potential misuse of cellulosic biofuel credits to reduce the use of other renewable fuels, and for such other purposes as the Administrator determines will help achieve the goals of this subsection. The regulations shall limit the number of cellulosic biofuel credits for any calendar year to the minimum applicable volume (as reduced under this subparagraph) of cellulosic biofuel for that year.".

(3) BIOMASS-BASED DIESEL.—Paragraph (7) of section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)(7)) is amended by adding the following at the end thereof:

"(E) BIOMASS-BASED DIESEL.—

"(i) MARKET EVALUATION.—The Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, shall periodically evaluate the impact of the biomass-based diesel requirements established under this paragraph on the price of diesel fuel.

"(ii) WAIVER.—If the Administrator determines that there is a significant renewable feedstock disruption or other market circumstances that would make the price of biomass-based diesel fuel increase significantly, the Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, shall issue an order to reduce, for up to a 60-day period, the quantity of biomass-based diesel required under subparagraph (A) by an appropriate quantity that does not exceed 15 percent of the applicable annual requirement for biomass-based diesel. For any calendar year in which the Administrator makes a reduction under this subparagraph, the Administrator may also reduce the applicable volume of renewable fuel and advanced biofuels requirement established under paragraph (2)(B) by the same or a lesser volume.

"(iii) EXTENSIONS.—If the Administrator determines that the feedstock disruption or circumstances described in clause (ii) is continuing beyond the 60-day period described in clause (ii) or this clause, the Administrator, in consultation with the Secretary of Energy and the Secretary of Agriculture, may issue an order to reduce, for up to an additional 60-day period, the quantity of biomass-based diesel required under subparagraph (A) by an appropriate quantity that does not exceed an additional 15 percent of the applicable annual requirement for biomass-based diesel.

"(F) MODIFICATION OF APPLICABLE VOLUMES.—For any of the tables in paragraph (2)(B), if the Administrator waives—

"(i) at least 20 percent of the applicable volume requirement set forth in any such table for 2 consecutive years; or

"(ii) at least 50 percent of such volume requirement for a single year,

the Administrator shall promulgate a rule (within one year after issuing such waiver) that modifies the applicable volumes set forth in the table concerned for all years following the final year to which the waiver applies, except that no such modification in applicable volumes shall be made for any year before 2016. In promulgating such a rule, the Administrator shall comply with the processes, criteria, and standards set forth in paragraph (2)(B)(ii).".

SEC. 203. STUDY OF IMPACT OF RENEWABLE FUEL STANDARD.

(a) IN GENERAL.—The Secretary of Energy, in consultation with the Secretary of Agriculture and the Administrator of the Environmental Protection Agency, shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study to assess the impact of the requirements described in section 211(o) of the Clean Air Act on each industry relating to the production of feed grains, livestock, food, forest products, and energy.

(b) PARTICIPATION.—In conducting the study under this section, the National Academy of Sciences shall seek the participation, and consider the input, of—

(1) producers of feed grains;

(2) producers of livestock, poultry, and pork products;

(3) producers of food and food products;

(4) producers of energy;

(5) individuals and entities interested in issues relating to conservation, the environment, and nutrition;

(6) users and consumer of renewable fuels;

(7) producers and users of biomass feedstocks; and

(8) land grant universities.

(c) CONSIDERATIONS.—In conducting the study, the National Academy of Sciences shall consider—

(1) the likely impact on domestic animal agriculture feedstocks that, in any crop year, are significantly below current projections;

(2) policy options to alleviate the impact on domestic animal agriculture feedstocks that are significantly below current projections; and

(3) policy options to maintain regional agricultural and silvicultural capability.

(d) COMPONENTS.—The study shall include—

(1) a description of the conditions under which the requirements described in section 211(o) of the Clean Air Act should be suspended or reduced to prevent adverse impacts to domestic animal agriculture feedstocks described in subsection (c)(2) or regional agricultural and silvicultural capability described in subsection (c)(3); and

(2) recommendations for the means by which the Federal Government could prevent or minimize adverse economic hardships and impacts.

(e) DEADLINE FOR COMPLETION OF STUDY.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study under this section.

(f) PERIODIC REVIEWS.—Section 211(o) of the Clean Air Act is amended by adding the following at the end thereof:

"(11) PERIODIC REVIEWS.—To allow for the appropriate adjustment of the requirements described in subparagraph (B) of paragraph (2), the Administrator shall conduct periodic reviews of—

"(A) existing technologies;

"(B) the feasibility of achieving compliance with the requirements; and

*"(C) the impacts of the requirements described in subsection (a)(2) on each individual and entity described in paragraph (2).".. *

SEC. 204. ENVIRONMENTAL AND RESOURCE CONSERVATION IMPACTS.

(a) IN GENERAL.—Not later than 3 years after the enactment of this section and every 3 years thereafter, the Administrator of the Environmental Protection Agency, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall assess and report to Congress on the impacts to date and likely future impacts of the requirements of section 211(o) of the Clean Air Act on the following:

(1) Environmental issues, including air quality, effects on hypoxia, pesticides, sediment, nutrient and pathogen levels in waters, acreage and function of waters, and soil environmental quality.

(2) Resource conservation issues, including soil conservation, water availability, and ecosystem health and biodiversity, including impacts on forests, grasslands, and wetlands.

(3) The growth and use of cultivated invasive or noxious plants and their impacts on the environment and agriculture.

In advance of preparing the report required by this subsection, the Administrator may seek the views of the National Academy of Sciences or another appropriate independent research institute. The report shall include the annual volume of imported renewable fuels and feedstocks for renewable fuels, and the environmental impacts outside the United States of producing such fuels and feedstocks. The report required by this subsection shall include recommendations for actions to address any adverse impacts found.

(b) EFFECT ON AIR QUALITY AND OTHER ENVIRONMENTAL REQUIREMENTS.—Except as provided in section 211(o)(12) of the Clean Air Act, nothing in the amendments made by this title to section 211(o) of the Clean Air Act shall be construed as superseding, or limiting, any more environmentally protective requirement under the Clean Air Act, or under any other provision of State or Federal law or regulation, including any environmental law or regulation.

SEC. 205. BIOMASS BASED DIESEL AND BIODIESEL LABELING.

(a) IN GENERAL.—Each retail diesel fuel pump shall be labeled in a manner that informs consumers of the percent of biomass-based diesel or biodiesel that is contained in the biomass-based diesel blend or biodiesel blend that is offered for sale, as determined by the Federal Trade Commission.

(b) LABELING REQUIREMENTS.—Not later than 180 days after the date of enactment of this section, the Federal Trade Commission shall promulgate biodiesel labeling requirements as follows:

(1) Biomass-based diesel blends or biodiesel blends that contain less than or equal to 5 percent biomass-based diesel or biodiesel by volume and that meet ASTM D975 diesel specifications shall not require any additional labels.

(2) Biomass based diesel blends or biodiesel blends that contain more than 5 percent biomass-based diesel or biodiesel by volume but not more than 20 percent by volume shall be labeled "contains biomass-based diesel or biodiesel in quantities between 5 percent and 20 percent".

(3) Biomass-based diesel or biodiesel blends that contain more than 20 percent biomass based or biodiesel by volume shall be labeled "contains more than 20 percent biomass-based diesel or biodiesel".

(c) DEFINITIONS.—In this section:

(1) ASTM.—The term "ASTM" means the American Society of Testing and Materials.

(2) BIOMASS-BASED DIESEL.—The term "biomass-based diesel" means biodiesel as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f)).

(3) BIODIESEL.—The term "biodiesel" means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet—

(A) the registration requirements for fuels and fuel additives under this section; and

(B) the requirements of ASTM standard D6751.

(4) BIOMASS-BASED DIESEL AND BIODIESEL BLENDS.—The terms "biomass-based diesel blend" and "biodiesel blend" means a blend of "biomass-based diesel" or "biodiesel" fuel that is blended with petroleum based diesel fuel.

SEC. 206. STUDY OF CREDITS FOR USE OF RENEWABLE ELECTRICITY IN ELECTRIC VEHICLES.

(a) DEFINITION OF ELECTRIC VEHICLE.—In this section, the term "electric vehicle" means an electric motor vehicle (as defined in section 601 of the Energy Policy Act of 1992 (42 U.S.C. 13271)) for which the rechargeable storage battery—

(1) receives a charge directly from a source of electric current that is external to the vehicle; and

(2) provides a minimum of 80 percent of the motive power of the vehicle.

(b) STUDY.—The Administrator of the Environmental Protection Agency shall conduct a study on the feasibility of issuing credits under the program established under section 211(o) of the Clean Air Act to electric vehicles powered by electricity produced from renewable energy sources.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Energy and Commerce of the United States House of Representatives a report that describes the results of the study, including a description of—

(1) existing programs and studies on the use of renewable electricity as a means of powering electric vehicles; and

(2) alternatives for—

(A) designing a pilot program to determine the feasibility of using renewable electricity to power electric vehicles as an adjunct to a renewable fuels mandate;

(B) allowing the use, under the pilot program designed under subparagraph (A), of electricity generated from nuclear energy as an additional source of supply;

(C) identifying the source of electricity used to power electric vehicles; and

(D) equating specific quantities of electricity to quantities of renewable fuel under section 211(o) of the Clean Air Act.

SEC. 207. GRANTS FOR PRODUCTION OF ADVANCED BIOFUELS.

(a) IN GENERAL.—The Secretary of Energy shall establish a grant program to encourage the production of advanced biofuels.

(b) REQUIREMENTS AND PRIORITY.—In making grants under this section, the Secretary—

(1) shall make awards to the proposals for advanced biofuels with the greatest reduction in lifecycle greenhouse gas emissions compared to the comparable motor vehicle fuel lifecycle emissions during calendar year 2005; and

(2) shall not make an award to a project that does not achieve at least a 80 percent reduction in such lifecycle greenhouse gas emissions.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000,000 for the period of fiscal years 2008 through 2015.

SEC. 208. INTEGRATED CONSIDERATION OF WATER QUALITY IN DETERMINATIONS ON FUELS AND FUEL ADDITIVES.

Section 211(c)(1) of the Clean Air Act (42 U.S.C. 7545(c)(1)) is amended as follows:

(1) By striking "nonroad vehicle (A) if in the judgment of the Administrator" and inserting "nonroad vehicle if, in the judgment of the Administrator, any fuel or fuel additive or"; and

(2) In subparagraph (A), by striking "air pollution which" and inserting "air pollution or water pollution (including any degradation in the quality of groundwater) that".

SEC. 209. ANTI-BACKSLIDING.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by adding at the end the following:

"(v) PREVENTION OF AIR QUALITY DETERIORATION.—

"(1) STUDY.—

"(A) IN GENERAL.—Not later than 18 months after the date of enactment of this subsection, the Administrator shall complete a study to determine whether the renewable fuel volumes required by this section will adversely impact air quality as a result of changes in vehicle and engine emissions of air pollutants regulated under this Act.

"(B) CONSIDERATIONS.—The study shall include consideration of—

"(i) different blend levels, types of renewable fuels, and available vehicle technologies; and

"(ii) appropriate national, regional, and local air quality control measures.

"(2) REGULATIONS.—Not later than 3 years after the date of enactment of this subsection, the Administrator shall—

"(A) promulgate fuel regulations to implement appropriate measures to mitigate, to the greatest extent achievable, considering the results of the study under paragraph (1), any adverse impacts on air quality, as the result of the renewable volumes required by this section; or

"(B) make a determination that no such measures are necessary.".

SEC. 210. EFFECTIVE DATE, SAVINGS PROVISION, AND TRANSITION RULES.

(a) TRANSITION RULES.—(1) For calendar year 2008, transportation fuel sold or introduced into commerce in the United States (except in noncontiguous States or territories), that is produced from facilities that commence construction after the date of enactment of this Act shall be treated as renewable fuel within the meaning of section 211(o) of the Clean Air Act only if it achieves at least a 20 percent reduction in lifecycle greenhouse gas emissions compared to baseline lifecycle greenhouse gas emissions. For calendar years 2008 and 2009, any ethanol plant

that is fired with natural gas, biomass, or any combination thereof is deemed to be in compliance with such 20 percent reduction requirement and with the 20 percent reduction requirement of section 211(o)(1) of the Clean Air Act. The terms used in this subsection shall have the same meaning as provided in the amendment made by this Act to section 211(o) of the Clean Air Act.

(2) Until January 1, 2009, the Administrator of the Environmental Protection Agency shall implement section 211(o) of the Clean Air Act and the rules promulgated under that section in accordance with the provisions of that section as in effect before the enactment of this Act and in accordance with the rules promulgated before the enactment of this Act, except that for calendar year 2008, the number "9.0" shall be substituted for the number "5.4" in the table in section 211(o)(2)(B) and in the corresponding rules promulgated to carry out those provisions. The Administrator is authorized to take such other actions as may be necessary to carry out this paragraph notwithstanding any other provision of law.

(b) SAVINGS CLAUSE.—Section 211(o) of the Clean Air Act (42 U.S.C. 7545(o)) is amended by adding the following new paragraph at the end thereof:

"(12) EFFECT ON OTHER PROVISIONS.—Nothing in this subsection, or regulations issued pursuant to this subsection, shall affect or be construed to affect the regulatory status of carbon dioxide or any other greenhouse gas, or to expand or limit regulatory authority regarding carbon dioxide or any other greenhouse gas, for purposes of other provisions (including section 165) of this Act. The previous sentence shall not affect implementation and enforcement of this subsection.".

(c) EFFECTIVE DATE.—The amendments made by this title to section 211(o) of the Clean Air Act shall take effect January 1, 2009, except that the Administrator shall promulgate regulations to carry out such amendments not later than one year after the enactment of this Act.

Subtitle B—Biofuels Research and Development

SEC. 221. BIODIESEL.

(a) BIODIESEL STUDY.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall submit to Congress a report on any research and development challenges inherent in increasing the proportion of diesel fuel sold in the United States that is biodiesel.

(b) MATERIAL FOR THE ESTABLISHMENT OF STANDARDS.—The Director of the National Institute of Standards and Technology, in consultation with the Secretary, shall make publicly available the physical property data and characterization of biodiesel and other biofuels as appropriate.

SEC. 222. BIOGAS.

Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall submit to Congress a report on any research and development challenges inherent in increasing the amount of transportation fuels sold in the United States that are fuel with biogas or a blend of biogas and natural gas.

SEC. 223. GRANTS FOR BIOFUEL PRODUCTION RESEARCH AND DEVELOPMENT IN CERTAIN STATES.

(a) IN GENERAL.—The Secretary shall provide grants to eligible entities for research, development, demonstration, and commercial application of biofuel production technologies in States with low rates of ethanol production, including low rates of production of cellulosic biomass ethanol, as determined by the Secretary.

(b) ELIGIBILITY.—To be eligible to receive a grant under this section, an entity shall—

(1)(A) be an institution of higher education (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)), including tribally controlled colleges or universities, located in a State described in subsection (a); or

(B) be a consortium including at least 1 such institution of higher education, and industry, State agencies, Indian tribal agencies, National Laboratories, or local government agencies located in the State; and

(2) have proven experience and capabilities with relevant technologies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $25,000,000 for each of fiscal years 2008 through 2010.

SEC. 224. BIOREFINERY ENERGY EFFICIENCY.

Section 932 of Energy Policy Act of 2005 (42 U.S.C. 16232) is amended by adding at the end the following new subsections:

"(g) BIOREFINERY ENERGY EFFICIENCY.—The Secretary shall establish a program of research, development, demonstration, and commercial application for increasing energy efficiency and reducing energy consumption in the operation of biorefinery facilities.

"(h) RETROFIT TECHNOLOGIES FOR THE DEVELOPMENT OF ETHANOL FROM CELLULOSIC MATERIALS.—The Secretary shall establish a program of research, development, demonstration, and commercial application on technologies and processes to enable biorefineries that exclusively use corn grain or corn starch as a feedstock to produce ethanol to be retrofitted to accept a range of biomass, including lignocellulosic feedstocks.".

SEC. 225. STUDY OF OPTIMIZATION OF FLEXIBLE FUELED VEHICLES TO USE E-85 FUEL.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall conduct a study of whether optimizing flexible fueled vehicles to operate using E-85 fuel would increase the fuel efficiency of flexible fueled vehicles.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Science and Technology and the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Commerce, Science, and Transportation of the Senate, a report that describes the results of the study under this section, including any recommendations of the Secretary.

SEC. 226. STUDY OF ENGINE DURABILITY AND PERFORMANCE ASSOCIATED WITH THE USE OF BIODIESEL.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall initiate a study on the effects of the use of biodiesel on the performance and durability of engines and engine systems.

(b) COMPONENTS.—The study under this section shall include—

(1) an assessment of whether the use of biodiesel lessens the durability and performance of conventional diesel engines and engine systems; and

(2) an assessment of the effects referred to in subsection (a) with respect to biodiesel blends at varying concentrations, including the following percentage concentrations of biodiesel:

(A) 5 percent biodiesel.

(B) 10 percent biodiesel.

(C) 20 percent biodiesel.

(D) 30 percent biodiesel.

(E) 100 percent biodiesel.

(c) REPORT.—Not later than 24 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Science and Technology and the Committee on Energy and Commerce of the House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Environment and Public Works of the Senate, a report that describes the results of the study under this section, including any recommendations of the Secretary.

SEC. 227. STUDY OF OPTIMIZATION OF BIOGAS USED IN NATURAL GAS VEHICLES.

(a) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency and the Secretary of Transportation, shall conduct a study of methods of increasing the fuel efficiency of vehicles using biogas by optimizing natural gas vehicle systems that can operate on biogas, including the advancement of vehicle fuel systems and the combination of hybrid-electric and plug-in hybrid electric drive platforms with natural gas vehicle systems using biogas.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources, the Committee on Environment and Public Works, and the Committee on Commerce, Science, and Transportation of the Senate, and to the Committee on Science and Technology and the Committee on Energy and Commerce of the House of Representatives, a report that describes the results of the study, including any recommendations of the Secretary.

SEC. 228. ALGAL BIOMASS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the progress of the research and development that is being conducted on the use of algae as a feedstock for the production of biofuels.

(b) CONTENTS.—The report shall identify continuing research and development challenges and any regulatory or other barriers found by the Secretary that hinder the use of this resource, as well as recommendations on how to encourage and further its development as a viable transportation fuel.

SEC. 229. BIOFUELS AND BIOREFINERY INFORMATION CENTER.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, shall establish a biofuels and biorefinery information center to make available to interested parties information on—

(1) renewable fuel feedstocks, including the varieties of fuel capable of being produced from various feedstocks;

(2) biorefinery processing techniques related to various renewable fuel feedstocks;

(3) the distribution, blending, storage, and retail dispensing infrastructure necessary for the transport and use of renewable fuels;

(4) Federal and State laws and incentives related to renewable fuel production and use;

(5) renewable fuel research and development advancements;

(6) renewable fuel development and biorefinery processes and technologies;

(7) renewable fuel resources, including information on programs and incentives for renewable fuels;

(8) renewable fuel producers;

(9) renewable fuel users; and

(10) potential renewable fuel users.

(b) ADMINISTRATION.—In administering the biofuels and biorefinery information center, the Secretary shall—

(1) continually update information provided by the center;

(2) make information available relating to processes and technologies for renewable fuel production;

(3) make information available to interested parties on the process for establishing a biorefinery; and

(4) make information and assistance provided by the center available through a toll-free telephone number and website.

(c) COORDINATION AND NONDUPLICATION.—To maximum extent practicable, the Secretary shall ensure that the activities under this section are coordinated with, and do not duplicate the efforts of, centers at other government agencies.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 230. CELLULOSIC ETHANOL AND BIOFUELS RESEARCH.

(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term "eligible entity" means—

(1) an 1890 Institution (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7061));

(2) a part B institution (as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061)) (commonly referred to as "Historically Black Colleges and Universities");

(3) a tribal college or university (as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)); or

(4) a Hispanic-serving institution (as defined in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

(b) GRANTS.—The Secretary shall make cellulosic ethanol and biofuels research and development grants to 10 eligible entities selected by the Secretary to receive a grant under this section through a peer-reviewed competitive process.

(c) COLLABORATION.—An eligible entity that is selected to receive a grant under subsection (b) shall collaborate with 1 of the Bioenergy Research Centers of the Office of Science of the Department.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to make grants described in subsection (b) $50,000,000 for fiscal year 2008, to remain available until expended.

SEC. 231. BIOENERGY RESEARCH AND DEVELOPMENT, AUTHORIZATION OF APPROPRIATION.

Section 931 of the Energy Policy Act of 2005 (42 U.S.C. 16231) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) $963,000,000 for fiscal year 2010."; and

(2) in subsection (c)—

(A) in paragraph (2)—

(i) by striking "$251,000,000" and inserting "$377,000,000"; and

(ii) by striking "and" at the end;

(B) in paragraph (3)—

(i) by striking "$274,000,000" and inserting "$398,000,000"; and

(ii) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) $419,000,000 for fiscal year 2010, of which $150,000,000 shall be for section 932(d).".

SEC. 232. ENVIRONMENTAL RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—Section 977 of the Energy Policy Act of 2005 (42 U.S.C. 16317) is amended—

(1) in subsection (a)(1), by striking "and computational biology" and inserting "computational biology, and environmental science"; and

(2) in subsection (b)—

(A) in paragraph (1), by inserting "in sustainable production systems that reduce greenhouse gas emissions" after "hydrogen";

(B) in paragraph (3), by striking "and" at the end;

(C) by redesignating paragraph (4) as paragraph (5); and

(D) by inserting after paragraph (3) the following:

"(4) develop cellulosic and other feedstocks that are less resource and land intensive and that promote sustainable use of resources, including soil, water, energy, forests, and land, and ensure protection of air, water, and soil quality; and".

(b) TOOLS AND EVALUATION.—Section 307(d) of the Biomass Research and Development Act of 2000 (7 U.S.C. 8606(d)) is amended—

(1) in paragraph (3)(E), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(5) the improvement and development of analytical tools to facilitate the analysis of life-cycle energy and greenhouse gas emissions, including emissions related to direct and indirect land use changes, attributable to all potential biofuel feedstocks and production processes; and

"(6) the systematic evaluation of the impact of expanded biofuel production on the environment, including forest lands, and on the food supply for humans and animals.".

(c) SMALL-SCALE PRODUCTION AND USE OF BIOFUELS.—Section 307(e) of the Biomass Research and Development Act of 2000 (7 U.S.C. 8606(e)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(4) to facilitate small-scale production, local, and on-farm use of biofuels, including the development of small-scale gasification technologies for production of biofuel from cellulosic feedstocks.".

SEC. 233. BIOENERGY RESEARCH CENTERS.

Section 977 of the Energy Policy Act of 2005 (42 U.S.C. 16317) is amended by adding at the end the following:

"(f) BIOENERGY RESEARCH CENTERS.—

"(1) ESTABLISHMENT OF CENTERS.—In carrying out the program under subsection (a), the Secretary shall establish at least 7 bioenergy research centers, which may be of varying size.

"(2) GEOGRAPHIC DISTRIBUTION.—The Secretary shall establish at least 1 bioenergy research center in each Petroleum Administration for Defense District or Subdistrict of a Petroleum Administration for Defense District.

"(3) GOALS.—The goals of the centers established under this subsection shall be to accelerate basic transformational research and development of biofuels, including biological processes.

"(4) SELECTION AND DURATION.—

"(A) IN GENERAL.—A center under this subsection shall be selected on a competitive basis for a period of 5 years.

"(B) REAPPLICATION.—After the end of the period described in subparagraph (A), a grantee may reapply for selection on a competitive basis.

"(5) INCLUSION.—A center that is in existence on the date of enactment of this subsection—

"(A) shall be counted towards the requirement for establishment of at least 7 bioenergy research centers; and

"(B) may continue to receive support for a period of 5 years beginning on the date of establishment of the center.".

SEC. 234. UNIVERSITY BASED RESEARCH AND DEVELOPMENT GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a competitive grant program, in a geographically diverse manner, for projects submitted for consideration by institutions of higher education to conduct research and development of renewable energy technologies. Each grant made shall not exceed $2,000,000.

(b) ELIGIBILITY.—Priority shall be given to institutions of higher education with—

(1) established programs of research in renewable energy;

(2) locations that are low income or outside of an urbanized area;

(3) a joint venture with an Indian tribe; and

(4) proximity to trees dying of disease or insect infestation as a source of woody biomass.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $25,000,000 for carrying out this section.

(d) DEFINITIONS.—In this section:

(1) INDIAN TRIBE.—The term "Indian tribe" has the meaning as defined in section 126(c) of the Energy Policy Act of 2005.

(2) RENEWABLE ENERGY.—The term "renewable energy" has the meaning as defined in section 902 of the Energy Policy Act of 2005.

(3) URBANIZED AREA.—The term "urbanized area" has the mean as defined by the U.S. Bureau of the Census.

Subtitle C—Biofuels Infrastructure

SEC. 241. PROHIBITION ON FRANCHISE AGREEMENT RESTRICTIONS RELATED TO RENEWABLE FUEL INFRASTRUCTURE.

(a) IN GENERAL.—Title I of the Petroleum Marketing Practices Act (15 U.S.C. 2801 et seq.) is amended by adding at the end the following:

"SEC. 107. PROHIBITION ON RESTRICTION OF INSTALLATION OF RENEWABLE FUEL PUMPS.

"(a) DEFINITION.—In this section:

"(1) RENEWABLE FUEL.—The term 'renewable fuel' means any fuel—

"(A) at least 85 percent of the volume of which consists of ethanol; or

"(B) any mixture of biodiesel and diesel or renewable diesel (as defined in regulations adopted pursuant to section 211(o) of the Clean Air Act (40 CFR, Part 80)), determined without regard to any use of kerosene and containing at least 20 percent biodiesel or renewable diesel.

"(2) FRANCHISE-RELATED DOCUMENT.—The term 'franchise-related document' means—

"(A) a franchise under this Act; and

"(B) any other contract or directive of a franchisor relating to terms or conditions of the sale of fuel by a franchisee.

"(b) PROHIBITIONS.—

"(1) IN GENERAL.—No franchise-related document entered into or renewed on or after the date of enactment of this section shall contain any provision allowing a franchisor to restrict the franchisee or any affiliate of the franchisee from—

"(A) installing on the marketing premises of the franchisee a renewable fuel pump or tank, except that the franchisee's franchisor may restrict the installation of a tank on leased marketing premises of such franchisor;

"(B) converting an existing tank or pump on the marketing premises of the franchisee for renewable fuel use, so long as such tank or pump and the piping connecting them are either warranted by the manufacturer or certified by a recognized standards setting organization to be suitable for use with such renewable fuel;

"(C) advertising (including through the use of signage) the sale of any renewable fuel;

"(D) selling renewable fuel in any specified area on the marketing premises of the franchisee (including any area in which a name or logo of a franchisor or any other entity appears);

"(E) purchasing renewable fuel from sources other than the franchisor if the franchisor does not offer its own renewable fuel for sale by the franchisee;

"(F) listing renewable fuel availability or prices, including on service station signs, fuel dispensers, or light poles; or

"(G) allowing for payment of renewable fuel with a credit card,

so long as such activities described in subparagraphs (A) through (G) do not constitute mislabeling, misbranding, willful adulteration, or other trademark violations by the franchisee.

"(2) EFFECT OF PROVISION.—Nothing in this section shall be construed to preclude a franchisor from requiring the franchisee to obtain reasonable indemnification and insurance policies.

"(c) EXCEPTION TO 3-GRADE REQUIREMENT.—No franchise-related document that requires that 3 grades of gasoline be sold by the applicable franchisee shall prevent the franchisee from selling an renewable fuel in lieu of 1, and only 1, grade of gasoline.".

(b) ENFORCEMENT.—Section 105 of the Petroleum Marketing Practices Act (15 U.S.C. 2805) is amended by striking "102 or 103" each place it appears and inserting "102, 103, or 107".

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 101(13) of the Petroleum Marketing Practices Act (15 U.S.C. 2801(13)) is amended by aligning the margin of subparagraph (C) with subparagraph (B).

(2) TABLE OF CONTENTS.—The table of contents of the Petroleum Marketing Practices Act (15 U.S.C. 2801 note) is amended—

(A) by inserting after the item relating to section 106 the following:

"Sec. 107. Prohibition on restriction of installation of renewable fuel pumps."; and

(B) by striking the item relating to section 202 and inserting the following:

"Sec. 202. Automotive fuel rating testing and disclosure requirements.".

SEC. 242. RENEWABLE FUEL DISPENSER REQUIREMENTS.

(a) MARKET PENETRATION REPORTS.—The Secretary, in consultation with the Secretary of Transportation, shall determine and report to Congress annually on the market penetration for flexible-fuel vehicles in use within geographic regions to be established by the Secretary.

(b) DISPENSER FEASIBILITY STUDY.—Not later than 24 months after the date of enactment of this Act, the Secretary, in consultation with the Department of Transportation, shall report to the Congress on the feasibility of requiring motor fuel retailers to install E–85 compatible dispensers and related systems at retail fuel facilities in regions where flexible-fuel vehicle market penetration has reached 15 percent of motor vehicles. In conducting such study, the Secretary shall consider and report on the following factors:

(1) The commercial availability of E–85 fuel and the number of competing E–85 wholesale suppliers in a given region.

(2) The level of financial assistance provided on an annual basis by the Federal Government, State governments, and nonprofit entities for the installation of E–85 compatible infrastructure.

(3) The number of retailers whose retail locations are unable to support more than 2 underground storage tank dispensers.

(4) The expense incurred by retailers in the installation and sale of E–85 compatible dispensers and related systems and any potential effects on the price of motor vehicle fuel.

SEC. 243. ETHANOL PIPELINE FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Transportation, shall conduct a study of the feasibility of the construction of pipelines dedicated to the transportation of ethanol.

(b) FACTORS FOR CONSIDERATION.—In conducting the study under subsection (a), the Secretary shall take into consideration—

(1) the quantity of ethanol production that would make dedicated pipelines economically viable;

(2) existing or potential barriers to the construction of pipelines dedicated to the transportation of ethanol, including technical, siting, financing, and regulatory barriers;

(3) market risk (including throughput risk) and means of mitigating the risk;

(4) regulatory, financing, and siting options that would mitigate the risk and help ensure the construction of 1 or more pipelines dedicated to the transportation of ethanol;

(5) financial incentives that may be necessary for the construction of pipelines dedicated to the transportation of ethanol, including the return on equity that sponsors of the initial dedicated ethanol pipelines will require to invest in the pipelines;

(6) technical factors that may compromise the safe transportation of ethanol in pipelines, including identification of remedial and preventive measures to ensure pipeline integrity; and

(7) such other factors as the Secretary considers to be appropriate.

(c) REPORT.—Not later than 15 months after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $1,000,000 for each of fiscal years 2008 and 2009, to remain available until expended.

SEC. 244. RENEWABLE FUEL INFRASTRUCTURE GRANTS.

(a) DEFINITION OF RENEWABLE FUEL BLEND.—For purposes of this section, the term "renewable fuel blend" means gasoline blend that contain not less than 11 percent, and not more than 85 percent, renewable fuel or diesel fuel that contains at least 10 percent renewable fuel.

(b) INFRASTRUCTURE DEVELOPMENT GRANTS.—

(1) ESTABLISHMENT.—The Secretary shall establish a program for making grants for providing assistance to retail and wholesale motor fuel dealers or other entities for the installation, replacement, or conversion of motor fuel storage and dispensing infrastructure to be used exclusively to store and dispense renewable fuel blends.

(2) SELECTION CRITERIA.—Not later than 12 months after the date of enactment of this Act, the Secretary shall establish criteria for evaluating applications for grants under this subsection that will maximize the availability and use of renewable fuel blends, and that will ensure that renewable fuel blends are available across the country. Such criteria shall provide for—

(A) consideration of the public demand for each renewable fuel blend in a particular geographic area based on State registration records showing the number of flexible-fuel vehicles;

(B) consideration of the opportunity to create or expand corridors of renewable fuel blend stations along interstate or State highways;

(C) consideration of the experience of each applicant with previous, similar projects;

(D) consideration of population, number of flexible-fuel vehicles, number of retail fuel outlets, and saturation of flexible-fuel vehicles; and

(E) priority consideration to applications that—

(i) are most likely to maximize displacement of petroleum consumption, measured as a total quantity and a percentage;

(ii) are best able to incorporate existing infrastructure while maximizing, to the extent practicable, the use of renewable fuel blends; and

(iii) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed project and the greatest likelihood that the project will be maintained or expanded after Federal assistance under this subsection is completed.

(3) LIMITATIONS.—Assistance provided under this subsection shall not exceed—

(A) 33 percent of the estimated cost of the installation, replacement, or conversion of motor fuel storage and dispensing infrastructure; or

(B) $180,000 for a combination of equipment at any one retail outlet location.

(4) OPERATION OF RENEWABLE FUEL BLEND STATIONS.—The Secretary shall establish rules that set forth requirements for grant recipients under this section that include providing to the public the renewable fuel blends, establishing a marketing plan that informs consumers of the price and availability of the renewable fuel blends, clearly labeling the dispensers and related equipment, and providing periodic reports on the status of the renewable fuel blend sales, the type and amount of the renewable fuel blends dispensed at each location, and the average price of such fuel.

(5) NOTIFICATION REQUIREMENTS.—Not later than the date on which each renewable fuel blend station begins to offer renewable fuel blends to the public, the grant recipient that used grant funds to construct or upgrade such station shall notify the Secretary of such opening. The Secretary shall add each new renewable fuel blend station to the renewable fuel blend station locator on its Website when it receives notification under this subsection.

(6) DOUBLE COUNTING.—No person that receives a credit under section 30C of the Internal Revenue Code of 1986 may receive assistance under this section.

(7) RESERVATION OF FUNDS.—The Secretary shall reserve funds appropriated for the renewable fuel blends infrastructure development grant program for technical and marketing assistance described in subsection (c).

(c) RETAIL TECHNICAL AND MARKETING ASSISTANCE.—The Secretary shall enter into contracts with entities with demonstrated experience in assisting retail fueling stations in installing refueling systems and marketing renewable fuel blends nationally, for the provision of technical and marketing assistance to recipients of grants under this section. Such assistance shall include—

(1) technical advice for compliance with applicable Federal and State environmental requirements;

(2) help in identifying supply sources and securing long-term contracts; and

(3) provision of public outreach, education, and labeling materials.

(d) REFUELING INFRASTRUCTURE CORRIDORS.—

(1) IN GENERAL.—The Secretary shall establish a competitive grant pilot program (referred to in this subsection as the "pilot program"), to be administered through the Vehicle Technology Deployment Program of the Department, to provide not more than 10 geographically-dispersed project grants to State governments, Indian tribal governments, local governments, metropolitan transportation authorities, or partnerships of those entities to carry out 1 or more projects for the purposes described in paragraph (2).

(2) GRANT PURPOSES.—A grant under this subsection shall be used for the establishment of refueling infrastructure corridors, as designated by the Secretary, for renewable fuel blends, including—

(A) installation of infrastructure and equipment necessary to ensure adequate distribution of renewable fuel blends within the corridor;

(B) installation of infrastructure and equipment necessary to directly support vehicles powered by renewable fuel blends; and

(C) operation and maintenance of infrastructure and equipment installed as part of a project funded by the grant.

(3) APPLICATIONS.—

(A) REQUIREMENTS.—

(i) IN GENERAL.—Subject to clause (ii), not later than 90 days after the date of enactment of this Act, the Secretary shall issue requirements for use in applying for grants under the pilot program.

(ii) MINIMUM REQUIREMENTS.—At a minimum, the Secretary shall require that an application for a grant under this subsection—

(I) be submitted by—

(aa) the head of a State, tribal, or local government or a metropolitan transportation authority, or any combination of those entities; and

(bb) a registered participant in the Vehicle Technology Deployment Program of the Department; and

(II) include—

(aa) a description of the project proposed in the application, including the ways in which the project meets the requirements of this subsection;

(bb) an estimate of the degree of use of the project, including the estimated size of fleet of vehicles operated with renewable fuels blend available within the geographic region of the corridor, measured as a total quantity and a percentage;

(cc) an estimate of the potential petroleum displaced as a result of the project (measured as a total quantity and a percentage), and a plan to collect and disseminate petroleum displacement and other relevant data relating to the project to be funded under the grant, over the expected life of the project;

(dd) a description of the means by which the project will be sustainable without Federal assistance after the completion of the term of the grant;

(ee) a complete description of the costs of the project, including acquisition, construction, operation, and maintenance costs over the expected life of the project; and

(ff) a description of which costs of the project will be supported by Federal assistance under this subsection.

(B) PARTNERS.—An applicant under subparagraph (A) may carry out a project under the pilot program in partnership with public and private entities.

(4) SELECTION CRITERIA.—In evaluating applications under the pilot program, the Secretary shall—

(A) consider the experience of each applicant with previous, similar projects; and

(B) give priority consideration to applications that—

(i) are most likely to maximize displacement of petroleum consumption, measured as a total quantity and a percentage;

(ii) are best able to incorporate existing infrastructure while maximizing, to the extent practicable, the use of advanced biofuels;

(iii) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed project and the greatest likelihood that the project will be maintained or expanded after Federal assistance under this subsection is completed;

(iv) represent a partnership of public and private entities; and

(v) exceed the minimum requirements of paragraph (3)(A)(ii).

(5) PILOT PROJECT REQUIREMENTS.—

(A) MAXIMUM AMOUNT.—The Secretary shall provide not more than $20,000,000 in Federal assistance under the pilot program to any applicant.

(B) COST SHARING.—The non-Federal share of the cost of any activity relating to renewable fuel blend infrastructure development carried out using funds from a grant under this subsection shall be not less than 20 percent.

(C) MAXIMUM PERIOD OF GRANTS.—The Secretary shall not provide funds to any applicant under the pilot program for more than 2 years.

(D) DEPLOYMENT AND DISTRIBUTION.—The Secretary shall seek, to the maximum extent practicable, to ensure a broad geographic distribution of project sites funded by grants under this subsection.

(E) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(6) SCHEDULE.—

(A) INITIAL GRANTS.—

(i) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for applications to carry out projects under the pilot program.

(ii) DEADLINE.—An application described in clause (i) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that clause.

(iii) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under clause (ii), the Secretary shall select by competitive, peer-reviewed proposal up to 5 applications for projects to be awarded a grant under the pilot program.

(B) ADDITIONAL GRANTS.—

(i) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for additional applications to carry out projects under the pilot program that incorporate the information and knowledge obtained through the implementation of the first round of projects authorized under the pilot program.

(ii) DEADLINE.—An application described in clause (i) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that clause.

(iii) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under clause (ii), the Secretary shall select by competitive, peer-reviewed proposal such additional applications for projects to be awarded a grant under the pilot program as the Secretary determines to be appropriate.

(7) REPORTS TO CONGRESS.—

(A) INITIAL REPORT.—Not later than 60 days after the date on which grants are awarded under this subsection, the Secretary shall submit to Congress a report containing—

(i) an identification of the grant recipients and a description of the projects to be funded under the pilot program;

(ii) an identification of other applicants that submitted applications for the pilot program but to which funding was not provided; and

(iii) a description of the mechanisms used by the Secretary to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(B) EVALUATION.—Not later than 2 years after the date of enactment of this Act, and annually thereafter until the termination of the pilot program, the Secretary shall submit to Congress a report containing an evaluation of the effectiveness of the pilot program, including an assessment of the petroleum displacement and benefits to the environment derived from the projects included in the pilot program.

(e) RESTRICTION.—No grant shall be provided under subsection (b) or (c) to a large, vertically integrated oil company.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $200,000,000 for each of the fiscal years 2008 through 2014.

SEC. 245. STUDY OF THE ADEQUACY OF TRANSPORTATION OF DOMESTICALLY-PRODUCED RENEWABLE FUEL BY RAILROADS AND OTHER MODES OF TRANSPORTATION.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in coordination with the Secretary of Transportation, shall jointly conduct a study of the adequacy of transportation of domestically-produced renewable fuels by railroad and other modes of transportation as designated by the Secretaries.

(2) COMPONENTS.—In conducting the study under paragraph (1), the Secretaries shall—

(A) consider the adequacy of existing railroad and other transportation and distribution infrastructure, equipment, service and capacity to move the necessary quantities of domestically-produced renewable fuel within the timeframes;

(B)(i) consider the projected costs of moving the domestically-produced renewable fuel by railroad and other modes transportation; and

(ii) consider the impact of the projected costs on the marketability of the domestically-produced renewable fuel;

(C) identify current and potential impediments to the reliable transportation and distribution of adequate supplies of domestically-produced renewable fuel at reasonable prices, including practices currently utilized by domestic producers, shippers, and receivers of renewable fuels;

(D) consider whether adequate competition exists within and between modes of transportation for the transportation and distribution of domestically-produced renewable fuel and, whether inadequate competition leads to an unfair price for the transportation and distribution of domestically-produced renewable fuel or unacceptable service for transportation of domestically-produced renewable fuel;

(E) consider whether Federal agencies have adequate legal authority to address instances of inadequate competition when inadequate competition is found to prevent domestic producers for renewable fuels from obtaining a fair and reasonable transportation price or acceptable service for the transportation and distribution of domestically-produced renewable fuels;

(F) consider whether Federal agencies have adequate legal authority to address railroad and transportation service problems that may be resulting in inadequate supplies of domestically-produced renewable fuel in any area of the United States;

(G) consider what transportation infrastructure capital expenditures may be necessary to ensure the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices within the United States and which public and private entities should be responsible for making such expenditures; and

(H) provide recommendations on ways to facilitate the reliable transportation of adequate supplies of domestically-produced renewable fuel at reasonable prices.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretaries shall jointly submit to the Committee on Commerce, Science and Transportation, the Committee on Energy and Natural Resources, and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives a report that describes

the results of the study conducted under subsection (a).

SEC. 246. FEDERAL FLEET FUELING CENTERS.

(a) IN GENERAL.—Not later than January 1, 2010, the head of each Federal agency shall install at least 1 renewable fuel pump at each Federal fleet fueling center in the United States under the jurisdiction of the head of the Federal agency.

(b) REPORT.—Not later than October 31 of the first calendar year beginning after the date of the enactment of this Act, and each October 31 thereafter, the President shall submit to Congress a report that describes the progress toward complying with subsection (a), including identifying—

(1) the number of Federal fleet fueling centers that contain at least 1 renewable fuel pump; and

(2) the number of Federal fleet fueling centers that do not contain any renewable fuel pumps.

(c) DEPARTMENT OF DEFENSE FACILITY.—This section shall not apply to a Department of Defense fueling center with a fuel turnover rate of less than 100,000 gallons of fuel per year.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 247. STANDARD SPECIFICATIONS FOR BIODIESEL.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by redesignating subsection (s) as subsection (t), redesignating subsection (r) (relating to conversion assistance for cellulosic biomass, waste-derived ethanol, approved renewable fuels) as subsection (s) and by adding the following new subsection at the end thereof:

"(u) STANDARD SPECIFICATIONS FOR BIODIESEL.—(1) Unless the American Society for Testing and Materials has adopted a standard for diesel fuel containing 20 percent biodiesel (commonly known as 'B20') within 1 year after the date of enactment of this subsection, the Administrator shall initiate a rulemaking to establish a uniform per gallon fuel standard for such fuel and designate an identification number so that vehicle manufacturers are able to design engines to use fuel meeting such standard.

"(2) Unless the American Society for Testing and Materials has adopted a standard for diesel fuel containing 5 percent biodiesel (commonly known as 'B5') within 1 year after the date of enactment of this subsection, the Administrator shall initiate a rulemaking to establish a uniform per gallon fuel standard for such fuel and designate an identification so that vehicle manufacturers are able to design engines to use fuel meeting such standard.

"(3) Whenever the Administrator is required to initiate a rulemaking under paragraph (1) or (2), the Administrator shall promulgate a final rule within 18 months after the date of the enactment of this subsection.

"(4) Not later than 180 days after the enactment of this subsection, the Administrator shall establish an annual inspection and enforcement program to ensure that diesel fuel containing biodiesel sold or distributed in interstate commerce meets the standards established under regulations under this section, including testing and certification for compliance with applicable standards of the American Society for Testing and Materials. There are authorized to be appropriated to carry out the inspection and enforcement program under this paragraph $3,000,000 for each of fiscal years 2008 through 2010.

"(5) For purposes of this subsection, the term 'biodiesel' has the meaning provided by section 312(f) of Energy Policy Act of 1992 (42 U.S.C. 13220(f)).".

SEC. 248. BIOFUELS DISTRIBUTION AND ADVANCED BIOFUELS INFRASTRUCTURE.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Transportation and in consultation with the Administrator of the Environmental Protection Agency, shall carry out a program of research, development, and demonstration relating to existing transportation fuel distribution infrastructure and new alternative distribution infrastructure.

(b) FOCUS.—The program described in subsection (a) shall focus on the physical and chemical properties of biofuels and efforts to prevent or mitigate against adverse impacts of those properties in the areas of—

(1) corrosion of metal, plastic, rubber, cork, fiberglass, glues, or any other material used in pipes and storage tanks;

(2) dissolving of storage tank sediments;

(3) clogging of filters;

(4) contamination from water or other adulterants or pollutants;

(5) poor flow properties related to low temperatures;

(6) oxidative and thermal instability in long-term storage and uses;

(7) microbial contamination;

(8) problems associated with electrical conductivity; and

(9) such other areas as the Secretary considers appropriate.

Subtitle D—Environmental Safeguards

SEC. 251. WAIVER FOR FUEL OR FUEL ADDITIVES.

Section 211(f)(4) of the Clean Air Act (42 U.S.C. 7545(f)) is amended to read as follows:

"(4) The Administrator, upon application of any manufacturer of any fuel or fuel additive, may waive the prohibitions established under paragraph (1) or (3) of this subsection or the limitation specified in paragraph (2) of this subsection, if he determines that the applicant has established that such fuel or fuel additive or a specified concentration thereof, and the emission products of such fuel or fuel additive or specified concentration thereof, will not cause or contribute to a failure of any emission control device or system (over the useful life of the motor vehicle, motor vehicle engine, nonroad engine or nonroad vehicle in which such device or system is used) to achieve compliance by the vehicle or engine with the emission standards with respect to which it has been certified pursuant to sections 206 and 213(a). The Administrator shall take final action to grant or deny an application submitted under this paragraph, after public notice and comment, within 270 days of the receipt of such an application.".

TITLE III—ENERGY SAVINGS THROUGH IMPROVED STANDARDS FOR APPLIANCE AND LIGHTING

Subtitle A—Appliance Energy Efficiency

SEC. 301. EXTERNAL POWER SUPPLY EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended—

(1) in paragraph (36)—

(A) by striking "(36) The" and inserting the following:

"(36) EXTERNAL POWER SUPPLY.—

"(A) IN GENERAL.—The"; and

(B) by adding at the end the following:

"(B) ACTIVE MODE.—The term 'active mode' means the mode of operation when an external power supply is connected to the main electricity supply and the output is connected to a load.

"(C) CLASS A EXTERNAL POWER SUPPLY.—

"(i) IN GENERAL.—The term 'class A external power supply' means a device that—

"(I) is designed to convert line voltage AC input into lower voltage AC or DC output;

"(II) is able to convert to only 1 AC or DC output voltage at a time;

"(III) is sold with, or intended to be used with, a separate end-use product that constitutes the primary load;

"(IV) is contained in a separate physical enclosure from the end-use product;

"(V) is connected to the end-use product via a removable or hard-wired male/female electrical connection, cable, cord, or other wiring; and

"(VI) has nameplate output power that is less than or equal to 250 watts.

"(ii) EXCLUSIONS.—The term 'class A external power supply' does not include any device that—

"(I) requires Federal Food and Drug Administration listing and approval as a medical device in accordance with section 513 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360c); or

"(II) powers the charger of a detachable battery pack or charges the battery of a product that is fully or primarily motor operated.

"(D) NO-LOAD MODE.—The term 'no-load mode' means the mode of operation when an external power supply is connected to the main electricity supply and the output is not connected to a load."; and

(2) by adding at the end the following:

"(52) DETACHABLE BATTERY.—The term 'detachable battery' means a battery that is—

"(A) contained in a separate enclosure from the product; and

"(B) intended to be removed or disconnected from the product for recharging.".

(b) TEST PROCEDURES.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) is amended by adding at the end the following:

"(17) CLASS A EXTERNAL POWER SUPPLIES.—Test procedures for class A external power supplies shall be based on the 'Test Method for Calculating the Energy Efficiency of Single-Voltage External AC–DC and AC–AC Power Supplies' published by the Environmental Protection Agency on August 11, 2004, except that the test voltage specified in section 4(d) of that test method shall be only 115 volts, 60 Hz.".

(c) EFFICIENCY STANDARDS FOR CLASS A EXTERNAL POWER SUPPLIES.—Section 325(u) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)) is amended by adding at the end the following:

"(6) EFFICIENCY STANDARDS FOR CLASS A EXTERNAL POWER SUPPLIES.—

"(A) IN GENERAL.—Subject to subparagraphs (B) through (D), a class A external power supply manufactured on or after the later of July 1, 2008, or the date of enactment of this paragraph shall meet the following standards:

"Active Mode	
"Nameplate Output	**Required Efficiency (decimal equivalent of a percentage)**
Less than 1 watt	0.5 times the Nameplate Output
From 1 watt to not more than 51 watts	The sum of 0.09 times the Natural Logarithm of the Nameplate Output and 0.5
Greater than 51 watts	0.85
"No-Load Mode	
"Nameplate Output	**Maximum Consumption**
Not more than 250 watts	0.5 watts

"(B) NONCOVERED SUPPLIES.—A class A external power supply shall not be subject to subparagraph (A) if the class A external power supply is—

"(i) manufactured during the period beginning on July 1, 2008, and ending on June 30, 2015; and

"(ii) made available by the manufacturer as a service part or a spare part for an end-use product—

"(I) that constitutes the primary load; and

"(II) was manufactured before July 1, 2008.

"(C) MARKING.—Any class A external power supply manufactured on or after the later of July 1, 2008 or the date of enactment of this paragraph shall be clearly and permanently marked in accordance with the External Power Supply International Efficiency Marking Protocol, as referenced in the 'Energy Star Program Requirements for Single Voltage External AC-DC and AC-AC Power Supplies, version 1.1' published by the Environmental Protection Agency.

"(D) AMENDMENT OF STANDARDS.—

"(i) FINAL RULE BY JULY 1, 2011.—

"(I) IN GENERAL.—Not later than July 1, 2011, the Secretary shall publish a final rule to determine whether the standards established under subparagraph (A) should be amended.

"(II) ADMINISTRATION.—The final rule shall—

"(aa) contain any amended standards; and

"(bb) apply to products manufactured on or after July 1, 2013.

"(ii) FINAL RULE BY JULY 1, 2015.—

"(I) IN GENERAL.—Not later than July 1, 2015 the Secretary shall publish a final rule to determine whether the standards then in effect should be amended.

"(II) ADMINISTRATION.—The final rule shall—

"(aa) contain any amended standards; and

"(bb) apply to products manufactured on or after July 1, 2017.

"(7) END-USE PRODUCTS.—An energy conservation standard for external power supplies shall not constitute an energy conservation standard for the separate end-use product to which the external power supplies is connected.".

SEC. 302. UPDATING APPLIANCE TEST PROCEDURES.

(a) CONSUMER APPLIANCES.—Section 323(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)(1)) is amended by striking "(1)" and all that follows through the end of the paragraph and inserting the following:

"(1) TEST PROCEDURES.—

"(A) AMENDMENT.—At least once every 7 years, the Secretary shall review test procedures for all covered products and—

"(i) amend test procedures with respect to any covered product, if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraph (3); or

"(ii) publish notice in the Federal Register of any determination not to amend a test procedure.".

(b) INDUSTRIAL EQUIPMENT.—Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended by striking "(a)" and all that follows through the end of paragraph (1) and inserting the following:

"(a) PRESCRIPTION BY SECRETARY; REQUIREMENTS.—

"(1) TEST PROCEDURES.—

"(A) AMENDMENT.—At least once every 7 years, the Secretary shall conduct an evaluation of each class of covered equipment and—

"(i) if the Secretary determines that amended test procedures would more accurately or fully comply with the requirements of paragraphs (2) and (3), shall prescribe test procedures for the class in accordance with this section; or

"(ii) shall publish notice in the Federal Register of any determination not to amend a test procedure.".

SEC. 303. RESIDENTIAL BOILERS.

Section 325(f) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)) is amended—

(1) in the subsection heading, by inserting "AND BOILERS" after "FURNACES";

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following:

"(3) BOILERS.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), boilers manufactured on or after September 1, 2012, shall meet the following requirements:

Boiler Type	Minimum Annual Fuel Utilization Efficiency	Design Requirements
Gas Hot Water	82%	No Constant Burning Pilot, Automatic Means for Adjusting Water Temperature
Gas Steam	80%	No Constant Burning Pilot
Oil Hot Water	84%	Automatic Means for Adjusting Temperature
Oil Steam	82%	None
Electric Hot Water	None	Automatic Means for Adjusting Temperature
Electric Steam	None	None

"(B) AUTOMATIC MEANS FOR ADJUSTING WATER TEMPERATURE.—

"(i) IN GENERAL.—The manufacturer shall equip each gas, oil, and electric hot water boiler (other than a boiler equipped with a tankless domestic water heating coil) with automatic means for adjusting the temperature of the water supplied by the boiler to ensure that an incremental change in inferred heat load produces a corresponding incremental change in the temperature of water supplied.

"(ii) SINGLE INPUT RATE.—For a boiler that fires at 1 input rate, the requirements of this subparagraph may be satisfied by providing an automatic means that allows the burner or heating element to fire only when the means has determined that the inferred heat load cannot be met by the residual heat of the water in the system.

"(iii) NO INFERRED HEAT LOAD.—When there is no inferred heat load with respect to a hot water boiler, the automatic means described in clause (i) and (ii) shall limit the temperature of the water in the boiler to not more than 140 degrees Fahrenheit.

"(iv) OPERATION.—A boiler described in clause (i) or (ii) shall be operable only when the automatic means described in clauses (i), (ii), and (iii) is installed.

"(C) EXCEPTION.—A boiler that is manufactured to operate without any need for electricity or any electric connection, electric gauges, electric pumps, electric wires, or electric devices shall not be required to meet the requirements of this paragraph.".

SEC. 304. FURNACE FAN STANDARD PROCESS.

Paragraph (4)(D) of section 325(f) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)) (as redesignated by section 303(4)) is amended by striking "the Secretary may" and inserting "not later than December 31, 2013, the Secretary shall".

SEC. 305. IMPROVING SCHEDULE FOR STANDARDS UPDATING AND CLARIFYING STATE AUTHORITY.

(a) CONSUMER APPLIANCES.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by striking subsection (m) and inserting the following:

"(m) AMENDMENT OF STANDARDS.—

"(1) IN GENERAL.—Not later than 6 years after issuance of any final rule establishing or amending a standard, as required for a product under this part, the Secretary shall publish—

"(A) a notice of the determination of the Secretary that standards for the product do not need to be amended, based on the criteria established under subsection (n)(2); or

"(B) a notice of proposed rulemaking including new proposed standards based on the criteria established under subsection (o) and the procedures established under subsection (p).

"(2) NOTICE.—If the Secretary publishes a notice under paragraph (1), the Secretary shall—

"(A) publish a notice stating that the analysis of the Department is publicly available; and

"(B) provide an opportunity for written comment.

"(3) AMENDMENT OF STANDARD; NEW DETERMINATION.—

"(A) AMENDMENT OF STANDARD.—Not later than 2 years after a notice is issued under paragraph (1)(B), the Secretary shall publish a final rule amending the standard for the product.

"(B) NEW DETERMINATION.—Not later than 3 years after a determination under paragraph (1)(A), the Secretary shall make a new determination and publication under subparagraph (A) or (B) of paragraph (1).

"(4) APPLICATION TO PRODUCTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an amendment prescribed under this subsection shall apply to—

"(i) with respect to refrigerators, refrigerator-freezers, freezers, room air conditioners, dishwashers, clothes washers, clothes dryers, fluorescent lamp ballasts, and kitchen ranges and ovens, such a product that is manufactured after the date that is 3 years after publication of the final rule establishing an applicable standard; and

"(ii) with respect to central air conditioners, heat pumps, water heaters, pool heaters, direct heating equipment, and furnaces, such a product that is manufactured after the date that is 5 years after publication of the final rule establishing an applicable standard.

"(B) OTHER NEW STANDARDS.—A manufacturer shall not be required to apply new standards to a product with respect to which other new standards have been required during the prior 6-year period.

"(5) REPORTS.—The Secretary shall promptly submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate—

"(A) a progress report every 180 days on compliance with this section, including a specific plan to remedy any failures to comply with deadlines for action established under this section; and

"(B) all required reports to the Court or to any party to the Consent Decree in State of New York v Bodman, Consolidated Civil Actions No. 05 Civ. 7807 and No. 05 Civ. 7808.".

(b) INDUSTRIAL EQUIPMENT.—Section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D); and

(2) by striking "(6)(A)(i)" and all that follows through the end of subparagraph (B) and inserting the following:

"(6) AMENDED ENERGY EFFICIENCY STANDARDS.—

"(A) IN GENERAL.—

"(i) ANALYSIS OF POTENTIAL ENERGY SAVINGS.—If ASHRAE/IES Standard 90.1 is amended with respect to any small commercial package air conditioning and heating equipment, large commercial package air conditioning and heating equipment, very large commercial package air conditioning and heating equipment, packaged terminal air conditioners, packaged terminal heat pumps, warm-air furnaces, packaged boilers, storage water heaters, instantaneous water heaters, or unfired hot water storage tanks, not later than 180 days after the amendment of the standard, the Secretary shall publish in the Federal Register for public comment an analysis of the energy savings potential of amended energy efficiency standards.

"(ii) AMENDED UNIFORM NATIONAL STANDARD FOR PRODUCTS.—

"(I) IN GENERAL.—Except as provided in subclause (II), not later than 18 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for a product described in clause (i), the Secretary shall establish an amended uniform national standard for the product at the minimum level specified in the amended ASHRAE/IES Standard 90.1.

"(II) MORE STRINGENT STANDARD.—Subclause (I) shall not apply if the Secretary determines, by rule published in the Federal Register, and supported by clear and convincing evidence, that adoption of a uniform national standard more stringent than the amended ASHRAE/IES Standard 90.1 for the product would result in significant additional conservation of energy and is technologically feasible and economically justified.

"(B) RULE.—If the Secretary makes a determination described in clause (ii)(II) for a product described in clause (i), not later than 30 months after the date of publication of the amendment to the ASHRAE/IES Standard 90.1 for the product, the Secretary shall issue the rule establishing the amended standard.

"(C) AMENDMENT OF STANDARD.—

"(i) IN GENERAL.—Not later than 6 years after issuance of any final rule establishing or amending a standard, as required for a product under this part, the Secretary shall publish—

"(I) a notice of the determination of the Secretary that standards for the product do not need to be amended, based on the criteria established under subparagraph (A); or

"(II) a notice of proposed rulemaking including new proposed standards based on the criteria and procedures established under subparagraph (B).

"(ii) NOTICE.—If the Secretary publishes a notice under clause (i), the Secretary shall—

"(I) publish a notice stating that the analysis of the Department is publicly available; and

"(II) provide an opportunity for written comment.

"(iii) AMENDMENT OF STANDARD; NEW DETERMINATION.—

"(I) AMENDMENT OF STANDARD.—Not later than 2 years after a notice is issued under clause (i)(II), the Secretary shall publish a final rule amending the standard for the product.

"(II) NEW DETERMINATION.—Not later than 3 years after a determination under clause (i)(I), the Secretary shall make a new determination and publication under subclause (I) or (II) of clause (i).

"(iv) APPLICATION TO PRODUCTS.—An amendment prescribed under this subsection shall apply to products manufactured after a date that is the later of—

"(I) the date that is 3 years after publication of the final rule establishing a new standard; or

"(II) the date that is 6 years after the effective date of the current standard for a covered product.

"(v) REPORTS.—The Secretary shall promptly submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a progress report every 180 days on compliance with this subparagraph, including a specific plan to remedy any failures to comply with deadlines for action established under this subparagraph.".

SEC. 306. REGIONAL STANDARDS FOR FURNACES, CENTRAL AIR CONDITIONERS, AND HEAT PUMPS.

(a) IN GENERAL.—Section 325(o) of the Energy Policy and Conservation Act (42 U.S.C. 6295(o)) is amended by adding at the end the following:

"(6) REGIONAL STANDARDS FOR FURNACES, CENTRAL AIR CONDITIONERS, AND HEAT PUMPS.—

"(A) IN GENERAL.—In any rulemaking to establish a new or amended standard, the Secretary may consider the establishment of separate standards by geographic region for furnaces (except boilers), central air conditioners, and heat pumps.

"(B) NATIONAL AND REGIONAL STANDARDS.—

"(i) NATIONAL STANDARD.—If the Secretary establishes a regional standard for a product, the Secretary shall establish a base national standard for the product.

"(ii) REGIONAL STANDARDS.—If the Secretary establishes a regional standard for a product, the Secretary may establish more restrictive standards for the product by geographic region as follows:

"(I) For furnaces, the Secretary may establish 1 additional standard that is applicable in a geographic region defined by the Secretary.

"(II) For any cooling product, the Secretary may establish 1 or 2 additional standards that are applicable in 1 or 2 geographic regions as may be defined by the Secretary.

"(C) BOUNDARIES OF GEOGRAPHIC REGIONS.—

"(i) IN GENERAL.—Subject to clause (ii), the boundaries of additional geographic regions established by the Secretary under this paragraph shall include only contiguous States.

"(ii) ALASKA AND HAWAII.—The States of Alaska and Hawaii may be included under this paragraph in a geographic region that the States are not contiguous to.

"(iii) INDIVIDUAL STATES.—Individual States shall be placed only into a single region under this paragraph.

"(D) PREREQUISITES.—In establishing additional regional standards under this paragraph, the Secretary shall—

"(i) establish additional regional standards only if the Secretary determines that—

"(I) the establishment of additional regional standards will produce significant energy savings in comparison to establishing only a single national standard; and

"(II) the additional regional standards are economically justified under this paragraph; and

"(ii) consider the impact of the additional regional standards on consumers, manufacturers, and other market participants, including product distributors, dealers, contractors, and installers.

"(E) APPLICATION; EFFECTIVE DATE.—

"(i) BASE NATIONAL STANDARD.—Any base national standard established for a product under this paragraph shall—

"(I) be the minimum standard for the product; and

"(II) apply to all products manufactured or imported into the United States on and after the effective date for the standard.

"(ii) REGIONAL STANDARDS.—Any additional and more restrictive regional standard established for a product under this paragraph shall apply to any such product installed on or after the effective date of the standard in States in which the Secretary has designated the standard to apply.

"(F) CONTINUATION OF REGIONAL STANDARDS.—

"(i) IN GENERAL.—In any subsequent rulemaking for any product for which a regional standard has been previously established, the Secretary shall determine whether to continue the establishment of separate regional standards for the product.

"(ii) REGIONAL STANDARD NO LONGER APPROPRIATE.—Except as provided in clause (iii), if the Secretary determines that regional standards are no longer appropriate for a product, beginning on the effective date of the amended standard for the product—

"(I) there shall be 1 base national standard for the product with Federal enforcement; and

"(II) State authority for enforcing a regional standard for the product shall terminate.

"(iii) REGIONAL STANDARD APPROPRIATE BUT STANDARD OR REGION CHANGED.—

"(I) STATE NO LONGER CONTAINED IN REGION.—Subject to subclause (III), if a State is no longer contained in a region in which a regional standard that is more stringent than the base national standard applies, the authority of the State to enforce the regional standard shall terminate.

"(II) STANDARD OR REGION REVISED SO THAT EXISTING REGIONAL STANDARD EQUALS BASE NATIONAL STANDARD.—If the Secretary revises a base national standard for a product or the geographic definition of a region so that an existing regional standard for a State is equal to the revised base national standard—

"(aa) the authority of the State to enforce the regional standard shall terminate on the effective date of the revised base national standard; and

"(bb) the State shall be subject to the revised base national standard.

"(III) STANDARD OR REGION REVISED SO THAT EXISTING REGIONAL STANDARD EQUALS BASE NATIONAL STANDARD.—If the Secretary revises a base national standard for a product or the geographic definition of a region so that the standard for a State is lower than the previously approved regional standard, the State may continue to enforce the previously approved standard level.

"(iv) WAIVER OF FEDERAL PREEMPTION.—Nothing in this paragraph diminishes the authority of a State to enforce a State regulation for which a waiver of Federal preemption has been granted under section 327(d).

"(G) ENFORCEMENT.—

"(i) BASE NATIONAL STANDARD.—

"(I) IN GENERAL.—The Secretary shall enforce any base national standard.

"(II) TRADE ASSOCIATION CERTIFICATION PROGRAMS.—In enforcing the base national standard, the Secretary shall use, to the maximum extent practicable, national standard nationally recognized certification programs of trade associations.

"(ii) REGIONAL STANDARDS.—

"(I) ENFORCEMENT PLAN.—Not later than 90 days after the date of the issuance of a final rule that establishes a regional standard, the Secretary shall initiate a rulemaking to develop and implement an effective enforcement plan for regional standards for the products that are covered by the final rule.

"(II) RESPONSIBLE ENTITIES.—Any rules regarding enforcement of a regional standard shall clearly specify which entities are legally responsible for compliance with the standards and for making any required information or labeling disclosures.

"(III) FINAL RULE.—Not later than 15 months after the date of the issuance of a final rule that

establishes a regional standard for a product, the Secretary shall promulgate a final rule covering enforcement of regional standards for the product.

"(IV) INCORPORATION BY STATES AND LOCALITIES.—A State or locality may incorporate any Federal regional standard into State or local building codes or State appliance standards.

"(V) STATE ENFORCEMENT.—A State agency may seek enforcement of a Federal regional standard in a Federal court of competent jurisdiction.

"(H) INFORMATION DISCLOSURE.—

"(i) IN GENERAL.—Not later than 90 days after the date of the publication of a final rule that establishes a regional standard for a product, the Federal Trade Commission shall undertake a rulemaking to determine the appropriate 1 or more methods for disclosing information so that consumers, distributors, contractors, and installers can easily determine whether a specific piece of equipment that is installed in a specific building is in conformance with the regional standard that applies to the building.

"(ii) METHODS.—A method of disclosing information under clause (i) may include—

"(I) modifications to the Energy Guide label; or

"(II) other methods that make it easy for consumers and installers to use and understand at the point of installation.

"(iii) COMPLETION OF RULEMAKING.—The rulemaking shall be completed not later 15 months after the date of the publication of a final rule that establishes a regional standard for a product.".

(b) PROHIBITED ACTS.—Section 332(a) of the Energy Policy and Conservation Act (42 U.S.C. 6302(a)) is amended—

(1) in paragraph (4), by striking "or" after the semicolon at the end;

(2) in paragraph (5), by striking "part." and inserting "part, except to the extent that the new covered product is covered by a regional standard that is more stringent than the base national standard; or"; and

(3) by adding at the end the following:

"(6) for any manufacturer or private labeler to knowingly sell a product to a distributor, contractor, or dealer with knowledge that the entity routinely violates any regional standard applicable to the product.".

(c) CONSIDERATION OF PRICES AND OPERATING PATTERNS.—Section 342(a)(6)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)(B)) is amended by adding at the end the following:

"(iii) CONSIDERATION OF PRICES AND OPERATING PATTERNS.—If the Secretary is considering revised standards for air-cooled 3-phase central air conditioners and central air conditioning heat pumps with less 65,000 Btu per hour (cooling capacity), the Secretary shall use commercial energy prices and operating patterns in all analyses conducted by the Secretary.".

SEC. 307. PROCEDURE FOR PRESCRIBING NEW OR AMENDED STANDARDS.

Section 325(p) of the Energy Policy and Conservation Act (42 U.S.C. 6925(p)) is amended—

(1) by striking paragraph (1); and

(2) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

SEC. 308. EXPEDITED RULEMAKINGS.

(a) PROCEDURE FOR PRESCRIBING NEW OR AMENDED STANDARDS.—Section 325(p) of the Energy Policy and Conservation Act (42 U.S.C. 6295(p)) (as amended by section 307) is amended by adding at the end the following:

"(4) DIRECT FINAL RULES.—

"(A) IN GENERAL.—On receipt of a statement that is submitted jointly by interested persons that are fairly representative of relevant points of view (including representatives of manufacturers of covered products, States, and efficiency advocates), as determined by the Secretary, and contains recommendations with respect to an energy or water conservation standard—

"(i) if the Secretary determines that the recommended standard contained in the statement is in accordance with subsection (o) or section 342(a)(6)(B), as applicable, the Secretary may issue a final rule that establishes an energy or water conservation standard and is published simultaneously with a notice of proposed rulemaking that proposes a new or amended energy or water conservation standard that is identical to the standard established in the final rule to establish the recommended standard (referred to in this paragraph as a 'direct final rule'); or

"(ii) if the Secretary determines that a direct final rule cannot be issued based on the statement, the Secretary shall publish a notice of the determination, together with an explanation of the reasons for the determination.

"(B) PUBLIC COMMENT.—The Secretary shall solicit public comment for a period of at least 110 days with respect to each direct final rule issued by the Secretary under subparagraph (A)(i).

"(C) WITHDRAWAL OF DIRECT FINAL RULES.—

"(i) IN GENERAL.—Not later than 120 days after the date on which a direct final rule issued under subparagraph (A)(i) is published in the Federal Register, the Secretary shall withdraw the direct final rule if—

"(I) the Secretary receives 1 or more adverse public comments relating to the direct final rule under subparagraph (B)(i) or any alternative joint recommendation; and

"(II) based on the rulemaking record relating to the direct final rule, the Secretary determines that such adverse public comments or alternative joint recommendation may provide a reasonable basis for withdrawing the direct final rule under subsection (o), section 342(a)(6)(B), or any other applicable law.

"(ii) ACTION ON WITHDRAWAL.—On withdrawal of a direct final rule under clause (i), the Secretary shall—

"(I) proceed with the notice of proposed rulemaking published simultaneously with the direct final rule as described in subparagraph (A)(i); and

"(II) publish in the Federal Register the reasons why the direct final rule was withdrawn.

"(iii) TREATMENT OF WITHDRAWN DIRECT FINAL RULES.—A direct final rule that is withdrawn under clause (i) shall not be considered to be a final rule for purposes of subsection (o).

"(D) EFFECT OF PARAGRAPH.—Nothing in this paragraph authorizes the Secretary to issue a direct final rule based solely on receipt of more than 1 statement containing recommended standards relating to the direct final rule.".

(b) CONFORMING AMENDMENT.—Section 345(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6316(b)(1)) is amended in the first sentence by inserting "section 325(p)(5)," after "The provisions of".

SEC. 309. BATTERY CHARGERS.

Section 325(u)(1)(E) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)(1)(E)) is amended—

(1) by striking "(E)(i) Not" and inserting the following:

"(E) EXTERNAL POWER SUPPLIES AND BATTERY CHARGERS.—

"(i) ENERGY CONSERVATION STANDARDS.—

"(I) EXTERNAL POWER SUPPLIES.—Not";

(2) by striking "3 years" and inserting "2 years";

(3) by striking "battery chargers and" each place it appears; and

(4) by adding at the end the following :

"(II) BATTERY CHARGERS.—Not later than July 1, 2011, the Secretary shall issue a final rule that prescribes energy conservation standards for battery chargers or classes of battery chargers or determine that no energy conservation standard is technically feasible and economically justified.".

SEC. 310. STANDBY MODE.

Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended—

(1) in subsection (u)—

(A) by striking paragraphs (2), (3), and (4); and

(B) by redesignating paragraph (5) and (6) as paragraphs (2) and (3), respectively;

(2) by redesignating subsection (gg) as subsection (hh);

(3) by inserting after subsection (ff) the following:

"(gg) STANDBY MODE ENERGY USE.—

"(1) DEFINITIONS.—

"(A) IN GENERAL.—Unless the Secretary determines otherwise pursuant to subparagraph (B), in this subsection:

"(i) ACTIVE MODE.—The term 'active mode' means the condition in which an energy-using product—

"(I) is connected to a main power source;

"(II) has been activated; and

"(III) provides 1 or more main functions.

"(ii) OFF MODE.—The term 'off mode' means the condition in which an energy-using product—

"(I) is connected to a main power source; and

"(II) is not providing any standby or active mode function.

"(iii) STANDBY MODE.—The term 'standby mode' means the condition in which an energy-using product—

"(I) is connected to a main power source; and

"(II) offers 1 or more of the following user-oriented or protective functions:

"(aa) To facilitate the activation or deactivation of other functions (including active mode) by remote switch (including remote control), internal sensor, or timer.

"(bb) Continuous functions, including information or status displays (including clocks) or sensor-based functions.

"(B) AMENDED DEFINITIONS.—The Secretary may, by rule, amend the definitions under subparagraph (A), taking into consideration the most current versions of Standards 62301 and 62087 of the International Electrotechnical Commission.

"(2) TEST PROCEDURES.—

"(A) IN GENERAL.—Test procedures for all covered products shall be amended pursuant to section 323 to include standby mode and off mode energy consumption, taking into consideration the most current versions of Standards 62301 and 62087 of the International Electrotechnical Commission, with such energy consumption integrated into the overall energy efficiency, energy consumption, or other energy descriptor for each covered product, unless the Secretary determines that—

"(i) the current test procedures for a covered product already fully account for and incorporate the standby mode and off mode energy consumption of the covered product; or

"(ii) such an integrated test procedure is technically infeasible for a particular covered product, in which case the Secretary shall prescribe a separate standby mode and off mode energy use test procedure for the covered product, if technically feasible.

"(B) DEADLINES.—The test procedure amendments required by subparagraph (A) shall be prescribed in a final rule no later than the following dates:

"(i) December 31, 2008, for battery chargers and external power supplies.

"(ii) March 31, 2009, for clothes dryers, room air conditioners, and fluorescent lamp ballasts.

"(iii) June 30, 2009, for residential clothes washers.

"(iv) September 30, 2009, for residential furnaces and boilers.

"(v) March 31, 2010, for residential water heaters, direct heating equipment, and pool heaters.

"(vi) March 31, 2011, for residential dishwashers, ranges and ovens, microwave ovens, and dehumidifiers.

"(C) PRIOR PRODUCT STANDARDS.—The test procedure amendments adopted pursuant to subparagraph (B) shall not be used to determine compliance with product standards established prior to the adoption of the amended test procedures.

"(3) INCORPORATION INTO STANDARD.—

"(A) IN GENERAL.—Subject to subparagraph (B), based on the test procedures required under paragraph (2), any final rule establishing or revising a standard for a covered product, adopted after July 1, 2010, shall incorporate standby mode and off mode energy use into a single amended or new standard, pursuant to subsection (o), if feasible.

"(B) SEPARATE STANDARDS.—If not feasible, the Secretary shall prescribe within the final rule a separate standard for standby mode and off mode energy consumption, if justified under subsection (o)."; and

(4) in paragraph (2) of subsection (hh) (as redesignated by paragraph (2)) , by striking "(ff)" each place it appears and inserting "(gg)".

SEC. 311. ENERGY STANDARDS FOR HOME APPLIANCES.

(a) APPLIANCES.—

(1) DEHUMIDIFIERS.—Section 325(cc) of the Energy Policy and Conservation Act (42 U.S.C. 6295(cc)) is amended by striking paragraph (2) and inserting the following:

"(2) DEHUMIDIFIERS MANUFACTURED ON OR AFTER OCTOBER 1, 2012.—Dehumidifiers manufactured on or after October 1, 2012, shall have an Energy Factor that meets or exceeds the following values:

"Product Capacity (pints/day):	***Minimum Energy Factor (liters/KWh)***
Up to 35.00	*1.35*
35.01–45.00	*1.50*
45.01–54.00	*1.60*
54.01–75.00	*1.70*
Greater than 75.00	*2.5.".*

(2) RESIDENTIAL CLOTHES WASHERS AND RESIDENTIAL DISHWASHERS.—Section 325(g) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)) is amended by adding at the end the following:

"(9) RESIDENTIAL CLOTHES WASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2011.—

"(A) IN GENERAL.—A top-loading or front-loading standard-size residential clothes washer manufactured on or after January 1, 2011, shall have—

"(i) a Modified Energy Factor of at least 1.26; and

"(ii) a water factor of not more than 9.5.

"(B) AMENDMENT OF STANDARDS.—

"(i) IN GENERAL.—Not later than December 31, 2011, the Secretary shall publish a final rule determining whether to amend the standards in effect for clothes washers manufactured on or after January 1, 2015.

"(ii) AMENDED STANDARDS.—The final rule shall contain any amended standards.

"(10) RESIDENTIAL DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2010.—

"(A) IN GENERAL.—A dishwasher manufactured on or after January 1, 2010, shall—

"(i) for a standard size dishwasher not exceed 355 kwh/year and 6.5 gallon per cycle; and

"(ii) for a compact size dishwasher not exceed 260 kwh/year and 4.5 gallons per cycle.

"(B) AMENDMENT OF STANDARDS.—

"(i) IN GENERAL.—Not later than January 1, 2015, the Secretary shall publish a final rule determining whether to amend the standards for dishwashers manufactured on or after January 1, 2018.

"(ii) AMENDED STANDARDShe final rule shall contain any amended standards.".

(3) REFRIGERATORS AND FREEZERS.—Section 325(b) of the Energy Policy and Conservation Act (42 U.S.C. 6295(b)) is amended by adding at the end the following:

"(4) REFRIGERATORS AND FREEZERS MANUFACTURED ON OR AFTER JANUARY 1, 2014.—

"(A) IN GENERAL.—Not later than December 31, 2010, the Secretary shall publish a final rule determining whether to amend the standards in effect for refrigerators, refrigerator-freezers, and freezers manufactured on or after January 1, 2014.

"(B) AMENDED STANDARDS.—The final rule shall contain any amended standards.".

(b) ENERGY STAR.—Section 324A(d)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294a(d)(2)) is amended by striking "January 1, 2010" and inserting "July 1, 2009".

SEC. 312. WALK-IN COOLERS AND WALK-IN FREEZERS.

(a) DEFINITIONS.—Section 340 of the Energy Policy and Conservation Act (42 U.S.C. 6311) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (G) through (K) as subparagraphs (H) through (L), respectively; and

(B) by inserting after subparagraph (F) the following:

"(G) Walk-in coolers and walk-in freezers.";

(2) by redesignating paragraphs (20) and (21) as paragraphs (21) and (22), respectively; and

(3) by inserting after paragraph (19) the following:

"(20) WALK-IN COOLER; WALK-IN FREEZER.—

"(A) IN GENERAL.—The terms 'walk-in cooler' and 'walk-in freezer' mean an enclosed storage space refrigerated to temperatures, respectively, above, and at or below 32 degrees Fahrenheit that can be walked into, and has a total chilled storage area of less than 3,000 square feet.

"(B) EXCLUSION.—The terms 'walk-in cooler' and 'walk-in freezer' do not include products designed and marketed exclusively for medical, scientific, or research purposes.".

(b) STANDARDS.—Section 342 of the Energy Policy and Conservation Act (42 U.S.C. 6313) is amended by adding at the end the following:

"(f) WALK-IN COOLERS AND WALK-IN FREEZERS.—

"(1) IN GENERAL.—Subject to paragraphs (2) through (5), each walk-in cooler or walk-in freezer manufactured on or after January 1, 2009, shall—

"(A) have automatic door closers that firmly close all walk-in doors that have been closed to within 1 inch of full closure, except that this subparagraph shall not apply to doors wider than 3 feet 9 inches or taller than 7 feet;

"(B) have strip doors, spring hinged doors, or other method of minimizing infiltration when doors are open;

"(C) contain wall, ceiling, and door insulation of at least R–25 for coolers and R–32 for freezers, except that this subparagraph shall not apply to glazed portions of doors nor to structural members;

"(D) contain floor insulation of at least R–28 for freezers;

"(E) for evaporator fan motors of under 1 horsepower and less than 460 volts, use—

"(i) electronically commutated motors (brushless direct current motors); or

"(ii) 3-phase motors;

"(F) for condenser fan motors of under 1 horsepower, use—

"(i) electronically commutated motors;

"(ii) permanent split capacitor-type motors; or

"(iii) 3-phase motors; and

"(G) for all interior lights, use light sources with an efficacy of 40 lumens per watt or more, including ballast losses (if any), except that light sources with an efficacy of 40 lumens per watt or less, including ballast losses (if any), may be used in conjunction with a timer or device that turns off the lights within 15 minutes of when the walk-in cooler or walk-in freezer is not occupied by people.

"(2) ELECTRONICALLY COMMUTATED MOTORS.—

"(A) IN GENERAL.—The requirements of paragraph (1)(E)(i) for electronically commutated motors shall take effect January 1, 2009, unless, prior to that date, the Secretary determines that such motors are only available from 1 manufacturer.

"(B) OTHER TYPES OF MOTORS.—In carrying out paragraph (1)(E)(i) and subparagraph (A), the Secretary may allow other types of motors if the Secretary determines that, on average, those other motors use no more energy in evaporator fan applications than electronically commutated motors.

"(C) MAXIMUM ENERGY CONSUMPTION LEVEL.—The Secretary shall establish the maximum energy consumption level under subparagraph (B) not later than January 1, 2010.

"(3) ADDITIONAL SPECIFICATIONS.—Each walk-in cooler or walk-in freezer with transparent reach-in doors manufactured on or after January 1, 2009, shall also meet the following specifications:

"(A) Transparent reach-in doors for walk-in freezers and windows in walk-in freezer doors shall be of triple-pane glass with either heat-reflective treated glass or gas fill.

"(B) Transparent reach-in doors for walk-in coolers and windows in walk-in cooler doors shall be—

"(i) double-pane glass with heat-reflective treated glass and gas fill; or

"(ii) triple-pane glass with either heat-reflective treated glass or gas fill.

"(C) If the appliance has an antisweat heater without antisweat heat controls, the appliance shall have a total door rail, glass, and frame heater power draw of not more than 7.1 watts per square foot of door opening (for freezers) and 3.0 watts per square foot of door opening (for coolers).

"(D) If the appliance has an antisweat heater with antisweat heat controls, and the total door rail, glass, and frame heater power draw is more than 7.1 watts per square foot of door opening (for freezers) and 3.0 watts per square foot of door opening (for coolers), the antisweat heat controls shall reduce the energy use of the antisweat heater in a quantity corresponding to the relative humidity in the air outside the door or to the condensation on the inner glass pane.

"(4) PERFORMANCE-BASED STANDARDS.—

"(A) IN GENERAL.—Not later than January 1, 2012, the Secretary shall publish performance-

based standards for walk-in coolers and walk-in freezers that achieve the maximum improvement in energy that the Secretary determines is technologically feasible and economically justified.

"(B) APPLICATION.—

"(i) IN GENERAL.—Except as provided in clause (ii), the standards shall apply to products described in subparagraph (A) that are manufactured beginning on the date that is 3 years after the final rule is published.

"(ii) DELAYED EFFECTIVE DATE.—If the Secretary determines, by rule, that a 3-year period is inadequate, the Secretary may establish an effective date for products manufactured beginning on the date that is not more than 5 years after the date of publication of a final rule for the products.

"(5) AMENDMENT OF STANDARDS.—

"(A) IN GENERAL.—Not later than January 1, 2020, the Secretary shall publish a final rule to determine if the standards established under paragraph (4) should be amended.

"(B) APPLICATION.—

"(i) IN GENERAL.—Except as provided in clause (ii), the rule shall provide that the standards shall apply to products manufactured beginning on the date that is 3 years after the final rule is published.

"(ii) DELAYED EFFECTIVE DATE.—If the Secretary determines, by rule, that a 3-year period is inadequate, the Secretary may establish an effective date for products manufactured beginning on the date that is not more than 5 years after the date of publication of a final rule for the products.".

(c) TEST PROCEDURES.—Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6314(a)) is amended by adding at the end the following:

"(9) WALK-IN COOLERS AND WALK-IN FREEZERS.—

"(A) IN GENERAL.—For the purpose of test procedures for walk-in coolers and walk-in freezers:

"(i) The R value shall be the 1/K factor multiplied by the thickness of the panel.

"(ii) The K factor shall be based on ASTM test procedure C518–2004.

"(iii) For calculating the R value for freezers, the K factor of the foam at 20°F (average foam temperature) shall be used.

"(iv) For calculating the R value for coolers, the K factor of the foam at 55°F (average foam temperature) shall be used.

"(B) TEST PROCEDURE.—

"(i) IN GENERAL.—Not later than January 1, 2010, the Secretary shall establish a test procedure to measure the energy-use of walk-in coolers and walk-in freezers.

"(ii) COMPUTER MODELING.—The test procedure may be based on computer modeling, if the computer model or models have been verified using the results of laboratory tests on a significant sample of walk-in coolers and walk-in freezers.".

(d) LABELING.—Section 344(e) of the Energy Policy and Conservation Act (42 U.S.C. 6315(e)) is amended by inserting "walk-in coolers and walk-in freezers," after "commercial clothes washers," each place it appears.

(e) ADMINISTRATION, PENALTIES, ENFORCEMENT, AND PREEMPTION.—Section 345 of the Energy Policy and Conservation Act (42 U.S.C. 6316) is amended—

(1) by striking "subparagraphs (B), (C), (D), (E), and (F)" each place it appears and inserting "subparagraphs (B) through (G)"; and

(2) by adding at the end the following:

"(h) WALK-IN COOLERS AND WALK-IN FREEZERS.—

"(1) COVERED TYPES.—

"(A) RELATIONSHIP TO OTHER LAW.—

"(i) IN GENERAL.—Except as otherwise provided in this subsection, section 327 shall apply to walk-in coolers and walk-in freezers for which standards have been established under paragraphs (1), (2), and (3) of section 342(f) to the same extent and in the same manner as the section applies under part A on the date of enactment of this subsection.

"(ii) STATE STANDARDS.—Any State standard prescribed before the date of enactment of this subsection shall not be preempted until the standards established under paragraphs (1) and (2) of section 342(f) take effect.

"(B) ADMINISTRATION.—In applying section 327 to equipment under subparagraph (A), paragraphs (1), (2), and (3) of subsection (a) shall apply.

"(2) FINAL RULE NOT TIMELY.—

"(A) IN GENERAL.—If the Secretary does not issue a final rule for a specific type of walk-in cooler or walk-in freezer within the time frame established under paragraph (4) or (5) of section 342(f), subsections (b) and (c) of section 327 shall no longer apply to the specific type of walk-in cooler or walk-in freezer during the period—

"(i) beginning on the day after the scheduled date for a final rule; and

"(ii) ending on the date on which the Secretary publishes a final rule covering the specific type of walk-in cooler or walk-in freezer.

"(B) STATE STANDARDS.—Any State standard issued before the publication of the final rule shall not be preempted until the standards established in the final rule take effect.

"(3) CALIFORNIA.—Any standard issued in the State of California before January 1, 2011, under title 20 of the California Code of Regulations, that refers to walk-in coolers and walk-in freezers, for which standards have been established under paragraphs (1), (2), and (3) of section 342(f), shall not be preempted until the standards established under section 342(f)(3) take effect.".

SEC. 313. ELECTRIC MOTOR EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 340(13) of the Energy Policy and Conservation Act (42 U.S.C. 6311(13)) is amended—

(1) by redesignating subparagraphs (B) through (H) as subparagraphs (C) through (I), respectively; and

(2) by striking "(13)(A)" and all that follows through the end of subparagraph (A) and inserting the following:

"(13) ELECTRIC MOTOR.—

"(A) GENERAL PURPOSE ELECTRIC MOTOR (SUBTYPE I).—The term 'general purpose electric motor (subtype I)' means any motor that meets the definition of 'General Purpose' as established in the final rule issued by the Department of Energy entitled 'Energy Efficiency Program for Certain Commercial and Industrial Equipment: Test Procedures, Labeling, and Certification Requirements for Electric Motors' (10 C.F.R. 431), as in effect on the date of enactment of the Energy Independence and Security Act of 2007.

"(B) GENERAL PURPOSE ELECTRIC MOTOR (SUBTYPE II).—The term 'general purpose electric motor (subtype II)' means motors incorporating the design elements of a general purpose electric motor (subtype I) that are configured as 1 of the following:

"(i) A U-Frame Motor.

"(ii) A Design C Motor.

"(iii) A close-coupled pump motor.

"(iv) A Footless motor.

"(v) A vertical solid shaft normal thrust motor (as tested in a horizontal configuration).

"(vi) An 8-pole motor (900 rpm).

"(vii) A poly-phase motor with voltage of not more than 600 volts (other than 230 or 460 volts.".

(b) STANDARDS.—

(1) AMENDMENT.—Section 342(b) of the Energy Policy and Conservation Act (42 U.S.C. 6313(b)) is amended—

(A) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(B) by inserting after paragraph (1) the following:

"(2) ELECTRIC MOTORS.—

"(A) GENERAL PURPOSE ELECTRIC MOTORS (SUBTYPE I).—Except as provided in subparagraph (B), each general purpose electric motor (subtype I) with a power rating of 1 horsepower or greater, but not greater than 200 horsepower, manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of the Energy Independence and Security Act of 2007, shall have a nominal full load efficiency that is not less than as defined in NEMA MG–1 (2006) Table 12–12.

"(B) FIRE PUMP MOTORS.—Each fire pump motor manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of the Energy Independence and Security Act of 2007 shall have nominal full load efficiency that is not less than as defined in NEMA MG–1 (2006) Table 12–11.

"(C) GENERAL PURPOSE ELECTRIC MOTORS (SUBTYPE II).—Each general purpose electric motor (subtype II) with a power rating of 1 horsepower or greater, but not greater than 200 horsepower, manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of the Energy Independence and Security Act of 2007, shall have a nominal full load efficiency that is not less than as defined in NEMA MG–1 (2006) Table 12–11.

"(D) NEMA DESIGN B, GENERAL PURPOSE ELECTRIC MOTORS.—Each NEMA Design B, general purpose electric motor with a power rating of more than 200 horsepower, but not greater than 500 horsepower, manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of the Energy Independence and Security Act of 2007, shall have a nominal full load efficiency that is not less than as defined in NEMA MG–1 (2006) Table 12–11.".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) take effect on the date that is 3 years after the date of enactment of this Act.

SEC. 314. STANDARDS FOR SINGLE PACKAGE VERTICAL AIR CONDITIONERS AND HEAT PUMPS.

(a) DEFINITIONS.—Section 340 of the Energy Policy and Conservation Act (42 U.S.C. 6311) is amended by adding at the end the following:

"(22) SINGLE PACKAGE VERTICAL AIR CONDITIONER.—The term 'single package vertical air conditioner' means air-cooled commercial package air conditioning and heating equipment that—

"(A) is factory-assembled as a single package that—

"(i) has major components that are arranged vertically;

"(ii) is an encased combination of cooling and optional heating components; and

"(iii) is intended for exterior mounting on, adjacent interior to, or through an outside wall;

"(B) is powered by a single- or 3-phase current;

"(C) may contain 1 or more separate indoor grilles, outdoor louvers, various ventilation options, indoor free air discharges, ductwork, well plenum, or sleeves; and

"(D) has heating components that may include electrical resistance, steam, hot water, or gas, but may not include reverse cycle refrigeration as a heating means.

"(23) SINGLE PACKAGE VERTICAL HEAT PUMP.—The term 'single package vertical heat pump' means a single package vertical air conditioner that—

"(A) uses reverse cycle refrigeration as its primary heat source; and

"(B) may include secondary supplemental heating by means of electrical resistance, steam, hot water, or gas.".

(b) STANDARDS.—Section 342(a) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)) is amended—

(1) in the first sentence of each of paragraphs (1) and (2), by inserting "(including single package vertical air conditioners and single package vertical heat pumps)" after "heating equipment" each place it appears;

(2) in paragraph (1), by striking "but before January 1, 2010,";

(3) in the first sentence of each of paragraphs (7), (8), and (9), by inserting "(other than single package vertical air conditioners and single package vertical heat pumps)" after "heating equipment" each place it appears;

(4) in paragraph (7)—

(A) by striking "manufactured on or after January 1, 2010,";

(B) in each of subparagraphs (A), (B), and (C), by striking "The" and inserting "For equipment manufactured on or after January 1, 2010, the"; and

(C) by adding at the end the following:

"(D) For equipment manufactured on or after the later of January 1, 2008, or the date that is 180 days after the date of enactment of the Energy Independence and Security Act of 2007—

"(i) the minimum seasonal energy efficiency ratio of air-cooled 3-phase electric central air conditioners and central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), split systems, shall be 13.0;

"(ii) the minimum seasonal energy efficiency ratio of air-cooled 3-phase electric central air conditioners and central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), single package, shall be 13.0;

"(iii) the minimum heating seasonal performance factor of air-cooled 3-phase electric central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), split systems, shall be 7.7; and

"(iv) the minimum heating seasonal performance factor of air-cooled three-phase electric central air conditioning heat pumps less than 65,000 Btu per hour (cooling capacity), single package, shall be 7.7."; and

(5) by adding at the end the following:

"(10) SINGLE PACKAGE VERTICAL AIR CONDITIONERS AND SINGLE PACKAGE VERTICAL HEAT PUMPS.—

"(A) IN GENERAL.—Single package vertical air conditioners and single package vertical heat pumps manufactured on or after January 1, 2010, shall meet the following standards:

"(i) The minimum energy efficiency ratio of single package vertical air conditioners less than 65,000 Btu per hour (cooling capacity), single-phase, shall be 9.0.

"(ii) The minimum energy efficiency ratio of single package vertical air conditioners less than 65,000 Btu per hour (cooling capacity), three-phase, shall be 9.0.

"(iii) The minimum energy efficiency ratio of single package vertical air conditioners at or above 65,000 Btu per hour (cooling capacity) but less than 135,000 Btu per hour (cooling capacity), shall be 8.9.

"(iv) The minimum energy efficiency ratio of single package vertical air conditioners at or above 135,000 Btu per hour (cooling capacity) but less than 240,000 Btu per hour (cooling capacity), shall be 8.6.

"(v) The minimum energy efficiency ratio of single package vertical heat pumps less than 65,000 Btu per hour (cooling capacity), single-phase, shall be 9.0 and the minimum coefficient of performance in the heating mode shall be 3.0.

"(vi) The minimum energy efficiency ratio of single package vertical heat pumps less than 65,000 Btu per hour (cooling capacity), three-phase, shall be 9.0 and the minimum coefficient of performance in the heating mode shall be 3.0.

"(vii) The minimum energy efficiency ratio of single package vertical heat pumps at or above 65,000 Btu per hour (cooling capacity) but less than 135,000 Btu per hour (cooling capacity), shall be 8.9 and the minimum coefficient of performance in the heating mode shall be 3.0.

"(viii) The minimum energy efficiency ratio of single package vertical heat pumps at or above 135,000 Btu per hour (cooling capacity) but less than 240,000 Btu per hour (cooling capacity), shall be 8.6 and the minimum coefficient of performance in the heating mode shall be 2.9.

"(B) REVIEW.—Not later than 3 years after the date of enactment of this paragraph, the Secretary shall review the most recently published ASHRAE/IES Standard 90.1 with respect to single package vertical air conditioners and single package vertical heat pumps in accordance with the procedures established under paragraph (6).".

SEC. 315. IMPROVED ENERGY EFFICIENCY FOR APPLIANCES AND BUILDINGS IN COLD CLIMATES.

(a) RESEARCH.—Section 911(a)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16191(a)(2)) is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(E) technologies to improve the energy efficiency of appliances and mechanical systems for buildings in cold climates, including combined heat and power units and increased use of renewable resources, including fuel.".

(b) REBATES.—Section 124 of the Energy Policy Act of 2005 (42 U.S.C. 15821) is amended—

(1) in subsection (b)(1), by inserting ", or products with improved energy efficiency in cold climates," after "residential Energy Star products"; and

(2) in subsection (e), by inserting "or product with improved energy efficiency in a cold climate" after "residential Energy Star product" each place it appears.

SEC. 316. TECHNICAL CORRECTIONS.

(a) DEFINITION OF F96T12 LAMP.—

(1) IN GENERAL.—Section 135(a)(1)(A)(ii) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 624) is amended by striking "C78.1–1978 (R1984)" and inserting "C78.3–1978 (R1984)".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) takes effect on August 8, 2005.

(b) DEFINITION OF FLUORESCENT LAMP.—Section 321(30)(B)(viii) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(B)(viii)) is amended by striking "82" and inserting "87".

(c) MERCURY VAPOR LAMP BALLASTS.—

(1) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 301(a)(2)) is amended—

(A) by striking paragraphs (46) through (48) and inserting the following:

"(46) HIGH INTENSITY DISCHARGE LAMP.—

"(A) IN GENERAL.—The term 'high intensity discharge lamp' means an electric-discharge lamp in which—

"(i) the light-producing arc is stabilized by the arc tube wall temperature; and

"(ii) the arc tube wall loading is in excess of 3 Watts/cm^2.

"(B) INCLUSIONS.—The term 'high intensity discharge lamp' includes mercury vapor, metal halide, and high-pressure sodium lamps described in subparagraph (A).

"(47) MERCURY VAPOR LAMP.—

"(A) IN GENERAL.—The term 'mercury vapor lamp' means a high intensity discharge lamp in which the major portion of the light is produced by radiation from mercury typically operating at a partial vapor pressure in excess of 100,000 Pa (approximately 1 atm).

"(B) INCLUSIONS.—The term 'mercury vapor lamp' includes clear, phosphor-coated, and self-ballasted screw base lamps described in subparagraph (A).

"(48) MERCURY VAPOR LAMP BALLAST.—The term 'mercury vapor lamp ballast' means a device that is designed and marketed to start and operate mercury vapor lamps intended for general illumination by providing the necessary voltage and current."; and

(B) by adding at the end the following:

"(53) SPECIALTY APPLICATION MERCURY VAPOR LAMP BALLAST.—The term 'specialty application mercury vapor lamp ballast' means a mercury vapor lamp ballast that—

"(A) is designed and marketed for operation of mercury vapor lamps used in quality inspection, industrial processing, or scientific use, including fluorescent microscopy and ultraviolet curing; and

"(B) in the case of a specialty application mercury vapor lamp ballast, the label of which—

"(i) provides that the specialty application mercury vapor lamp ballast is 'For specialty applications only, not for general illumination'; and

"(ii) specifies the specific applications for which the ballast is designed.".

(2) STANDARD SETTING AUTHORITY.—Section 325(ee) of the Energy Policy and Conservation Act (42 U.S.C. 6295(ee)) is amended by inserting "(other than specialty application mercury vapor lamp ballasts)" after "ballasts".

(d) ENERGY CONSERVATION STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended—

(1) in subsection (v)—

(A) in the subsection heading, by striking "CEILING FANS AND";

(B) by striking paragraph (1); and

(C) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively; and

(2) in subsection (ff)—

(A) in paragraph (1)(A)—

(i) by striking clause (iii);

(ii) by redesignating clause (iv) as clause (iii); and

(iii) in clause (iii)(II) (as so redesignated), by inserting "fans sold for" before "outdoor"; and

(B) in paragraph (4)(C)—

(i) in the matter preceding clause (i), by striking "subparagraph (B)" and inserting "subparagraph (A)"; and

(ii) by striking clause (ii) and inserting the following:

"(ii) shall be packaged with lamps to fill all sockets.";

(C) in paragraph (6), by redesignating subparagraphs (C) and (D) as clauses (i) and (ii), respectively, of subparagraph (B); and

(D) in paragraph (7), by striking "327" the second place it appears and inserting "324".

Subtitle B—Lighting Energy Efficiency

SEC. 321. EFFICIENT LIGHT BULBS.

(a) ENERGY EFFICIENCY STANDARDS FOR GENERAL SERVICE INCANDESCENT LAMPS.—

(1) DEFINITION OF GENERAL SERVICE INCANDESCENT LAMP.—Section 321(30) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)) is amended—

(A) by striking subparagraph (D) and inserting the following:

"(D) GENERAL SERVICE INCANDESCENT LAMP.—

"(i) IN GENERAL.—The term 'general service incandescent lamp' means a standard incandescent or halogen type lamp that—

"(I) is intended for general service applications;

"(II) has a medium screw base;

"(III) has a lumen range of not less than 310 lumens and not more than 2,600 lumens; and

"(IV) is capable of being operated at a voltage range at least partially within 110 and 130 volts.

"(ii) EXCLUSIONS.—The term 'general service incandescent lamp' does not include the following incandescent lamps:

"(I) An appliance lamp.

"(II) A black light lamp.

"(III) A bug lamp.

"(IV) A colored lamp.

"(V) An infrared lamp.

"(VI) A left-hand thread lamp.

"(VII) A marine lamp.

"(VIII) A marine signal service lamp.

"(IX) A mine service lamp.

"(X) A plant light lamp.

"(XI) A reflector lamp.

"(XII) A rough service lamp.

"(XIII) A shatter-resistant lamp (including a shatter-proof lamp and a shatter-protected lamp).

"(XIV) A sign service lamp.

"(XV) A silver bowl lamp.

"(XVI) A showcase lamp.

"(XVII) A 3-way incandescent lamp.

"(XVIII) A traffic signal lamp.

"(XIX) A vibration service lamp.

"(XX) A G shape lamp (as defined in ANSI C78.20–2003 and C79.1–2002 with a diameter of 5 inches or more.

"(XXI) A T shape lamp (as defined in ANSI C78.20–2003 and C79.1–2002) and that uses not more than 40 watts or has a length of more than 10 inches.

"(XXII) A B, BA, CA, F, G16–1/2, G–25, G30, S, or M–14 lamp (as defined in ANSI C79.1–2002 and ANSI C78.20–2003) of 40 watts or less."; and

(B) by adding at the end the following:

"(T) APPLIANCE LAMP.—The term 'appliance lamp' means any lamp that—

"(i) is specifically designed to operate in a household appliance, has a maximum wattage of 40 watts, and is sold at retail, including an oven lamp, refrigerator lamp, and vacuum cleaner lamp; and

"(ii) is designated and marketed for the intended application, with—

"(I) the designation on the lamp packaging; and

"(II) marketing materials that identify the lamp as being for appliance use.

"(U) CANDELABRA BASE INCANDESCENT LAMP.—The term 'candelabra base incandescent lamp' means a lamp that uses candelabra screw base as described in ANSI C81.61–2006, Specifications for Electric Bases, common designations E11 and E12.

"(V) INTERMEDIATE BASE INCANDESCENT LAMP.—The term 'intermediate base incandescent lamp' means a lamp that uses an intermediate screw base as described in ANSI C81.61–2006, Specifications for Electric Bases, common designation E17.

"(W) MODIFIED SPECTRUM.—The term 'modified spectrum' means, with respect to an incandescent lamp, an incandescent lamp that—

"(i) is not a colored incandescent lamp; and

"(ii) when operated at the rated voltage and wattage of the incandescent lamp—

"(I) has a color point with (x,y) chromaticity coordinates on the Commission Internationale de l'Eclairage (C.I.E.) 1931 chromaticity diagram that lies below the black-body locus; and

"(II) has a color point with (x,y) chromaticity coordinates on the C.I.E. 1931 chromaticity diagram that lies at least 4 MacAdam steps (as referenced in IESNA LM16) distant from the color point of a clear lamp with the same filament and bulb shape, operated at the same rated voltage and wattage.

"(X) ROUGH SERVICE LAMP.—The term 'rough service lamp' means a lamp that—

"(i) has a minimum of 5 supports with filament configurations that are C–7A, C–11, C–17, and C–22 as listed in Figure 6–12 of the 9th edition of the IESNA Lighting handbook, or similar configurations where lead wires are not counted as supports; and

"(ii) is designated and marketed specifically for 'rough service' applications, with—

"(I) the designation appearing on the lamp packaging; and

"(II) marketing materials that identify the lamp as being for rough service.

"(Y) 3-WAY INCANDESCENT LAMP.—The term '3-way incandescent lamp' includes an incandescent lamp that—

"(i) employs 2 filaments, operated separately and in combination, to provide 3 light levels; and

"(ii) is designated on the lamp packaging and marketing materials as being a 3-way incandescent lamp.

"(Z) SHATTER-RESISTANT LAMP, SHATTER-PROOF LAMP, OR SHATTER-PROTECTED LAMP.—The terms 'shatter-resistant lamp', 'shatter-proof lamp', and 'shatter-protected lamp' mean a lamp that—

"(i) has a coating or equivalent technology that is compliant with NSF/ANSI 51 and is designed to contain the glass if the glass envelope of the lamp is broken; and

"(ii) is designated and marketed for the intended application, with—

"(I) the designation on the lamp packaging; and

"(II) marketing materials that identify the lamp as being shatter-resistant, shatter-proof, or shatter-protected.

"(AA) VIBRATION SERVICE LAMP.—The term 'vibration service lamp' means a lamp that—

"(i) has filament configurations that are C–5, C–7A, or C–9, as listed in Figure 6–12 of the 9th Edition of the IESNA Lighting Handbook or similar configurations;

"(ii) has a maximum wattage of 60 watts;

"(iii) is sold at retail in packages of 2 lamps or less; and

"(iv) is designated and marketed specifically for vibration service or vibration-resistant applications, with—

"(I) the designation appearing on the lamp packaging; and

"(II) marketing materials that identify the lamp as being vibration service only.

"(BB) GENERAL SERVICE LAMP.—

"(i) IN GENERAL.—The term 'general service lamp' includes—

"(I) general service incandescent lamps;

"(II) compact fluorescent lamps;

"(III) general service light-emitting diode (LED or OLED) lamps; and

"(IV) any other lamps that the Secretary determines are used to satisfy lighting applications traditionally served by general service incandescent lamps.

"(ii) EXCLUSIONS.—The term 'general service lamp' does not include—

"(I) any lighting application or bulb shape described in any of subclauses (I) through (XXII) of subparagraph (D)(ii); or

"(II) any general service fluorescent lamp or incandescent reflector lamp.

"(CC) LIGHT-EMITTING DIODE; LED.—

"(i) IN GENERAL.—The terms 'light-emitting diode' and 'LED' means a p-n junction solid state device the radiated output of which is a function of the physical construction, material used, and exciting current of the device.

"(ii) OUTPUT.—The output of a light-emitting diode may be in—

"(I) the infrared region;

"(II) the visible region; or

"(III) the ultraviolet region.

"(DD) ORGANIC LIGHT-EMITTING DIODE; OLED.—The terms 'organic light-emitting diode' and 'OLED' mean a thin-film light-emitting device that typically consists of a series of organic layers between 2 electrical contacts (electrodes).

"(EE) COLORED INCANDESCENT LAMP.—The term 'colored incandescent lamp' means an incandescent lamp designated and marketed as a colored lamp that has—

"(i) a color rendering index of less than 50, as determined according to the test method given in C.I.E. publication 13.3–1995; or

"(ii) a correlated color temperature of less than 2,500K, or greater than 4,600K, where correlated temperature is computed according to the Journal of Optical Society of America, Vol. 58, pages 1528–1595 (1986).".

(2) COVERAGE.—Section 322(a)(14) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)(14)) is amended by inserting ", general service incandescent lamps," after "fluorescent lamps".

(3) ENERGY CONSERVATION STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended—

(A) in subsection (i)—

(i) in the section heading, by inserting ", GENERAL SERVICE INCANDESCENT LAMPS, INTERMEDIATE BASE INCANDESCENT LAMPS, CANDELABRA BASE INCANDESCENT LAMPS," after "FLUORESCENT LAMPS";

(ii) in paragraph (1)—

(I) in subparagraph (A)—

(aa) by inserting ", general service incandescent lamps, intermediate base incandescent lamps, candelabra base incandescent lamps," after "fluorescent lamps";

(bb) by inserting ", new maximum wattage," after "lamp efficacy"; and

(cc) by inserting after the table entitled "INCANDESCENT REFLECTOR LAMPS" the following:

"GENERAL SERVICE INCANDESCENT LAMPS

Rated Lumen Ranges	*Maximum Rate Wattage*	*Minimum Rate Lifetime*	*Effective Date*
1490–2600	*72*	*1,000 hrs*	*1/1/2012*
1050–1489	*53*	*1,000 hrs*	*1/1/2013*
750–1049	*43*	*1,000 hrs*	*1/1/2014*
310–749	*29*	*1,000 hrs*	*1/1/2014*

"MODIFIED SPECTRUM GENERAL SERVICE INCANDESCENT LAMPS

Rated Lumen Ranges	Maximum Rate Wattage	Minimum Rate Lifetime	Effective Date
1118–1950	72	1,000 hrs	1/1/2012
788–1117	53	1,000 hrs	1/1/2013
563–787	43	1,000 hrs	1/1/2014
232–562	29	1,000 hrs	1/1/2014'';

and

(II) by striking subparagraph (B) and inserting the following:

"(B) APPLICATION.—

"(i) APPLICATION CRITERIA.—This subparagraph applies to each lamp that—

"(I) is intended for a general service or general illumination application (whether incandescent or not);

"(II) has a medium screw base or any other screw base not defined in ANSI C81.61-2006;

"(III) is capable of being operated at a voltage at least partially within the range of 110 to 130 volts; and

"(IV) is manufactured or imported after December 31, 2011.

"(ii) REQUIREMENT.—For purposes of this paragraph, each lamp described in clause (i) shall have a color rendering index that is greater than or equal to—

"(I) 80 for nonmodified spectrum lamps; or

"(II) 75 for modified spectrum lamps.

"(C) CANDELABRA INCANDESCENT LAMPS AND INTERMEDIATE BASE INCANDESCENT LAMPS.—

"(i) CANDELABRA BASE INCANDESCENT LAMPS.—A candelabra base incandescent lamp shall not exceed 60 rated watts.

"(ii) INTERMEDIATE BASE INCANDESCENT LAMPS.—An intermediate base incandescent lamp shall not exceed 40 rated watts.

"(D) EXEMPTIONS.—

"(i) PETITION.—Any person may petition the Secretary for an exemption for a type of general service lamp from the requirements of this subsection.

"(ii) CRITERIA.—The Secretary may grant an exemption under clause (i) only to the extent that the Secretary finds, after a hearing and opportunity for public comment, that it is not technically feasible to serve a specialized lighting application (such as a military, medical, public safety, or certified historic lighting application) using a lamp that meets the requirements of this subsection.

"(iii) ADDITIONAL CRITERION.—To grant an exemption for a product under this subparagraph, the Secretary shall include, as an additional criterion, that the exempted product is unlikely to be used in a general service lighting application.

"(E) EXTENSION OF COVERAGE.—

"(i) PETITION.—Any person may petition the Secretary to establish standards for lamp shapes or bases that are excluded from the definition of general service lamps.

"(ii) INCREASED SALES OF EXEMPTED LAMPS.—The petition shall include evidence that the availability or sales of exempted incandescent lamps have increased significantly since the date on which the standards on general service incandescent lamps were established.

"(iii) CRITERIA.—The Secretary shall grant a petition under clause (i) if the Secretary finds that—

"(I) the petition presents evidence that demonstrates that commercial availability or sales of exempted incandescent lamp types have increased significantly since the standards on general service lamps were established and likely are being widely used in general lighting applications; and

"(II) significant energy savings could be achieved by covering exempted products, as determined by the Secretary based on sales data provided to the Secretary from manufacturers and importers.

"(iv) NO PRESUMPTION.—The grant of a petition under this subparagraph shall create no presumption with respect to the determination of the Secretary with respect to any criteria under a rulemaking conducted under this section.

"(v) EXPEDITED PROCEEDING.—If the Secretary grants a petition for a lamp shape or base under this subparagraph, the Secretary shall—

"(I) conduct a rulemaking to determine standards for the exempted lamp shape or base; and

"(II) complete the rulemaking not later than 18 months after the date on which notice is provided granting the petition.

"(F) DEFINITION OF EFFECTIVE DATE.—In this paragraph, except as otherwise provided in a table contained in subparagraph (A), the term 'effective date' means the last day of the month specified in the table that follows October 24, 1992.";

(iii) in paragraph (5), in the first sentence, by striking "and general service incandescent lamps";

(iv) by redesignating paragraphs (6) and (7) as paragraphs (7) and (8), respectively; and

(v) by inserting after paragraph (5) the following:

"(6) STANDARDS FOR GENERAL SERVICE LAMPS.—

"(A) RULEMAKING BEFORE JANUARY 1, 2014.—

"(i) IN GENERAL.—Not later than January 1, 2014, the Secretary shall initiate a rulemaking procedure to determine whether—

"(I) standards in effect for general service lamps should be amended to establish more stringent standards than the standards specified in paragraph (1)(A); and

"(II) the exemptions for certain incandescent lamps should be maintained or discontinued based, in part, on exempted lamp sales collected by the Secretary from manufacturers.

"(ii) SCOPE.—The rulemaking—

"(I) shall not be limited to incandescent lamp technologies; and

"(II) shall include consideration of a minimum standard of 45 lumens per watt for general service lamps.

"(iii) AMENDED STANDARDS.—If the Secretary determines that the standards in effect for general service incandescent lamps should be amended, the Secretary shall publish a final rule not later than January 1, 2017, with an effective date that is not earlier than 3 years after the date on which the final rule is published.

"(iv) PHASED-IN EFFECTIVE DATES.—The Secretary shall consider phased-in effective dates under this subparagraph after considering—

"(I) the impact of any amendment on manufacturers, retiring and repurposing existing equipment, stranded investments, labor contracts, workers, and raw materials; and

"(II) the time needed to work with retailers and lighting designers to revise sales and marketing strategies.

"(v) BACKSTOP REQUIREMENT.—If the Secretary fails to complete a rulemaking in accordance with clauses (i) through (iv) or if the final rule does not produce savings that are greater than or equal to the savings from a minimum efficacy standard of 45 lumens per watt, effective beginning January 1, 2020, the Secretary shall prohibit the sale of any general service lamp that does not meet a minimum efficacy standard of 45 lumens per watt.

"(vi) STATE PREEMPTION.—Neither section 327(b) nor any other provision of law shall preclude California or Nevada from adopting, effective beginning on or after January 1, 2018—

"(I) a final rule adopted by the Secretary in accordance with clauses (i) through (iv);

"(II) if a final rule described in subclause (I) has not been adopted, the backstop requirement under clause (v); or

"(III) in the case of California, if a final rule described in subclause (I) has not been adopted, any California regulations relating to these covered products adopted pursuant to State statute in effect as of the date of enactment of the Energy Independence and Security Act of 2007.

"(B) RULEMAKING BEFORE JANUARY 1, 2020.—

"(i) IN GENERAL.—Not later than January 1, 2020, the Secretary shall initiate a rulemaking procedure to determine whether—

"(I) standards in effect for general service incandescent lamps should be amended to reflect lumen ranges with more stringent maximum wattage than the standards specified in paragraph (1)(A); and

"(II) the exemptions for certain incandescent lamps should be maintained or discontinued based, in part, on exempted lamp sales data collected by the Secretary from manufacturers.

"(ii) SCOPE.—The rulemaking shall not be limited to incandescent lamp technologies.

"(iii) AMENDED STANDARDS.—If the Secretary determines that the standards in effect for general service incandescent lamps should be amended, the Secretary shall publish a final rule not later than January 1, 2022, with an effective date that is not earlier than 3 years after the date on which the final rule is published.

"(iv) PHASED-IN EFFECTIVE DATES.—The Secretary shall consider phased-in effective dates under this subparagraph after considering—

"(I) the impact of any amendment on manufacturers, retiring and repurposing existing equipment, stranded investments, labor contracts, workers, and raw materials; and

"(II) the time needed to work with retailers and lighting designers to revise sales and marketing strategies."; and

(B) in subsection (l), by adding at the end the following:

"(4) ENERGY EFFICIENCY STANDARDS FOR CERTAIN LAMPS.—

"(A) IN GENERAL.—The Secretary shall prescribe an energy efficiency standard for rough service lamps, vibration service lamps, 3-way incandescent lamps, 2,601–3,300 lumen general service incandescent lamps, and shatter-resistant lamps only in accordance with this paragraph.

"(B) BENCHMARKS.—Not later than 1 year after the date of enactment of this paragraph, the Secretary, in consultation with the National Electrical Manufacturers Association, shall—

"(i) collect actual data for United States unit sales for each of calendar years 1990 through 2006 for each of the 5 types of lamps described in subparagraph (A) to determine the historical growth rate of the type of lamp; and

"(ii) construct a model for each type of lamp based on coincident economic indicators that *closely match the historical annual growth rate of the type of lamp to provide a neutral comparison benchmark to model future unit sales after calendar year 2006.*

"(C) ACTUAL SALES DATA.—

"(i) IN GENERAL.—Effective for each of calendar years 2010 through 2025, the Secretary, in consultation with the National Electrical Manufacturers Association, shall—

"(I) collect actual United States unit sales data for each of 5 types of lamps described in subparagraph (A); and

"(II) not later than 90 days after the end of each calendar year, compare the lamp sales in that year with the sales predicted by the comparison benchmark for each of the 5 types of lamps described in subparagraph (A).

"(ii) CONTINUATION OF TRACKING.—

"(I) DETERMINATION.—Not later than January 1, 2023, the Secretary shall determine if actual sales data should be tracked for the lamp types described in subparagraph (A) after calendar year 2025.

"(II) CONTINUATION.—If the Secretary finds that the market share of a lamp type described in subparagraph (A) could significantly erode the market share for general service lamps, the Secretary shall continue to track the actual sales data for the lamp type.

"(D) ROUGH SERVICE LAMPS.—

"(i) IN GENERAL.—Effective beginning with the first year that the reported annual sales rate for rough service lamps demonstrates actual unit sales of rough service lamps that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall—

"(I) not later than 90 days after the end of the previous calendar year, issue a finding that the index has been exceeded; and

"(II) not later than the date that is 1 year after the end of the previous calendar year, complete an accelerated rulemaking to establish an energy conservation standard for rough service lamps.

"(ii) BACKSTOP REQUIREMENT.—If the Secretary fails to complete an accelerated rulemaking in accordance with clause (i)(II), effective beginning 1 year after the date of the issuance of the finding under clause (i)(I), the Secretary shall require rough service lamps to—

"(I) have a shatter-proof coating or equivalent technology that is compliant with NSF/ANSI 51 and is designed to contain the glass if the glass envelope of the lamp is broken and to provide effective containment over the life of the lamp;

"(II) have a maximum 40-watt limitation; and

"(III) be sold at retail only in a package containing 1 lamp.

"(E) VIBRATION SERVICE LAMPS.—

"(i) IN GENERAL.—Effective beginning with the first year that the reported annual sales rate for vibration service lamps demonstrates actual unit sales of vibration service lamps that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall—

"(I) not later than 90 days after the end of the previous calendar year, issue a finding that the index has been exceeded; and

"(II) not later than the date that is 1 year after the end of the previous calendar year, complete an accelerated rulemaking to establish an energy conservation standard for vibration service lamps.

"(ii) BACKSTOP REQUIREMENT.—If the Secretary fails to complete an accelerated rulemaking in accordance with clause (i)(II), effective beginning 1 year after the date of the issuance of the finding under clause (i)(I), the Secretary shall require vibration service lamps to—

"(I) have a maximum 40-watt limitation; and

"(II) be sold at retail only in a package containing 1 lamp.

"(F) 3-WAY INCANDESCENT LAMPS.—

"(i) IN GENERAL.—Effective beginning with the first year that the reported annual sales rate for 3-way incandescent lamps demonstrates actual unit sales of 3-way incandescent lamps that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall—

"(I) not later than 90 days after the end of the previous calendar year, issue a finding that the index has been exceeded; and

"(II) not later than the date that is 1 year after the end of the previous calendar year, complete an accelerated rulemaking to establish an energy conservation standard for 3-way incandescent lamps.

"(ii) BACKSTOP REQUIREMENT.—If the Secretary fails to complete an accelerated rulemaking in accordance with clause (i)(II), effective beginning 1 year after the date of issuance of the finding under clause (i)(I), the Secretary shall require that—

"(I) each filament in a 3-way incandescent lamp meet the new maximum wattage requirements for the respective lumen range established under subsection (i)(1)(A); and

"(II) 3-way lamps be sold at retail only in a package containing 1 lamp.

"(G) 2,601–3,300 LUMEN GENERAL SERVICE INCANDESCENT LAMPS.—Effective beginning with the first year that the reported annual sales rate demonstrates actual unit sales of 2,601–3,300 lumen general service incandescent lamps in the lumen range of 2,601 through 3,300 lumens (or, in the case of a modified spectrum, in the lumen range of 1,951 through 2,475 lumens) that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall impose—

"(i) a maximum 95-watt limitation on general service incandescent lamps in the lumen range of 2,601 through 3,300 lumens; and

"(ii) a requirement that those lamps be sold at retail only in a package containing 1 lamp.

"(H) SHATTER-RESISTANT LAMPS.—

"(i) IN GENERAL.—Effective beginning with the first year that the reported annual sales rate for shatter-resistant lamps demonstrates actual unit sales of shatter-resistant lamps that achieve levels that are at least 100 percent higher than modeled unit sales for that same year, the Secretary shall—

"(I) not later than 90 days after the end of the previous calendar year, issue a finding that the index has been exceeded; and

"(II) not later than the date that is 1 year after the end of the previous calendar year, complete an accelerated rulemaking to establish an energy conservation standard for shatter-resistant lamps.

"(ii) BACKSTOP REQUIREMENT.—If the Secretary fails to complete an accelerated rulemaking in accordance with clause (i)(II), effective beginning 1 year after the date of issuance of the finding under clause (i)(I), the Secretary shall impose—

"(I) a maximum wattage limitation of 40 watts on shatter resistant lamps; and

"(II) a requirement that those lamps be sold at retail only in a package containing 1 lamp.

"(I) RULEMAKINGS BEFORE JANUARY 1, 2025.—

"(i) IN GENERAL.—Except as provided in clause (ii), if the Secretary issues a final rule prior to January 1, 2025, establishing an energy conservation standard for any of the 5 types of lamps for which data collection is required under any of subparagraphs (D) through (G), the requirement to collect and model data for that type of lamp shall terminate unless, as part of the rulemaking, the Secretary determines that continued tracking is necessary.

"(ii) BACKSTOP REQUIREMENT.—If the Secretary imposes a backstop requirement as a result of a failure to complete an accelerated rulemaking in accordance with clause (i)(II) of any of subparagraphs (D) through (G), the requirement to collect and model data for the applicable type of lamp shall continue for an additional 2 years after the effective date of the backstop requirement.".

(b) CONSUMER EDUCATION AND LAMP LABELING.—Section 324(a)(2)(C) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)(C)) is amended by adding at the end the following:

"(iii) RULEMAKING TO CONSIDER EFFECTIVENESS OF LAMP LABELING.—

"(I) IN GENERAL.—Not later than 1 year after the date of enactment of this clause, the Commission shall initiate a rulemaking to consider—

"(aa) the effectiveness of current lamp labeling for power levels or watts, light output or lumens, and lamp lifetime; and

"(bb) alternative labeling approaches that will help consumers to understand new high-efficiency lamp products and to base the purchase decisions of the consumers on the most appropriate source that meets the requirements of the consumers for lighting level, light quality, lamp lifetime, and total lifecycle cost.

"(II) COMPLETION.—The Commission shall—

"(aa) complete the rulemaking not later than the date that is 30 months after the date of enactment of this clause; and

"(bb) consider reopening the rulemaking not later than 180 days before the effective dates of the standards for general service incandescent lamps established under section 325(i)(1)(A), if the Commission determines that further labeling changes are needed to help consumers understand lamp alternatives.".

(c) MARKET ASSESSMENTS AND CONSUMER AWARENESS PROGRAM.—

(1) IN GENERAL.—In cooperation with the Administrator of the Environmental Protection Agency, the Secretary of Commerce, the Federal Trade Commission, lighting and retail industry associations, energy efficiency organizations, and any other entities that the Secretary of Energy determines to be appropriate, the Secretary of Energy shall—

(A) conduct an annual assessment of the market for general service lamps and compact fluorescent lamps—

(i) to identify trends in the market shares of lamp types, efficiencies, and light output levels purchased by residential and nonresidential consumers; and

(ii) to better understand the degree to which consumer decisionmaking is based on lamp power levels or watts, light output or lumens, lamp lifetime, and other factors, including information required on labels mandated by the Federal Trade Commission;

(B) provide the results of the market assessment to the Federal Trade Commission for consideration in the rulemaking described in section 324(a)(2)(C)(iii) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)(C)(iii)); and

(C) in cooperation with industry trade associations, lighting industry members, utilities, and other interested parties, carry out a proactive national program of consumer awareness, information, and education that broadly uses the media and other effective communication techniques over an extended period of time to help consumers understand the lamp labels and make energy-efficient lighting choices that meet the needs of consumers.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 2009 through 2012.

(d) GENERAL RULE OF PREEMPTION FOR ENERGY CONSERVATION STANDARDS BEFORE FEDERAL STANDARD BECOMES EFFECTIVE FOR A PRODUCT.—Section 327(b)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6297(b)(1)) is amended—

(1) by inserting "(A)" after "(1)";

(2) by inserting "or" after the semicolon at the end; and

(3) by adding at the end the following:

"(B) in the case of any portion of any regulation that establishes requirements for general service incandescent lamps, intermediate base incandescent lamps, or candelabra base lamps, was enacted or adopted by the States of California or Nevada before December 4, 2007, except that—

"(i) the regulation adopted by the California Energy Commission with an effective date of January 1, 2008, shall only be effective until the effective date of the Federal standard for the applicable lamp category under subparagraphs (A), (B), and (C) of section 325(i)(1);

"(ii) the States of California and Nevada may, at any time, modify or adopt a State standard for general service lamps to conform with Federal standards with effective dates no earlier than 12 months prior to the Federal effective dates prescribed under subparagraphs (A), (B), and (C) of section 325(i)(1), at which time any prior regulations adopted by the States of California or Nevada shall no longer be effective; and

"(iii) all other States may, at any time, modify or adopt a State standard for general service lamps to conform with Federal standards and effective dates.".

(e) PROHIBITED ACTS.—Section 332(a) of the Energy Policy and Conservation Act (42 U.S.C. 6302(a)) is amended—

(1) in paragraph (4), by striking "or" at the end;

(2) in paragraph (5), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(6) for any manufacturer, distributor, retailer, or private labeler to distribute in commerce an adapter that—

"(A) is designed to allow an incandescent lamp that does not have a medium screw base to be installed into a fixture or lampholder with a medium screw base socket; and

"(B) is capable of being operated at a voltage range at least partially within 110 and 130 volts.".

(f) ENFORCEMENT.—Section 334 of the Energy Policy and Conservation Act (42 U.S.C. 6304) is amended by inserting after the second sentence the following: "Any such action to restrain any person from distributing in commerce a general service incandescent lamp that does not comply with the applicable standard established under section 325(i) or an adapter prohibited under section 332(a)(6) may also be brought by the attorney general of a State in the name of the State.".

(g) RESEARCH AND DEVELOPMENT PROGRAM.—

(1) IN GENERAL.—The Secretary may carry out a lighting technology research and development program—

(A) to support the research, development, demonstration, and commercial application of lamps and related technologies sold, offered for sale, or otherwise made available in the United States; and

(B) to assist manufacturers of general service lamps in the manufacturing of general service lamps that, at a minimum, achieve the wattage requirements imposed as a result of the amendments made by subsection (a).

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 2008 through 2013.

(3) TERMINATION OF AUTHORITY.—The program under this subsection shall terminate on September 30, 2015.

(h) REPORTS TO CONGRESS.—

(1) REPORT ON MERCURY USE AND RELEASE.—Not later than 1 year after the date of enactment of this Act, the Secretary , in cooperation with the Administrator of the Environmental Protection Agency, shall submit to Congress a report describing recommendations relating to the means by which the Federal Government may reduce or prevent the release of mercury during the manufacture, transportation, storage, or disposal of light bulbs.

(2) REPORT ON RULEMAKING SCHEDULE.—Beginning on July 1, 2013 and semiannually through July 1, 2016, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on—

(A) whether the Secretary will meet the deadlines for the rulemakings required under this section;

(B) a description of any impediments to meeting the deadlines; and

(C) a specific plan to remedy any failures, including recommendations for additional legislation or resources.

(3) NATIONAL ACADEMY REVIEW.—

(A) IN GENERAL.—Not later than December 31, 2009, the Secretary shall enter into an arrangement with the National Academy of Sciences to provide a report by December 31, 2013, and an updated report by July 31, 2015. The report should include—

(i) the status of advanced solid state lighting research, development, demonstration and commercialization;

(ii) the impact on the types of lighting available to consumers of an energy conservation standard requiring a minimum of 45 lumens per watt for general service lighting effective in 2020; and

(iii) the time frame for the commercialization of lighting that could replace current incandescent and halogen incandescent lamp technology and any other new technologies developed to meet the minimum standards required under subsection (a) (3) of this section.

(B) REPORTS.—The reports shall be transmitted to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate.

SEC. 322. INCANDESCENT REFLECTOR LAMP EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 316(c)(1)(D)) is amended—

(1) in paragraph (30)(C)(ii)—

(A) in the matter preceding subclause (I)—

(i) by striking "or similar bulb shapes (excluding ER or BR)" and inserting "ER, BR, BPAR, or similar bulb shapes"; and

(ii) by striking "2.75" and inserting "2.25"; and

(B) by striking "is either—" and all that follows through subclause (II) and inserting "has a rated wattage that is 40 watts or higher"; and

(2) by adding at the end the following:

"(54) BPAR INCANDESCENT REFLECTOR LAMP.—The term 'BPAR incandescent reflector lamp' means a reflector lamp as shown in figure C78.21–278 on page 32 of ANSI C78.21–2003.

"(55) BR INCANDESCENT REFLECTOR LAMP; BR30; BR40.—

"(A) BR INCANDESCENT REFLECTOR LAMP.—The term 'BR incandescent reflector lamp' means a reflector lamp that has—

"(i) a bulged section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RB) on page 7 of ANSI C79.1–1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

"(ii) a finished size and shape shown in ANSI C78.21–1989, including the referenced reflective characteristics in part 7 of ANSI C78.21–1989, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

"(B) BR30.—The term 'BR30' means a BR incandescent reflector lamp with a diameter of 30/8ths of an inch.

"(C) BR40.—The term 'BR40' means a BR incandescent reflector lamp with a diameter of 40/8ths of an inch.

"(56) ER INCANDESCENT REFLECTOR LAMP; ER30; ER40.—

"(A) ER INCANDESCENT REFLECTOR LAMP.—The term 'ER incandescent reflector lamp' means a reflector lamp that has—

"(i) an elliptical section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RE) on page 7 of ANSI C79.1–1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

"(ii) a finished size and shape shown in ANSI C78.21–1989, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

"(B) ER30.—The term 'ER30' means an ER incandescent reflector lamp with a diameter of 30/8ths of an inch.

"(C) ER40.—The term 'ER40' means an ER incandescent reflector lamp with a diameter of 40/8ths of an inch.

"(57) R20 INCANDESCENT REFLECTOR LAMP.—The term 'R20 incandescent reflector lamp' means a reflector lamp that has a face diameter of approximately 2.5 inches, as shown in figure 1(R) on page 7 of ANSI C79.1–1994.".

(b) STANDARDS FOR FLUORESCENT LAMPS AND INCANDESCENT REFLECTOR LAMPS.—Section 325(i) of the Energy Policy and Conservation Act (42 U.S.C. 6995(i)) is amended by striking paragraph (1) and inserting the following:

"(1) STANDARDS.—

"(A) DEFINITION OF EFFECTIVE DATE.—In this paragraph (other than subparagraph (D)), the term 'effective date' means, with respect to each type of lamp specified in a table contained in subparagraph (B), the last day of the period of months corresponding to that type of lamp (as specified in the table) that follows October 24, 1992.

"(B) MINIMUM STANDARDS.—Each of the following general service fluorescent lamps and incandescent reflector lamps manufactured after the effective date specified in the tables contained in this paragraph shall meet or exceed the following lamp efficacy and CRI standards:

"FLUORESCENT LAMPS

Lamp Type	Nominal Lamp Wattage	Minimum CRI	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
4-foot medium bi-pin	>35 W	69	75.0	36

"FLUORESCENT LAMPS—Continued

Lamp Type	*Nominal Lamp Wattage*	*Minimum CRI*	*Minimum Average Lamp Efficacy (LPW)*	*Effective Date (Period of Months)*
	≤35 W	*45*	*75.0*	*36*
2-foot U-shaped	*>35 W*	*69*	*68.0*	*36*
	≤35 W	*45*	*64.0*	*36*
8-foot slimline	*65 W*	*69*	*80.0*	*18*
	≤65 W	*45*	*80.0*	*18*
8-foot high output	*>100 W*	*69*	*80.0*	*18*
	≤100 W	*45*	*80.0*	*18*

"INCANDESCENT REFLECTOR LAMPS

Nominal Lamp Wattage	*Minimum Average Lamp Efficacy (LPW)*	*Effective Date (Period of Months)*
40–50	*10.5*	*36*
51–66	*11.0*	*36*
67–85	*12.5*	*36*
86–115	*14.0*	*36*
116–155	*14.5*	*36*
156–205	*15.0*	*36*

"(C) EXEMPTIONS.—The standards specified in subparagraph (B) shall not apply to the following types of incandescent reflector lamps:

"(i) Lamps rated at 50 watts or less that are ER30, BR30, BR40, or ER40 lamps.

"(ii) Lamps rated at 65 watts that are BR30, BR40, or ER40 lamps.

"(iii) R20 incandescent reflector lamps rated 45 watts or less.

"(D) EFFECTIVE DATES.—

"(i) ER, BR, AND BPAR LAMPS.—The standards specified in subparagraph (B) shall apply with respect to ER incandescent reflector lamps, BR incandescent reflector lamps, BPAR incandescent reflector lamps, and similar bulb shapes on and after January 1, 2008.

"(ii) LAMPS BETWEEN 2.25–2.75 INCHES IN DIAMETER.—The standards specified in subparagraph (B) shall apply with respect to incandescent reflector lamps with a diameter of more than 2.25 inches, but not more than 2.75 inches, on and after the later of January 1, 2008, or the date that is 180 days after the date of enactment of the Energy Independence and Security Act of 2007.".

SEC. 323. PUBLIC BUILDING ENERGY EFFICIENT AND RENEWABLE ENERGY SYSTEMS.

(a) ESTIMATE OF ENERGY PERFORMANCE IN PROSPECTUS.—Section 3307(b) of title 40, United States Code, is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by inserting after paragraph (6) the following:

"(7) with respect to any prospectus for the construction, alteration, or acquisition of any building or space to be leased, an estimate of the future energy performance of the building or space and a specific description of the use of energy efficient and renewable energy systems, including photovoltaic systems, in carrying out the project.".

(b) MINIMUM PERFORMANCE REQUIREMENTS FOR LEASED SPACE.—Section 3307 of such of title is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

"(f) MINIMUM PERFORMANCE REQUIREMENTS FOR LEASED SPACE.—With respect to space to be leased, the Administrator shall include, to the maximum extent practicable, minimum performance requirements requiring energy efficiency and the use of renewable energy.".

(c) USE OF ENERGY EFFICIENT LIGHTING FIXTURES AND BULBS.—

(1) IN GENERAL.—Chapter 33 of such title is amended—

(A) by redesignating sections 3313, 3314, and 3315 as sections 3314, 3315, and 3316, respectively; and

(B) by inserting after section 3312 the following:

"§3313. Use of energy efficient lighting fixtures and bulbs

"(a) CONSTRUCTION, ALTERATION, AND ACQUISITION OF PUBLIC BUILDINGS.—Each public building constructed, altered, or acquired by the Administrator of General Services shall be equipped, to the maximum extent feasible as determined by the Administrator, with lighting fixtures and bulbs that are energy efficient.

"(b) MAINTENANCE OF PUBLIC BUILDINGS.—Each lighting fixture or bulb that is replaced by the Administrator in the normal course of maintenance of public buildings shall be replaced, to the maximum extent feasible, with a lighting fixture or bulb that is energy efficient.

"(c) CONSIDERATIONS.—In making a determination under this section concerning the feasibility of installing a lighting fixture or bulb that is energy efficient, the Administrator shall consider—

"(1) the life-cycle cost effectiveness of the fixture or bulb;

"(2) the compatibility of the fixture or bulb with existing equipment;

"(3) whether use of the fixture or bulb could result in interference with productivity;

"(4) the aesthetics relating to use of the fixture or bulb; and

"(5) such other factors as the Administrator determines appropriate.

"(d) ENERGY STAR.—A lighting fixture or bulb shall be treated as being energy efficient for purposes of this section if—

"(1) the fixture or bulb is certified under the Energy Star program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a);

"(2) in the case of all light-emitting diode (LED) luminaires, lamps, and systems whose efficacy (lumens per watt) and Color Rendering Index (CRI) meet the Department of Energy requirements for minimum luminaire efficacy and CRI for the Energy Star certification, as verified by an independent third-party testing laboratory that the Administrator and the Secretary of Energy determine conducts its tests according to the procedures and recommendations of the Illuminating Engineering Society of North America, even if the luminaires, lamps, and systems have not received such certification; or

"(3) the Administrator and the Secretary of Energy have otherwise determined that the fixture or bulb is energy efficient.

"(e) ADDITIONAL ENERGY EFFICIENT LIGHTING DESIGNATIONS.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall give priority to establishing Energy Star performance criteria or Federal Energy Management Program designations for additional lighting product categories that are appropriate for use in public buildings.

"(f) GUIDELINES.—The Administrator shall develop guidelines for the use of energy efficient lighting technologies that contain mercury in child care centers in public buildings.

"(g) APPLICABILITY OF BUY AMERICAN ACT.—Acquisitions carried out pursuant to this section shall be subject to the requirements of the Buy American Act (41 U.S.C. 10c et seq.).

"(h) EFFECTIVE DATE.—The requirements of subsections (a) and (b) shall take effect one year after the date of enactment of this subsection.".

(2) CLERICAL AMENDMENT.—The analysis for such chapter is amended by striking the items relating to sections 3313, 3314, and 3315 and inserting the following:

"3313. Use of energy efficient lighting fixtures and bulbs.
"3314. Delegation.
"3315. Report to Congress.
"3316. Certain authority not affected.".

(d) EVALUATION FACTOR.—Section 3310 of such title is amended—

(1) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) shall include in the solicitation for any lease requiring a prospectus under section 3307 an evaluation factor considering the extent to which the offeror will promote energy efficiency and the use of renewable energy;".

SEC. 324. METAL HALIDE LAMP FIXTURES.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) (as amended by section 322(a)(2)) is amended by adding at the end the following:

"(58) BALLAST.—The term 'ballast' means a device used with an electric discharge lamp to obtain necessary circuit conditions (voltage, current, and waveform) for starting and operating.

"(59) BALLAST EFFICIENCY.—

"(A) IN GENERAL.—The term 'ballast efficiency' means, in the case of a high intensity discharge fixture, the efficiency of a lamp and ballast combination, expressed as a percentage, and calculated in accordance with the following formula: Efficiency = P_{out}/P_{in}.

"(B) EFFICIENCY FORMULA.—For the purpose of subparagraph (A)—

"(i) P_{out} shall equal the measured operating lamp wattage;

"(ii) P_{in} shall equal the measured operating input wattage;

"(iii) the lamp, and the capacitor when the capacitor is provided, shall constitute a nominal system in accordance with the ANSI Standard C78.43–2004;

"(iv) for ballasts with a frequency of 60 Hz, P_{in} and P_{out} shall be measured after lamps have been stabilized according to section 4.4 of ANSI Standard C82.6–2005 using a wattmeter with accuracy specified in section 4.5 of ANSI Standard C82.6–2005; and

"(v) for ballasts with a frequency greater than 60 Hz, P_{in} and P_{out} shall have a basic accuracy of ± 0.5 percent at the higher of—

"(I) 3 times the output operating frequency of the ballast; or

"(II) 2 kHz for ballast with a frequency greater than 60 Hz.

"(C) MODIFICATION.—The Secretary may, by rule, modify the definition of 'ballast efficiency' if the Secretary determines that the modification is necessary or appropriate to carry out the purposes of this Act.

"(60) ELECTRONIC BALLAST.—The term 'electronic ballast' means a device that uses semiconductors as the primary means to control lamp starting and operation.

"(61) GENERAL LIGHTING APPLICATION.—The term 'general lighting application' means lighting that provides an interior or exterior area with overall illumination.

"(62) METAL HALIDE BALLAST.—The term 'metal halide ballast' means a ballast used to start and operate metal halide lamps.

"(63) METAL HALIDE LAMP.—The term 'metal halide lamp' means a high intensity discharge lamp in which the major portion of the light is produced by radiation of metal halides and their products of dissociation, possibly in combination with metallic vapors.

"(64) METAL HALIDE LAMP FIXTURE.—The term 'metal halide lamp fixture' means a light fixture for general lighting application designed to be operated with a metal halide lamp and a ballast for a metal halide lamp.

"(65) PROBE-START METAL HALIDE BALLAST.—The term 'probe-start metal halide ballast' means a ballast that—

"(A) starts a probe-start metal halide lamp that contains a third starting electrode (probe) in the arc tube; and

"(B) does not generally contain an igniter but instead starts lamps with high ballast open circuit voltage.

"(66) PULSE-START METAL HALIDE BALLAST.—

"(A) IN GENERAL.—The term 'pulse-start metal halide ballast' means an electronic or electromagnetic ballast that starts a pulse-start metal halide lamp with high voltage pulses.

"(B) STARTING PROCESS.—For the purpose of subparagraph (A)—

"(i) lamps shall be started by first providing a high voltage pulse for ionization of the gas to produce a glow discharge; and

"(ii) to complete the starting process, power shall be provided by the ballast to sustain the discharge through the glow-to-arc transition.".

(b) COVERAGE.—Section 322(a) of the Energy Policy and Conservation Act (42 U.S.C. 6292(a)) is amended—

(1) by redesignating paragraph (19) as paragraph (20); and

(2) by inserting after paragraph (18) the following:

"(19) Metal halide lamp fixtures.".

(c) TEST PROCEDURES.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293(b)) (as amended by section 301(b)) is amended by adding at the end the following:

"(18) METAL HALIDE LAMP BALLASTS.—Test procedures for metal halide lamp ballasts shall be based on ANSI Standard C82.6–2005, entitled 'Ballasts for High Intensity Discharge Lamps—Method of Measurement'.".

(d) LABELING.—Section 324(a)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended—

(1) by redesignating subparagraphs (C) through (G) as subparagraphs (D) through (H), respectively; and

(2) by inserting after subparagraph (B) the following:

"(C) METAL HALIDE LAMP FIXTURES.—

"(i) IN GENERAL.—The Commission shall issue labeling rules under this section applicable to the covered product specified in section 322(a)(19) and to which standards are applicable under section 325.

"(ii) LABELING.—The rules shall provide that the labeling of any metal halide lamp fixture manufactured on or after the later of January 1, 2009, or the date that is 270 days after the date of enactment of this subparagraph, shall indicate conspicuously, in a manner prescribed by the Commission under subsection (b) by July 1, 2008, a capital letter 'E' printed within a circle on the packaging of the fixture, and on the ballast contained in the fixture.".

(e) STANDARDS.—Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) (as amended by section 310) is amended—

(1) by redesignating subsection (hh) as subsection (ii);

(2) by inserting after subsection (gg) the following:

"(hh) METAL HALIDE LAMP FIXTURES.—

"(1) STANDARDS.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), metal halide lamp fixtures designed to be operated with lamps rated greater than or equal to 150 watts but less than or equal to 500 watts shall contain—

"(i) a pulse-start metal halide ballast with a minimum ballast efficiency of 88 percent;

"(ii) a magnetic probe-start ballast with a minimum ballast efficiency of 94 percent; or

"(iii) a nonpulse-start electronic ballast with—

"(I) a minimum ballast efficiency of 92 percent for wattages greater than 250 watts; and

"(II) a minimum ballast efficiency of 90 percent for wattages less than or equal to 250 watts.

"(B) EXCLUSIONS.—The standards established under subparagraph (A) shall not apply to—

"(i) fixtures with regulated lag ballasts;

"(ii) fixtures that use electronic ballasts that operate at 480 volts; or

"(iii) fixtures that—

"(I) are rated only for 150 watt lamps;

"(II) are rated for use in wet locations, as specified by the National Electrical Code 2002, section 410.4(A); and

"(III) contain a ballast that is rated to operate at ambient air temperatures above 50°C, as specified by UL 1029–2001.

"(C) APPLICATION.—The standards established under subparagraph (A) shall apply to metal halide lamp fixtures manufactured on or after the later of—

"(i) January 1, 2009; or

"(ii) the date that is 270 days after the date of enactment of this subsection.

"(2) FINAL RULE BY JANUARY 1, 2012.—

"(A) IN GENERAL.—Not later than January 1, 2012, the Secretary shall publish a final rule to determine whether the standards established under paragraph (1) should be amended.

"(B) ADMINISTRATION.—The final rule shall—

"(i) contain any amended standard; and

"(ii) apply to products manufactured on or after January 1, 2015.

"(3) FINAL RULE BY JANUARY 1, 2019.—

"(A) IN GENERAL.—Not later than January 1, 2019, the Secretary shall publish a final rule to determine whether the standards then in effect should be amended.

"(B) ADMINISTRATION.—The final rule shall—

"(i) contain any amended standards; and

"(ii) apply to products manufactured after January 1, 2022.

"(4) DESIGN AND PERFORMANCE REQUIREMENTS.—Notwithstanding any other provision of law, any standard established pursuant to this subsection may contain both design and performance requirements."; and

(3) in paragraph (2) of subsection (ii) (as redesignated by paragraph (2)), by striking "(gg)" each place it appears and inserting "(hh)".

(f) EFFECT ON OTHER LAW.—Section 327(c) of the Energy Policy and Conservation Act (42 U.S.C. 6297(c)) is amended—

(1) in paragraph (8)(B), by striking the period at the end and inserting "; and"; and

(2) by adding at the end the following:

"(9) is a regulation concerning metal halide lamp fixtures adopted by the California Energy Commission on or before January 1, 2011, except that—

"(A) if the Secretary fails to issue a final rule within 180 days after the deadlines for rulemakings in section 325(hh), notwithstanding any other provision of this section, preemption shall not apply to a regulation concerning metal halide lamp fixtures adopted by the California Energy Commission—

"(i) on or before July 1, 2015, if the Secretary fails to meet the deadline specified in section 325(hh)(2); or

"(ii) on or before July 1, 2022, if the Secretary fails to meet the deadline specified in section 325(hh)(3).".

SEC. 325. ENERGY EFFICIENCY LABELING FOR CONSUMER ELECTRONIC PRODUCTS.

(a) IN GENERAL.—Section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)) (as amended by section 324(d)) is amended—

(1) in paragraph (2), by adding at the end the following:

"(I) LABELING REQUIREMENTS.—

"(i) IN GENERAL.—Subject to clauses (ii) through (iv), not later than 18 months after the date of issuance of applicable Department of Energy testing procedures, the Commission, in consultation with the Secretary and the Administrator of the Environmental Protection Agency (acting through the Energy Star program), shall, by regulation, prescribe labeling or other disclosure requirements for the energy use of—

"(I) televisions;

"(II) personal computers;

"(III) cable or satellite set-top boxes;

"(IV) stand-alone digital video recorder boxes; and

"(V) personal computer monitors.

"(ii) ALTERNATE TESTING PROCEDURES.—In the absence of applicable testing procedures described in clause (i) for products described in subclauses (I) through (V) of that clause, the Commission may, by regulation, prescribe labeling or other disclosure requirements for a consumer product category described in clause (i) if the Commission—

"(I) identifies adequate non-Department of Energy testing procedures for those products; and

"(II) determines that labeling of, or other disclosures relating to, those products is likely to assist consumers in making purchasing decisions.

"(iii) DEADLINE AND REQUIREMENTS FOR LABELING.—

"(I) DEADLINE.—Not later than 18 months after the date of promulgation of any requirements under clause (i) or (ii), the Commission shall require labeling of, or other disclosure requirements for, electronic products described in clause (i).

"(II) REQUIREMENTS.—The requirements prescribed under clause (i) or (ii) may include specific requirements for each electronic product to be labeled with respect to the placement, size, and content of Energy Guide labels.

"(iv) DETERMINATION OF FEASIBILITY.—Clause (i) or (ii) shall not apply in any case in which the Commission determines that labeling in accordance with this subsection—

"(I) is not technologically or economically feasible; or

"(II) is not likely to assist consumers in making purchasing decisions."; and

(2) by adding at the end the following:

"(6) AUTHORITY TO INCLUDE ADDITIONAL PRODUCT CATEGORIES.—The Commission may, by regulation, require labeling or other disclosures in accordance with this subsection for any consumer product not specified in this subsection or section 322 if the Commission determines that labeling for the product is likely to assist consumers in making purchasing decisions.".

(b) CONTENT OF LABEL.—Section 324(c) of the Energy Policy and Conservation Act (42 U.S.C. 6924(c)) is amended by adding at the end the following:

"(9) DISCRETIONARY APPLICATION.—The Commission may apply paragraphs (1), (2), (3), (5), and (6) of this subsection to the labeling of any product covered by paragraph (2)(I) or (6) of subsection (a).".

TITLE IV—ENERGY SAVINGS IN BUILDINGS AND INDUSTRY

SEC. 401. DEFINITIONS.

In this title:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of General Services.

(2) ADVISORY COMMITTEE.—The term "Advisory Committee" means the Green Building Advisory Committee established under section 484.

(3) COMMERCIAL DIRECTOR.—The term "Commercial Director" means the individual appointed to the position established under section 421.

(4) CONSORTIUM.—The term "Consortium" means the High-Performance Green Building Partnership Consortium created in response to section 436(c)(1) to represent the private sector in a public-private partnership to promote high-performance green buildings and zero-net-energy commercial buildings.

(5) COST-EFFECTIVE LIGHTING TECHNOLOGY.—

(A) IN GENERAL.—The term "cost-effective lighting technology" means a lighting technology that—

(i) will result in substantial operational cost savings by ensuring an installed consumption of not more than 1 watt per square foot; or

(ii) is contained in a list under—

(I) section 553 of Public Law 95–619 (42 U.S.C. 8259b);

(II) Federal acquisition regulation 23–203; and

(III) is at least as energy-conserving as required by other provisions of this Act, including the requirements of this title and title III which shall be applicable to the extent that they would achieve greater energy savings than provided under clause (i) or this clause.

(B) INCLUSIONS.—The term "cost-effective lighting technology" includes—

(i) lamps;

(ii) ballasts;

(iii) luminaires;

(iv) lighting controls;

(v) daylighting; and

(vi) early use of other highly cost-effective lighting technologies.

(6) COST-EFFECTIVE TECHNOLOGIES AND PRACTICES.—The term "cost-effective technologies and practices" means a technology or practice that—

(A) will result in substantial operational cost savings by reducing electricity or fossil fuel consumption, water, or other utility costs, including use of geothermal heat pumps;

(B) complies with the provisions of section 553 of Public Law 95–619 (42 U.S.C. 8259b) and Federal acquisition regulation 23–203; and

(C) is at least as energy and water conserving as required under this title, including sections 431 through 435, and title V, including section 511 through 525, which shall be applicable to the extent that they are more stringent or require greater energy or water savings than required by this section.

(7) FEDERAL DIRECTOR.—The term "Federal Director" means the individual appointed to the position established under section 436(a).

(8) FEDERAL FACILITY.—The term "Federal facility" means any building that is constructed, renovated, leased, or purchased in part or in whole for use by the Federal Government.

(9) OPERATIONAL COST SAVINGS.—

(A) IN GENERAL.—The term "operational cost savings" means a reduction in end-use operational costs through the application of cost-effective technologies and practices or geothermal heat pumps, including a reduction in electricity consumption relative to consumption by the same customer or at the same facility in a given year, as defined in guidelines promulgated by the Administrator pursuant to section 329(b) of the Clean Air Act, that achieves cost savings sufficient to pay the incremental additional costs of using cost-effective technologies and practices including geothermal heat pumps by not later than the later of the date established under sections 431 through 434, or—

(i) for cost-effective technologies and practices, the date that is 5 years after the date of installation; and

(ii) for geothermal heat pumps, as soon as practical after the date of installation of the applicable geothermal heat pump.

(B) INCLUSIONS.—The term "operational cost savings" includes savings achieved at a facility as a result of—

(i) the installation or use of cost-effective technologies and practices; or

(ii) the planting of vegetation that shades the facility and reduces the heating, cooling, or lighting needs of the facility.

(C) EXCLUSION.—The term "operational cost savings" does not include savings from measures that would likely be adopted in the absence of cost-effective technology and practices programs, as determined by the Administrator.

(10) GEOTHERMAL HEAT PUMP.—The term "geothermal heat pump" means any heating or air conditioning technology that—

(A) uses the ground or ground water as a thermal energy source to heat, or as a thermal energy sink to cool, a building; and

(B) meets the requirements of the Energy Star program of the Environmental Protection Agency applicable to geothermal heat pumps on the date of purchase of the technology.

(11) GSA FACILITY.—

(A) IN GENERAL.—The term "GSA facility" means any building, structure, or facility, in whole or in part (including the associated support systems of the building, structure, or facility) that—

(i) is constructed (including facilities constructed for lease), renovated, or purchased, in whole or in part, by the Administrator for use by the Federal Government; or

(ii) is leased, in whole or in part, by the Administrator for use by the Federal Government—

(I) except as provided in subclause (II), for a term of not less than 5 years; or

(II) for a term of less than 5 years, if the Administrator determines that use of cost-effective technologies and practices would result in the payback of expenses.

(B) INCLUSION.—The term "GSA facility" includes any group of buildings, structures, or facilities described in subparagraph (A) (including the associated energy-consuming support systems of the buildings, structures, and facilities).

(C) EXEMPTION.—The Administrator may exempt from the definition of "GSA facility" under this paragraph a building, structure, or facility that meets the requirements of section 543(c) of Public Law 95–619 (42 U.S.C. 8253(c)).

(12) HIGH-PERFORMANCE BUILDING.—The term "high performance building" means a building that integrates and optimizes on a life cycle basis all major high performance attributes, including energy conservation, environment, safety, security, durability, accessibility, cost-benefit, productivity, sustainability, functionality, and operational considerations.

(13) HIGH-PERFORMANCE GREEN BUILDING.—The term "high-performance green building" means a high-performance building that, during its life-cycle, as compared with similar buildings (as measured by Commercial Buildings Energy Consumption Survey or Residential Energy Consumption Survey data from the Energy Information Agency)—

(A) reduces energy, water, and material resource use;

(B) improves indoor environmental quality, including reducing indoor pollution, improving thermal comfort, and improving lighting and acoustic environments that affect occupant health and productivity;

(C) reduces negative impacts on the environment throughout the life-cycle of the building, including air and water pollution and waste generation;

(D) increases the use of environmentally preferable products, including biobased, recycled content, and nontoxic products with lower life-cycle impacts;

(E) increases reuse and recycling opportunities;

(F) integrates systems in the building;

(G) reduces the environmental and energy impacts of transportation through building location and site design that support a full range of transportation choices for users of the building; and

(H) considers indoor and outdoor effects of the building on human health and the environment, including—

(i) improvements in worker productivity;

(ii) the life-cycle impacts of building materials and operations; and

(iii) other factors that the Federal Director or the Commercial Director consider to be appropriate.

(14) LIFE-CYCLE.—The term "life-cycle", with respect to a high-performance green building, means all stages of the useful life of the building (including components, equipment, systems, and controls of the building) beginning at conception of a high-performance green building project and continuing through site selection, design, construction, landscaping, commissioning, operation, maintenance, renovation, deconstruction or demolition, removal, and recycling of the high-performance green building.

(15) LIFE-CYCLE ASSESSMENT.—The term "life-cycle assessment" means a comprehensive system approach for measuring the environmental performance of a product or service over the life of the product or service, beginning at raw materials acquisition and continuing through manufacturing, transportation, installation, use, reuse, and end-of-life waste management.

(16) LIFE-CYCLE COSTING.—The term "life-cycle costing", with respect to a high-performance green building, means a technique of economic evaluation that—

(A) sums, over a given study period, the costs of initial investment (less resale value), replacements, operations (including energy use), and maintenance and repair of an investment decision; and

(B) is expressed—

(i) in present value terms, in the case of a study period equivalent to the longest useful life of the building, determined by taking into consideration the typical life of such a building in the area in which the building is to be located; or

(ii) in annual value terms, in the case of any other study period.

(17) OFFICE OF COMMERCIAL HIGH-PERFORMANCE GREEN BUILDINGS.—The term "Office of Commercial High-Performance Green Buildings" means the Office of Commercial High-Performance Green Buildings established under section 421(a).

(18) OFFICE OF FEDERAL HIGH-PERFORMANCE GREEN BUILDINGS.—The term "Office of Federal High-Performance Green Buildings" means the Office of Federal High-Performance Green Buildings established under section 436(a).

(19) PRACTICES.—The term "practices" means design, financing, permitting, construction,

commissioning, operation and maintenance, and other practices that contribute to achieving zero-net-energy buildings or facilities.

(20) ZERO-NET-ENERGY COMMERCIAL BUILDING.—The term "zero-net-energy commercial building" means a commercial building that is designed, constructed, and operated to—

(A) require a greatly reduced quantity of energy to operate;

(B) meet the balance of energy needs from sources of energy that do not produce greenhouse gases;

(C) therefore result in no net emissions of greenhouse gases; and

(D) be economically viable.

Subtitle A—Residential Building Efficiency

SEC. 411. REAUTHORIZATION OF WEATHERIZATION ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking " appropriated $500,000,000 for fiscal year 2006, $600,000,000 for fiscal year 2007, and $700,000,000 for fiscal year 2008" and inserting "appropriated—

"(1) $750,000,000 for fiscal year 2008;

"(2) $900,000,000 for fiscal year 2009;

"(3) $1,050,000,000 for fiscal year 2010;

"(4) $1,200,000,000 for fiscal year 2011; and

"(5) $1,400,000,000 for fiscal year 2012.".

(b) SUSTAINABLE ENERGY RESOURCES FOR CONSUMERS GRANTS.—

(1) IN GENERAL.—The Secretary may make funding available to local weatherization agencies from amounts authorized under the amendment made by subsection (a) to expand the weatherization assistance program for residential buildings to include materials, benefits, and renewable and domestic energy technologies not covered by the program (as of the date of enactment of this Act), if the State weatherization grantee certifies that the applicant has the capacity to carry out the proposed activities and that the grantee will include the project in the financial oversight of the grantee of the weatherization assistance program.

(2) PRIORITY.—In selecting grant recipients under this subsection, the Secretary shall give priority to—

(A) the expected effectiveness and benefits of the proposed project to low- and moderate-income energy consumers;

(B) the potential for replication of successful results;

(C) the impact on the health and safety and energy costs of consumers served; and

(D) the extent of partnerships with other public and private entities that contribute to the resources and implementation of the program, including financial partnerships.

(3) FUNDING.—

(A) IN GENERAL.—Except as provided in paragraph (2), the amount of funds used for projects described in paragraph (1) may equal up to 2 percent of the amount of funds made available for any fiscal year under section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872).

(B) EXCEPTION.—No funds may be used for sustainable energy resources for consumers grants for a fiscal year under this subsection if the amount of funds made available for the fiscal year to carry out the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.) is less than $275,000,000.

(c) DEFINITION OF STATE.—Section 412 of the Energy Conservation and Production Act (42 U.S.C. 6862) is amended by striking paragraph (8) and inserting the following:

"(8) STATE.—The term 'State' means—

"(A) a State;

"(B) the District of Columbia;

"(C) the Commonwealth of Puerto Rico; and

"(D) any other territory or possession of the United States.".

SEC. 412. STUDY OF RENEWABLE ENERGY REBATE PROGRAMS.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary shall conduct, and submit to Congress a report on, a study regarding the rebate programs established under sections 124 and 206(c) of the Energy Policy Act of 2005 (42 U.S.C. 15821, 15853).

(b) COMPONENTS.—In conducting the study, the Secretary shall—

(1) develop a plan for how the rebate programs would be carried out if the programs were funded; and

(2) determine the minimum amount of funding the program would need to receive in order to accomplish the goals of the programs.

SEC. 413. ENERGY CODE IMPROVEMENTS APPLICABLE TO MANUFACTURED HOUSING.

(a) ESTABLISHMENT OF STANDARDS.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, the Secretary shall by regulation establish standards for energy efficiency in manufactured housing.

(2) NOTICE, COMMENT, AND CONSULTATION.—Standards described in paragraph (1) shall be established after—

(A) notice and an opportunity for comment by manufacturers of manufactured housing and other interested parties; and

(B) consultation with the Secretary of Housing and Urban Development, who may seek further counsel from the Manufactured Housing Consensus Committee.

(b) REQUIREMENTS.—

(1) INTERNATIONAL ENERGY CONSERVATION CODE.—The energy conservation standards established under this section shall be based on the most recent version of the International Energy Conservation Code (including supplements), except in cases in which the Secretary finds that the code is not cost-effective, or a more stringent standard would be more cost-effective, based on the impact of the code on the purchase price of manufactured housing and on total life-cycle construction and operating costs.

(2) CONSIDERATIONS.—The energy conservation standards established under this section may—

(A) take into consideration the design and factory construction techniques of manufactured homes;

(B) be based on the climate zones established by the Department of Housing and Urban Development rather than the climate zones under the International Energy Conservation Code; and

(C) provide for alternative practices that result in net estimated energy consumption equal to or less than the specified standards.

(3) UPDATING.—The energy conservation standards established under this section shall be updated not later than—

(A) 1 year after the date of enactment of this Act; and

(B) 1 year after any revision to the International Energy Conservation Code.

(c) ENFORCEMENT.—Any manufacturer of manufactured housing that violates a provision of the regulations under subsection (a) is liable to the United States for a civil penalty in an amount not exceeding 1 percent of the manufacturer's retail list price of the manufactured housing.

Subtitle B—High-Performance Commercial Buildings

SEC. 421. COMMERCIAL HIGH-PERFORMANCE GREEN BUILDINGS.

(a) DIRECTOR OF COMMERCIAL HIGH-PERFORMANCE GREEN BUILDINGS.—Notwithstanding any other provision of law, the Secretary, acting through the Assistant Secretary of Energy Efficiency and Renewable Energy, shall appoint a Director of Commercial High-Performance Green Buildings to a position in the career-reserved Senior Executive service, with the principal responsibility to—

(1) establish and manage the Office of Commercial High-Performance Green Buildings; and

(2) carry out other duties as required under this subtitle.

(b) QUALIFICATIONS.—The Commercial Director shall be an individual, who by reason of professional background and experience, is specifically qualified to carry out the duties required under this subtitle.

(c) DUTIES.—The Commercial Director shall, with respect to development of high-performance green buildings and zero-energy commercial buildings nationwide—

(1) coordinate the activities of the Office of Commercial High-Performance Green Buildings with the activities of the Office of Federal High-Performance Green Buildings;

(2) develop the legal predicates and agreements for, negotiate, and establish one or more public-private partnerships with the Consortium, members of the Consortium, and other capable parties meeting the qualifications of the Consortium, to further such development;

(3) represent the public and the Department in negotiating and performing in accord with such public-private partnerships;

(4) use appropriated funds in an effective manner to encourage the maximum investment of private funds to achieve such development;

(5) promote research and development of high performance green buildings, consistent with section 423; and

(6) jointly establish with the Federal Director a national high-performance green building clearinghouse in accordance with section 423(1), which shall provide high-performance green building information and disseminate research results through—

(A) outreach;

(B) education; and

(C) the provision of technical assistance.

(d) REPORTING.—The Commercial Director shall report directly to the Assistant Secretary for Energy Efficiency and Renewable Energy, or to other senior officials in a way that facilitates the integrated program of this subtitle for both energy efficiency and renewable energy and both technology development and technology deployment.

(e) COORDINATION.—The Commercial Director shall ensure full coordination of high-performance green building information and activities, including activities under this subtitle, within the Federal Government by working with the General Services Administration and all relevant agencies, including, at a minimum—

(1) the Environmental Protection Agency;

(2) the Office of the Federal Environmental Executive;

(3) the Office of Federal Procurement Policy;

(4) the Department of Energy, particularly the Federal Energy Management Program;

(5) the Department of Health and Human Services;

(6) the Department of Housing and Urban Development;

(7) the Department of Defense;

(8) the National Institute of Standards and Technology;

(9) the Department of Transportation;

(10) the Office of Science Technology and Policy; and

(11) such nonprofit high-performance green building rating and analysis entities as the Commercial Director determines can offer support, expertise, and review services.

(f) HIGH-PERFORMANCE GREEN BUILDING PARTNERSHIP CONSORTIUM.—

(1) RECOGNITION.—Not later than 90 days after the date of enactment of this Act, the Commercial Director shall formally recognize one or more groups that qualify as a high-performance green building partnership consortium.

(2) REPRESENTATION TO QUALIFY.—To qualify under this section, any consortium shall include representation from—

(A) the design professions, including national associations of architects and of professional engineers;

(B) the development, construction, financial, and real estate industries;

(C) building owners and operators from the public and private sectors;

(D) academic and research organizations, including at least one national laboratory with extensive commercial building energy expertise;

(E) building code agencies and organizations, including a model energy code-setting organization;

(F) independent high-performance green building associations or councils;

(G) experts in indoor air quality and environmental factors;

(H) experts in intelligent buildings and integrated building information systems;

(I) utility energy efficiency programs;

(J) manufacturers and providers of equipment and techniques used in high performance green buildings;

(K) public transportation industry experts; and

(L) nongovernmental energy efficiency organizations.

(3) FUNDING.—The Secretary may make payments to the Consortium pursuant to the terms of a public-private partnership for such activities of the Consortium undertaken under such a partnership as described in this subtitle directly to the Consortium or through one or more of its members.

(g) REPORT.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Commercial Director, in consultation with the Consortium, shall submit to Congress a report that—

(1) describes the status of the high-performance green building initiatives under this subtitle and other Federal programs affecting commercial high-performance green buildings in effect as of the date of the report, including—

(A) the extent to which the programs are being carried out in accordance with this subtitle; and

(B) the status of funding requests and appropriations for those programs; and

(2) summarizes and highlights development, at the State and local level, of high-performance green building initiatives, including executive orders, policies, or laws adopted promoting high-performance green building (including the status of implementation of those initiatives).

SEC. 422. ZERO NET ENERGY COMMERCIAL BUILDINGS INITIATIVE.

(a) DEFINITIONS.—In this section:

(1) CONSORTIUM.—The term "consortium" means a High-Performance Green Building Consortium selected by the Commercial Director.

(2) INITIATIVE.—The term "initiative" means the Zero-Net-Energy Commercial Buildings Initiative established under subsection (b)(1).

(3) ZERO-NET-ENERGY COMMERCIAL BUILDING.—The term "zero-net-energy commercial building" means a high-performance commercial building that is designed, constructed, and operated—

(A) to require a greatly reduced quantity of energy to operate;

(B) to meet the balance of energy needs from sources of energy that do not produce greenhouse gases;

(C) in a manner that will result in no net emissions of greenhouse gases; and

(D) to be economically viable.

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Commercial Director shall establish an initiative, to be known as the "Zero-Net-Energy Commercial Buildings Initiative"—

(A) to reduce the quantity of energy consumed by commercial buildings located in the United States; and

(B) to achieve the development of zero net energy commercial buildings in the United States.

(2) CONSORTIUM.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commercial Director shall competitively select, and enter into an agreement with, a consortium to develop and carry out the initiative.

(B) AGREEMENTS.—In entering into an agreement with a consortium under subparagraph (A), the Commercial Director shall use the authority described in section 646(g) of the Department of Energy Organization Act (42 U.S.C. 7256(g)), to the maximum extent practicable.

(c) GOAL OF INITIATIVE.—The goal of the initiative shall be to develop and disseminate technologies, practices, and policies for the development and establishment of zero net energy commercial buildings for—

(1) any commercial building newly constructed in the United States by 2030;

(2) 50 percent of the commercial building stock of the United States by 2040; and

(3) all commercial buildings in the United States by 2050.

(d) COMPONENTS.—In carrying out the initiative, the Commercial Director, in consultation with the consortium, may—

(1) conduct research and development on building science, design, materials, components, equipment and controls, operation and other practices, integration, energy use measurement, and benchmarking;

(2) conduct pilot programs and demonstration projects to evaluate replicable approaches to achieving energy efficient commercial buildings for a variety of building types in a variety of climate zones;

(3) conduct deployment, dissemination, and technical assistance activities to encourage widespread adoption of technologies, practices, and policies to achieve energy efficient commercial buildings;

(4) conduct other research, development, demonstration, and deployment activities necessary to achieve each goal of the initiative, as determined by the Commercial Director, in consultation with the consortium;

(5) develop training materials and courses for building professionals and trades on achieving cost-effective high-performance energy efficient buildings;

(6) develop and disseminate public education materials to share information on the benefits and cost-effectiveness of high-performance energy efficient buildings;

(7) support code-setting organizations and State and local governments in developing minimum performance standards in building codes that recognize the ready availability of many technologies utilized in high-performance energy efficient buildings;

(8) develop strategies for overcoming the split incentives between builders and purchasers, and landlords and tenants, to ensure that energy efficiency and high-performance investments are made that are cost-effective on a lifecycle basis; and

(9) develop improved means of measurement and verification of energy savings and performance for public dissemination.

(e) COST SHARING.—In carrying out this section, the Commercial Director shall require cost sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $20,000,000 for fiscal year 2008;

(2) $50,000,000 for each of fiscal years 2009 and 2010;

(3) $100,000,000 for each of fiscal years 2011 and 2012; and

(4) $200,000,000 for each of fiscal years 2013 through 2018.

SEC. 423. PUBLIC OUTREACH.

The Commercial Director and Federal Director, in coordination with the Consortium, shall carry out public outreach to inform individuals and entities of the information and services available Governmentwide by—

(1) establishing and maintaining a national high-performance green building clearinghouse, including on the internet, that—

(A) identifies existing similar efforts and coordinates activities of common interest; and

(B) provides information relating to high-performance green buildings, including hyperlinks to internet sites that describe the activities, information, and resources of—

(i) the Federal Government;

(ii) State and local governments;

(iii) the private sector (including nongovernmental and nonprofit entities and organizations); and

(iv) international organizations;

(2) identifying and recommending educational resources for implementing high-performance green building practices, including security and emergency benefits and practices;

(3) providing access to technical assistance, tools, and resources for constructing high-performance green buildings, particularly tools to conduct life-cycle costing and life-cycle assessment;

(4) providing information on application processes for certifying a high-performance green building, including certification and commissioning;

(5) providing to the public, through the Commercial Director, technical and research information or other forms of assistance or advice that would be useful in planning and constructing high-performance green buildings;

(6) using such additional methods as are determined by the Commercial Director to be appropriate to conduct public outreach;

(7) surveying existing research and studies relating to high-performance green buildings; and

(8) coordinating activities of common interest.

Subtitle C—High-Performance Federal Buildings

SEC. 431. ENERGY REDUCTION GOALS FOR FEDERAL BUILDINGS.

Section 543(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1)) is amended by striking the table and inserting the following:

"Fiscal Year	Percentage reduction
2006	2
2007	4
2008	9
2009	12
2010	15
2011	18
2012	21
2013	24
2014	27
2015	30."

SEC. 432. MANAGEMENT OF ENERGY AND WATER EFFICIENCY IN FEDERAL BUILDINGS.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following:

"(f) USE OF ENERGY AND WATER EFFICIENCY MEASURES IN FEDERAL BUILDINGS.—

"(1) DEFINITIONS.—In this subsection:

"(A) COMMISSIONING.—The term 'commissioning', with respect to a facility, means a systematic process—

"(i) of ensuring, using appropriate verification and documentation, during the period beginning on the initial day of the design phase of the facility and ending not earlier than 1 year after the date of completion of construction of the facility, that all facility systems perform interactively in accordance with—

"(I) the design documentation and intent of the facility; and

"(II) the operational needs of the owner of the facility, including preparation of operation personnel; and

"(ii) the primary goal of which is to ensure fully functional systems that can be properly operated and maintained during the useful life of the facility.

"(B) ENERGY MANAGER.—

"(i) IN GENERAL.—The term 'energy manager', with respect to a facility, means the individual who is responsible for—

"(I) ensuring compliance with this subsection by the facility; and

"(II) reducing energy use at the facility.

"(ii) INCLUSIONS.—The term 'energy manager' may include—

"(I) a contractor of a facility;

"(II) a part-time employee of a facility; and

"(III) an individual who is responsible for multiple facilities.

"(C) FACILITY.—

"(i) IN GENERAL.—The term 'facility' means any building, installation, structure, or other property (including any applicable fixtures) owned or operated by, or constructed or manufactured and leased to, the Federal Government.

"(ii) INCLUSIONS.—The term 'facility' includes—

"(I) a group of facilities at a single location or multiple locations managed as an integrated operation; and

"(II) contractor-operated facilities owned by the Federal Government.

"(iii) EXCLUSIONS.—The term 'facility' does not include any land or site for which the cost of utilities is not paid by the Federal Government.

"(D) LIFE CYCLE COST-EFFECTIVE.—The term 'life cycle cost-effective', with respect to a measure, means a measure the estimated savings of which exceed the estimated costs over the lifespan of the measure, as determined in accordance with section 544.

"(E) PAYBACK PERIOD.—

"(i) IN GENERAL.—Subject to clause (ii), the term 'payback period', with respect to a measure, means a value equal to the quotient obtained by dividing—

"(I) the estimated initial implementation cost of the measure (other than financing costs); by

"(II) the annual cost savings resulting from the measure, including—

"(aa) net savings in estimated energy and water costs; and

"(bb) operations, maintenance, repair, replacement, and other direct costs.

"(ii) MODIFICATIONS AND EXCEPTIONS.—The Secretary, in guidelines issued pursuant to paragraph (6), may make such modifications and provide such exceptions to the calculation of the payback period of a measure as the Secretary determines to be appropriate to achieve the purposes of this Act.

"(F) RECOMMISSIONING.—The term 'recommissioning' means a process—

"(i) of commissioning a facility or system beyond the project development and warranty phases of the facility or system; and

"(ii) the primary goal of which is to ensure optimum performance of a facility, in accordance with design or current operating needs, over the useful life of the facility, while meeting building occupancy requirements.

"(G) RETROCOMMISSIONING.—The term 'retrocommissioning' means a process of commissioning a facility or system that was not commissioned at time of construction of the facility or system.

"(2) FACILITY ENERGY MANAGERS.—

"(A) IN GENERAL.—Each Federal agency shall designate an energy manager responsible for implementing this subsection and reducing energy use at each facility that meets criteria under subparagraph (B).

"(B) COVERED FACILITIES.—The Secretary shall develop criteria, after consultation with affected agencies, energy efficiency advocates, and energy and utility service providers, that cover, at a minimum, Federal facilities, including central utility plants and distribution systems and other energy intensive operations, that constitute at least 75 percent of facility energy use at each agency.

"(3) ENERGY AND WATER EVALUATIONS.—

"(A) EVALUATIONS.—Effective beginning on the date that is 180 days after the date of enactment of this subsection and annually thereafter, energy managers shall complete, for each calendar year, a comprehensive energy and water evaluation for approximately 25 percent of the facilities of each agency that meet the criteria under paragraph (2)(B) in a manner that ensures that an evaluation of each such facility is completed at least once every 4 years.

"(B) RECOMMISSIONING AND RETROCOMMISSIONING.—As part of the evaluation under subparagraph (A), the energy manager shall identify and assess recommissioning measures (or, if the facility has never been commissioned, retrocommissioning measures) for each such facility.

"(4) IMPLEMENTATION OF IDENTIFIED ENERGY AND WATER EFFICIENCY MEASURES.—Not later than 2 years after the completion of each evaluation under paragraph (3), each energy manager may—

"(A) implement any energy- or water-saving measure that the Federal agency identified in the evaluation conducted under paragraph (3) that is life cycle cost-effective; and

"(B) bundle individual measures of varying paybacks together into combined projects.

"(5) FOLLOW-UP ON IMPLEMENTED MEASURES.—For each measure implemented under paragraph (4), each energy manager shall ensure that—

"(A) equipment, including building and equipment controls, is fully commissioned at acceptance to be operating at design specifications;

"(B) a plan for appropriate operations, maintenance, and repair of the equipment is in place at acceptance and is followed;

"(C) equipment and system performance is measured during its entire life to ensure proper operations, maintenance, and repair; and

"(D) energy and water savings are measured and verified.

"(6) GUIDELINES.—

"(A) IN GENERAL.—The Secretary shall issue guidelines and necessary criteria that each Federal agency shall follow for implementation of—

"(i) paragraphs (2) and (3) not later than 180 days after the date of enactment of this subsection; and

"(ii) paragraphs (4) and (5) not later than 1 year after the date of enactment of this subsection.

"(B) RELATIONSHIP TO FUNDING SOURCE.—The guidelines issued by the Secretary under subparagraph (A) shall be appropriate and uniform for measures funded with each type of funding made available under paragraph (10), but may distinguish between different types of measures project size, and other criteria the Secretary determines are relevant.

"(7) WEB-BASED CERTIFICATION.—

"(A) IN GENERAL.—For each facility that meets the criteria established by the Secretary under paragraph (2)(B), the energy manager shall use the web-based tracking system under subparagraph (B) to certify compliance with the requirements for—

"(i) energy and water evaluations under paragraph (3);

"(ii) implementation of identified energy and water measures under paragraph (4); and

"(iii) follow-up on implemented measures under paragraph (5).

"(B) DEPLOYMENT.—

"(i) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall develop and deploy a web-based tracking system required under this paragraph in a manner that tracks, at a minimum—

"(I) the covered facilities;

"(II) the status of meeting the requirements specified in subparagraph (A);

"(III) the estimated cost and savings for measures required to be implemented in a facility;

"(IV) the measured savings and persistence of savings for implemented measures; and

"(V) the benchmarking information disclosed under paragraph (8)(C).

"(ii) EASE OF COMPLIANCE.—The Secretary shall ensure that energy manager compliance with the requirements in this paragraph, to the maximum extent practicable—

"(I) can be accomplished with the use of streamlined procedures and templates that minimize the time demands on Federal employees; and

"(II) is coordinated with other applicable energy reporting requirements.

"(C) AVAILABILITY.—

"(i) IN GENERAL.—Subject to clause (ii), the Secretary shall make the web-based tracking system required under this paragraph available to Congress, other Federal agencies, and the public through the Internet.

"(ii) EXEMPTIONS.—At the request of a Federal agency, the Secretary may exempt specific data for specific facilities from disclosure under clause (i) for national security purposes.

"(8) BENCHMARKING OF FEDERAL FACILITIES.—

"(A) IN GENERAL.—The energy manager shall enter energy use data for each metered building that is (or is a part of) a facility that meets the criteria established by the Secretary under paragraph (2)(B) into a building energy use benchmarking system, such as the Energy Star Portfolio Manager.

"(B) SYSTEM AND GUIDANCE.—Not later than 1 year after the date of enactment of this subsection, the Secretary shall—

"(i) select or develop the building energy use benchmarking system required under this paragraph for each type of building; and

"(ii) issue guidance for use of the system.

"(C) PUBLIC DISCLOSURE.—Each energy manager shall post the information entered into, or generated by, a benchmarking system under this subsections, on the web-based tracking system under paragraph (7)(B). The energy manager shall update such information each year, and shall include in such reporting previous years' information to allow changes in building performance to be tracked over time.

"(9) FEDERAL AGENCY SCORECARDS.—

"(A) IN GENERAL.—The Director of the Office of Management and Budget shall issue semiannual scorecards for energy management activities carried out by each Federal agency that includes—

"(i) summaries of the status of implementing the various requirements of the agency and its energy managers under this subsection; and

"(ii) any other means of measuring performance that the Director considers appropriate.

"(B) AVAILABILITY.—The Director shall make the scorecards required under this paragraph available to Congress, other Federal agencies, and the public through the Internet.

"(10) FUNDING AND IMPLEMENTATION.—

"(A) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.

"(B) FUNDING OPTIONS.—

"(i) IN GENERAL.—To carry out this subsection, a Federal agency may use any combination of—

"(I) appropriated funds made available under subparagraph (A); and

"(II) private financing otherwise authorized under Federal law, including financing available through energy savings performance contracts or utility energy service contracts.

"(ii) COMBINED FUNDING FOR SAME MEASURE.—A Federal agency may use any combination of appropriated funds and private financing described in clause (i) to carry out the same measure under this subsection.

"(C) IMPLEMENTATION.—Each Federal agency may implement the requirements under this subsection itself or may contract out performance of some or all of the requirements.

"(11) RULE OF CONSTRUCTION.—This subsection shall not be construed to require or to obviate any contractor savings guarantees.".

SEC. 433. FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.

(a) STANDARDS.—Section 305(a)(3) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)) is amended by adding at the end the following new subparagraph:

"(D) Not later than 1 year after the date of enactment of the Energy Independence and Security Act of 2007, the Secretary shall establish, by rule, revised Federal building energy efficiency performance standards that require that:

"(i) For new Federal buildings and Federal buildings undergoing major renovations, with respect to which the Administrator of General Services is required to transmit a prospectus to Congress under section 3307 of title 40, United States Code, in the case of public buildings (as defined in section 3301 of title 40, United States Code), or of at least $2,500,000 in costs adjusted annually for inflation for other buildings:

"(I) The buildings shall be designed so that the fossil fuel-generated energy consumption of the buildings is reduced, as compared with such energy consumption by a similar building in fiscal year 2003 (as measured by Commercial Buildings Energy Consumption Survey or Residential Energy Consumption Survey data from the Energy Information Agency), by the percentage specified in the following table:

"Fiscal Year	Percentage Reduction
2010	55
2015	65
2020	80
2025	90
2030	100.

"(II) Upon petition by an agency subject to this subparagraph, the Secretary may adjust the applicable numeric requirement under subclause (I) downward with respect to a specific building, if the head of the agency designing the building certifies in writing that meeting such requirement would be technically impracticable in light of the agency's specified functional needs for that building and the Secretary concurs with the agency's conclusion. This subclause shall not apply to the General Services Administration.

"(III) Sustainable design principles shall be applied to the siting, design, and construction of such buildings. Not later than 90 days after the date of enactment of the Energy Independence and Security Act of 2007, the Secretary, after reviewing the findings of the Federal Director under section 436(h) of that Act, in consultation with the Administrator of General Services, and in consultation with the Secretary of Defense for considerations relating to those facilities under the custody and control of the Department of Defense, shall identify a certification system and level for green buildings that the Secretary determines to be the most likely to encourage a comprehensive and environmentally-sound approach to certification of green buildings. The identification of the certification system and level shall be based on a review of the Federal Director's findings under section 436(h) of the Energy Independence and Security Act of 2007 and the criteria specified in clause (iii), shall identify the highest level the Secretary determines is appropriate above the minimum level required for certification under the system selected, and shall achieve results at least comparable to the system used by and highest level referenced by the General Services Administration as of the date of enactment of the Energy Independence and Security Act of 2007. Within 90 days of the completion of each study required by clause (iv), the Secretary, in consultation with the Administrator of General Services, and in consultation with the Secretary of Defense for considerations relating to those facilities under the custody and control of the Department of Defense, shall review and update the certification system and level, taking into account the conclusions of such study.

"(ii) In establishing criteria for identifying major renovations that are subject to the requirements of this subparagraph, the Secretary shall take into account the scope, degree, and types of renovations that are likely to provide significant opportunities for substantial improvements in energy efficiency.

"(iii) In identifying the green building certification system and level, the Secretary shall take into consideration—

"(I) the ability and availability of assessors and auditors to independently verify the criteria and measurement of metrics at the scale necessary to implement this subparagraph;

"(II) the ability of the applicable certification organization to collect and reflect public comment;

"(III) the ability of the standard to be developed and revised through a consensus-based process;

"(IV) an evaluation of the robustness of the criteria for a high-performance green building, which shall give credit for promoting—

"(aa) efficient and sustainable use of water, energy, and other natural resources;

"(bb) use of renewable energy sources;

"(cc) improved indoor environmental quality through enhanced indoor air quality, thermal comfort, acoustics, day lighting, pollutant source control, and use of low-emission materials and building system controls; and

"(dd) such other criteria as the Secretary determines to be appropriate; and

"(V) national recognition within the building industry.

"(iv) At least once every five years, and in accordance with section 436 of the Energy Independence and Security Act of 2007, the Administrator of General Services shall conduct a study to evaluate and compare available third-party green building certification systems and levels, taking into account the criteria listed in clause (iii).

"(v) The Secretary may by rule allow Federal agencies to develop internal certification processes, using certified professionals, in lieu of certification by the certification entity identified under clause (i)(III). The Secretary shall include in any such rule guidelines to ensure that the certification process results in buildings meeting the applicable certification system and level identified under clause (i)(III). An agency employing an internal certification process must continue to obtain external certification by the certification entity identified under clause (i)(III) for at least 5 percent of the total number of buildings certified annually by the agency.

"(vi) With respect to privatized military housing, the Secretary of Defense, after consultation with the Secretary may, through rulemaking, develop alternative criteria to those established by subclauses (I) and (III) of clause (i) that achieve an equivalent result in terms of energy savings, sustainable design, and green building performance.

"(vii) In addition to any use of water conservation technologies otherwise required by this section, water conservation technologies shall be applied to the extent that the technologies are life-cycle cost-effective.".

(b) DEFINITIONS.—Section 303(6) of the Energy Conservation and Production Act (42 U.S.C. 6832(6)) is amended by striking "which is not legally subject to State or local building codes or similar requirements." and inserting ". Such term shall include buildings built for the purpose of being leased by a Federal agency, and privatized military housing.".

(c) REVISION OF FEDERAL ACQUISITION REGULATION.—Not later than 2 years after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require Federal officers and employees to comply with this section and the amendments made by this section in the acquisition, construction, or major renovation of any facility. The members of the Federal Acquisition Regulatory Council (established under section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421)) shall consult with the Federal Director and the Commercial Director before promulgating regulations to carry out this subsection.

(d) GUIDANCE.—Not later than 90 days after the date of promulgation of the revised regulations under subsection (c), the Administrator for Federal Procurement Policy shall issue guidance to all Federal procurement executives providing direction and instructions to renegotiate the design of proposed facilities and major renovations for existing facilities to incorporate improvements that are consistent with this section.

SEC. 434. MANAGEMENT OF FEDERAL BUILDING EFFICIENCY.

(a) LARGE CAPITAL ENERGY INVESTMENTS.—Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following:

"(f) LARGE CAPITAL ENERGY INVESTMENTS.—

"(1) IN GENERAL.—Each Federal agency shall ensure that any large capital energy investment in an existing building that is not a major renovation but involves replacement of installed equipment (such as heating and cooling systems), or involves renovation, rehabilitation, expansion, or remodeling of existing space, employs the most energy efficient designs, systems, equipment, and controls that are life-cycle cost effective.

"(2) PROCESS FOR REVIEW OF INVESTMENT DECISIONS.—Not later than 180 days after the date of enactment of this subsection, each Federal agency shall—

"(A) develop a process for reviewing each decision made on a large capital energy investment described in paragraph (1) to ensure that the requirements of this subsection are met; and

"(B) report to the Director of the Office of Management and Budget on the process established.

"(3) COMPLIANCE REPORT.—Not later than 1 year after the date of enactment of this subsection, the Director of the Office of Management and Budget shall evaluate and report to Congress on the compliance of each agency with this subsection.".

(b) METERING.—Section 543(e)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(e)(1)) is amended by inserting after the second sentence the following: "Not later than October 1, 2016, each agency shall provide for equivalent metering of natural gas and steam, in accordance with guidelines established by the Secretary under paragraph (2).".

SEC. 435. LEASING.

(a) In General.—Except as provided in subsection (b), effective beginning on the date that is 3 years after the date of enactment of this Act, no Federal agency shall enter into a contract to lease space in a building that has not earned the Energy Star label in the most recent year.

(b) Exception.—

(1) Application.—This subsection applies if—

(A) no space is available in a building described in subsection (a) that meets the functional requirements of an agency, including locational needs;

(B) the agency proposes to remain in a building that the agency has occupied previously;

(C) the agency proposes to lease a building of historical, architectural, or cultural significance (as defined in section 3306(a)(4) of title 40, United States Code) or space in such a building; or

(D) the lease is for not more than 10,000 gross square feet of space.

(2) Buildings without Energy Star label.—If 1 of the conditions described in paragraph (2) is met, the agency may enter into a contract to lease space in a building that has not earned the Energy Star label in the most recent year if the lease contract includes provisions requiring that, prior to occupancy or, in the case of a contract described in paragraph (1)(B), not later than 1 year after signing the contract, the space will be renovated for all energy efficiency and conservation improvements that would be cost effective over the life of the lease, including improvements in lighting, windows, and heating, ventilation, and air conditioning systems.

(c) Revision of Federal Acquisition Regulation.—

(1) In general.—Not later than 3 years after the date of the enactment of this Act, the Federal Acquisition Regulation described in section 6(a) of the Office of Federal Procurement Policy Act (41 U.S.C. 405(a)) shall be revised to require Federal officers and employees to comply with this section in leasing buildings.

(2) Consultation.—The members of the Federal Acquisition Regulatory Council established under section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421)) shall consult with the Federal Director and the Commercial Director before promulgating regulations to carry out this subsection.

SEC. 436. HIGH-PERFORMANCE GREEN FEDERAL BUILDINGS.

(a) Establishment of Office.—Not later than 60 days after the date of enactment of this Act, the Administrator shall establish within the General Services Administration an Office of Federal High-Performance Green Buildings, and appoint an individual to serve as Federal Director in, a position in the career-reserved Senior Executive service, to—

(1) establish and manage the Office of Federal High-Performance Green Buildings; and

(2) carry out other duties as required under this subtitle.

(b) Compensation.—The compensation of the Federal Director shall not exceed the maximum rate of basic pay for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

(c) Duties.—The Federal Director shall—

(1) coordinate the activities of the Office of Federal High-Performance Green Buildings with the activities of the Office of Commercial High-Performance Green Buildings, and the Secretary, in accordance with section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D));

(2) ensure full coordination of high-performance green building information and activities within the General Services Administration and all relevant agencies, including, at a minimum—

(A) the Environmental Protection Agency;

(B) the Office of the Federal Environmental Executive;

(C) the Office of Federal Procurement Policy;

(D) the Department of Energy;

(E) the Department of Health and Human Services;

(F) the Department of Defense;

(G) the Department of Transportation;

(H) the National Institute of Standards and Technology; and

(I) the Office of Science and Technology Policy;

(3) establish a senior-level Federal Green Building Advisory Committee under section 474, which shall provide advice and recommendations in accordance with that section and subsection (d);

(4) identify and every 5 years reassess improved or higher rating standards recommended by the Advisory Committee;

(5) ensure full coordination, dissemination of information regarding, and promotion of the results of research and development information relating to Federal high-performance green building initiatives;

(6) identify and develop Federal high-performance green building standards for all types of Federal facilities, consistent with the requirements of this subtitle and section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D));

(7) establish green practices that can be used throughout the life of a Federal facility;

(8) review and analyze current Federal budget practices and life-cycle costing issues, and make recommendations to Congress, in accordance with subsection (d); and

(9) identify opportunities to demonstrate innovative and emerging green building technologies and concepts.

(d) Additional Duties.—The Federal Director, in consultation with the Commercial Director and the Advisory Committee, and consistent with the requirements of section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)) shall—

(1) identify, review, and analyze current budget and contracting practices that affect achievement of high-performance green buildings, including the identification of barriers to high-performance green building life-cycle costing and budgetary issues;

(2) develop guidance and conduct training sessions with budget specialists and contracting personnel from Federal agencies and budget examiners to apply life-cycle cost criteria to actual projects;

(3) identify tools to aid life-cycle cost decisionmaking; and

(4) explore the feasibility of incorporating the benefits of high-performance green buildings, such as security benefits, into a cost-budget analysis to aid in life-cycle costing for budget and decisionmaking processes.

(e) Incentives.—Within 90 days after the date of enactment of this Act, the Federal Director shall identify incentives to encourage the expedited use of high-performance green buildings and related technology in the operations of the Federal Government, in accordance with the requirements of section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)), including through—

(1) the provision of recognition awards; and

(2) the maximum feasible retention of financial savings in the annual budgets of Federal agencies for use in reinvesting in future high-performance green building initiatives.

(f) Report.—Not later than 2 years after the date of enactment of this Act, and biennially thereafter, the Federal Director, in consultation with the Secretary, shall submit to Congress a report that—

(1) describes the status of compliance with this subtitle, the requirements of section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)), and other Federal high-performance green building initiatives in effect as of the date of the report, including—

(A) the extent to which the programs are being carried out in accordance with this subtitle and the requirements of section 305(a)(3)(D) of that Act; and

(B) the status of funding requests and appropriations for those programs;

(2) identifies within the planning, budgeting, and construction process all types of Federal facility procedures that may affect the certification of new and existing Federal facilities as high-performance green buildings under the provisions of section 305(a)(3)(D) of that Act and the criteria established in subsection (h);

(3) identifies inconsistencies, as reported to the Advisory Committee, in Federal law with respect to product acquisition guidelines and high-performance product guidelines;

(4) recommends language for uniform standards for use by Federal agencies in environmentally responsible acquisition;

(5) in coordination with the Office of Management and Budget, reviews the budget process for capital programs with respect to alternatives for—

(A) restructuring of budgets to require the use of complete energy and environmental cost accounting;

(B) using operations expenditures in budget-related decisions while simultaneously incorporating productivity and health measures (as those measures can be quantified by the Office of Federal High-Performance Green Buildings, with the assistance of universities and national laboratories);

(C) streamlining measures for permitting Federal agencies to retain all identified savings accrued as a result of the use of life-cycle costing for future high-performance green building initiatives; and

(D) identifying short-term and long-term cost savings that accrue from high-performance green buildings, including those relating to health and productivity;

(6) identifies green, self-sustaining technologies to address the operational needs of Federal facilities in times of national security emergencies, natural disasters, or other dire emergencies;

(7) summarizes and highlights development, at the State and local level, of high-performance green building initiatives, including executive orders, policies, or laws adopted promoting high-performance green building (including the status of implementation of those initiatives); and

(8) includes, for the 2-year period covered by the report, recommendations to address each of the matters, and a plan for implementation of each recommendation, described in paragraphs (1) through (7).

(g) Implementation.—The Office of Federal High-Performance Green Buildings shall carry out each plan for implementation of recommendations under subsection (f)(8).

(h) Identification of Certification System.—

(1) In general.—For the purpose of this section, not later than 60 days after the date of enactment of this Act, the Federal Director shall identify and shall provide to the Secretary pursuant to section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C.

6834(a)(3)(D)), a certification system that the Director determines to be the most likely to encourage a comprehensive and environmentally-sound approach to certification of green buildings.

(2) Basis.—The system identified under paragraph (1) shall be based on—

(A) a study completed every 5 years and provided to the Secretary pursuant to section 305(a)(3)(D) of that Act, which shall be carried out by the Federal Director to compare and evaluate standards;

(B) the ability and availability of assessors and auditors to independently verify the criteria and measurement of metrics at the scale necessary to implement this subtitle;

(C) the ability of the applicable standard-setting organization to collect and reflect public comment;

(D) the ability of the standard to be developed and revised through a consensus-based process;

(E) an evaluation of the robustness of the criteria for a high performance green building, which shall give credit for promoting—

(i) efficient and sustainable use of water, energy, and other natural resources;

(ii) use of renewable energy sources;

(iii) improved indoor environmental quality through enhanced indoor air quality, thermal comfort, acoustics, day lighting, pollutant source control, and use of low-emission materials and building system controls;

(iv) reduced impacts from transportation through building location and site design that promote access by public transportation; and

(v) such other criteria as the Federal Director determines to be appropriate; and

(F) national recognition within the building industry.

SEC. 437. FEDERAL GREEN BUILDING PERFORMANCE.

(a) In General.—Not later than October 31 of each of the 2 fiscal years following the fiscal year in which this Act is enacted, and at such times thereafter as the Comptroller General of the United States determines to be appropriate, the Comptroller General of the United States shall, with respect to the fiscal years that have passed since the preceding report—

(1) conduct an audit of the implementation of this subtitle, section 305(a)(3)(D) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(D)), and section 435; and

(2) submit to the Federal Director, the Advisory Committee, the Administrator, and Congress a report describing the results of the audit.

(b) Contents.—An audit under subsection (a) shall include a review, with respect to the period covered by the report under subsection (a)(2), of—

(1) budget, life-cycle costing, and contracting issues, using best practices identified by the Comptroller General of the United States and heads of other agencies in accordance with section 436(d);

(2) the level of coordination among the Federal Director, the Office of Management and Budget, the Department of Energy, and relevant agencies;

(3) the performance of the Federal Director and other agencies in carrying out the implementation plan;

(4) the design stage of high-performance green building measures;

(5) high-performance building data that were collected and reported to the Office; and

(6) such other matters as the Comptroller General of the United States determines to be appropriate.

(c) Environmental Stewardship Scorecard.—The Federal Director shall consult with the Advisory Committee to enhance, and assist in the implementation of, the Office of Management and Budget government efficiency reports and scorecards under section 528 and the Environmental Stewardship Scorecard announced at the White House summit on Federal sustainable buildings in January 2006, to measure the implementation by each Federal agency of sustainable design and green building initiatives.

SEC. 438. STORM WATER RUNOFF REQUIREMENTS FOR FEDERAL DEVELOPMENT PROJECTS.

The sponsor of any development or redevelopment project involving a Federal facility with a footprint that exceeds 5,000 square feet shall use site planning, design, construction, and maintenance strategies for the property to maintain or restore, to the maximum extent technically feasible, the predevelopment hydrology of the property with regard to the temperature, rate, volume, and duration of flow.

SEC. 439. COST-EFFECTIVE TECHNOLOGY ACCELERATION PROGRAM.

(a) Definition of Administrator.—In this section, the term "Administrator" means the Administrator of General Services.

(b) Establishment.—

(1) In general.—The Administrator shall establish a program to accelerate the use of more cost-effective technologies and practices at GSA facilities.

(2) Requirements.—The program established under this subsection shall—

(A) ensure centralized responsibility for the coordination of cost reduction-related recommendations, practices, and activities of all relevant Federal agencies;

(B) provide technical assistance and operational guidance to applicable tenants to achieve the goal identified in subsection (c)(2)(B)(ii);

(C) establish methods to track the success of Federal departments and agencies with respect to that goal; and

(D) be fully coordinated with and no less stringent nor less energy-conserving or water-conserving than required by other provisions of this Act and other applicable law, including sections 321 through 324, 431 through 438, 461, 511 through 518, and 523 through 525 and amendments made by those sections.

(c) Accelerated Use of Technologies.—

(1) Review.—

(A) In general.—As part of the program under this section, not later than 90 days after the date of enactment of this Act, the Administrator shall conduct a review of—

(i) current use of cost-effective lighting technologies and geothermal heat pumps in GSA facilities; and

(ii) the availability to managers of GSA facilities of cost-effective lighting technologies and geothermal heat pumps.

(B) Requirements.—The review under subparagraph (A) shall—

(i) examine the use of cost-effective lighting technologies, geothermal heat pumps, and other cost-effective technologies and practices by Federal agencies in GSA facilities; and

(ii) as prepared in consultation with the Administrator of the Environmental Protection Agency, identify cost-effective lighting technology and geothermal heat pump technology standards that could be used for all types of GSA facilities.

(2) Replacement.—

(A) In general.—As part of the program under this section, not later than 180 days after the date of enactment of this Act, the Administrator shall establish, using available appropriations and programs implementing sections 432 and 525 (and amendments made by those sections), a cost-effective lighting technology and geothermal heat pump technology acceleration program to achieve maximum feasible replacement of existing lighting, heating, cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies in each GSA facility. Such program shall fully comply with the requirements of sections 321 through 324, 431 through 438, 461, 511 through 518, and 523 through 525 and amendments made by those sections and any other provisions of law, which shall be applicable to the extent that they are more stringent or would achieve greater energy savings than required by this section.

(B) Acceleration plan timetable.—

(i) In general.—To implement the program established under subparagraph (A), not later than 1 year after the date of enactment of this Act, the Administrator shall establish a timetable of actions to comply with the requirements of this section and sections 431 through 435, whichever achieves greater energy savings most expeditiously, including milestones for specific activities needed to replace existing lighting, heating, cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies, to the maximum extent feasible (including at the maximum rate feasible), at each GSA facility.

(ii) Goal.—The goal of the timetable under clause (i) shall be to complete, using available appropriations and programs implementing sections 431 through 435 (and amendments made by those sections), maximum feasible replacement of existing lighting, heating, and cooling technologies with cost-effective lighting technologies and geothermal heat pump technologies consistent with the requirements of this section and sections 431 through 435, whichever achieves greater energy savings most expeditiously. Notwithstanding any provision of this section, such program shall fully comply with the requirements of the Act including sections 321 through 324, 431 through 438, 461, 511 through 518, and 523 through 525 and amendments made by those sections and other provisions of law, which shall be applicable to the extent that they are more stringent or would achieve greater energy or water savings than required by this section.

(d) GSA Facility Technologies and Practices.—

(1) In general.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Administrator shall—

(A) ensure that a manager responsible for implementing section 432 and for accelerating the use of cost-effective technologies and practices is designated for each GSA facility; and

(B) submit to Congress a plan to comply with section 432, this section, and other applicable provisions of this Act and applicable law with respect to energy and water conservation at GSA facilities.

(2) Measures.—The plan shall implement measures required by such other provisions of law in accordance with those provisions, and shall implement the measures required by this section to the maximum extent feasible (including at the maximum rate feasible) using available appropriations and programs implementing sections 431 through 435 and 525 (and amendments made by those sections), by not later than the date that is 5 years after the date of enactment of this Act.

(3) Contents of plan.—The plan shall—

(A) with respect to cost-effective technologies and practices—

(i) identify the specific activities needed to comply with sections 431 through 435;

(ii) identify the specific activities needed to achieve at least a 20-percent reduction in operational costs through the application of cost-effective technologies and practices from 2003 levels at GSA facilities by not later than 5 years after the date of enactment of this Act;

(iii) describe activities required and carried out to estimate the funds necessary to achieve the reduction described in clauses (i) and (ii);

(B) include an estimate of the funds necessary to carry out this section;

(C) describe the status of the implementation of cost-effective technologies and practices at GSA facilities, including—

(i) the extent to which programs, including the program established under subsection (b), are being carried out in accordance with this subtitle; and

(ii) the status of funding requests and appropriations for those programs;

(D) identify within the planning, budgeting, and construction processes, all types of GSA facility-related procedures that inhibit new and existing GSA facilities from implementing cost-effective technologies;

(E) recommend language for uniform standards for use by Federal agencies in implementing cost-effective technologies and practices;

(F) in coordination with the Office of Management and Budget, review the budget process for capital programs with respect to alternatives for—

(i) implementing measures that will assure that Federal agencies retain all identified savings accrued as a result of the use of cost-effective technologies, consistent with section 543(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1), and other applicable law; and

(ii) identifying short- and long-term cost savings that accrue from the use of cost-effective technologies and practices;

(G) with respect to cost-effective technologies and practices, achieve substantial operational cost savings through the application of the technologies; and

(H) include recommendations to address each of the matters, and a plan for implementation of each recommendation, described in subparagraphs (A) through (G).

(4) ADMINISTRATION.—Notwithstanding any provision of this section, the program required under this section shall fully comply with the requirements of sections 321 through 324, 431 through 438, 461, 511 through 518, and 523 through 525 and amendments made by those sections, which shall be applicable to the extent that they are more stringent or would achieve greater energy or water savings than required by this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

SEC. 440. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out sections 434 through 439 and 482 $4,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

SEC. 441. PUBLIC BUILDING LIFE-CYCLE COSTS.

Section 544(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8254(a)(1)) is amended by striking "25" and inserting "40".

Subtitle D—Industrial Energy Efficiency

SEC. 451. INDUSTRIAL ENERGY EFFICIENCY.

(a) IN GENERAL.—Title III of the Energy Policy and Conservation Act (42 U.S.C. 6291 et seq.) is amended by inserting after part D the following:

"PART E—INDUSTRIAL ENERGY EFFICIENCY

"SEC. 371. DEFINITIONS.

"In this part:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(2) COMBINED HEAT AND POWER.—The term 'combined heat and power system' means a facility that—

"(A) simultaneously and efficiently produces useful thermal energy and electricity; and

"(B) recovers not less than 60 percent of the energy value in the fuel (on a higher-heating-value basis) in the form of useful thermal energy and electricity.

"(3) NET EXCESS POWER.—The term 'net excess power' means, for any facility, recoverable waste energy recovered in the form of electricity in quantities exceeding the total consumption of electricity at the specific time of generation on the site at which the facility is located.

"(4) PROJECT.—The term 'project' means a recoverable waste energy project or a combined heat and power system project.

"(5) RECOVERABLE WASTE ENERGY.—The term 'recoverable waste energy' means waste energy from which electricity or useful thermal energy may be recovered through modification of an existing facility or addition of a new facility.

"(6) REGISTRY.—The term 'Registry' means the Registry of Recoverable Waste Energy Sources established under section 372(d).

"(7) USEFUL THERMAL ENERGY.—The term 'useful thermal energy' means energy—

"(A) in the form of direct heat, steam, hot water, or other thermal form that is used in production and beneficial measures for heating, cooling, humidity control, process use, or other valid thermal end-use energy requirements; and

"(B) for which fuel or electricity would otherwise be consumed.

"(8) WASTE ENERGY.—The term 'waste energy' means—

"(A) exhaust heat or flared gas from any industrial process;

"(B) waste gas or industrial tail gas that would otherwise be flared, incinerated, or vented;

"(C) a pressure drop in any gas, excluding any pressure drop to a condenser that subsequently vents the resulting heat; and

"(D) such other forms of waste energy as the Administrator may determine.

"(9) OTHER TERMS.—The terms 'electric utility', 'nonregulated electric utility', 'State regulated electric utility', and other terms have the meanings given those terms in title I of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2611 et seq.).

"SEC. 372. SURVEY AND REGISTRY.

"(a) RECOVERABLE WASTE ENERGY INVENTORY PROGRAM.—

"(1) IN GENERAL.—The Administrator, in cooperation with the Secretary and State energy offices, shall establish a recoverable waste energy inventory program.

"(2) SURVEY.—The program shall include—

"(A) an ongoing survey of all major industrial and large commercial combustion sources in the United States (as defined by the Administrator) and the sites at which the sources are located; and

"(B) a review of each source for the quantity and quality of waste energy produced at the source.

"(b) CRITERIA.—

"(1) IN GENERAL.—Not later than 270 days after the date of enactment of the Energy Independence and Security Act of 2007, the Administrator shall publish a rule for establishing criteria for including sites in the Registry.

"(2) INCLUSIONS.—The criteria shall include—

"(A) a requirement that, to be included in the Registry, a project at the site shall be determined to be economically feasible by virtue of offering a payback of invested costs not later than 5 years after the date of first full project operation (including incentives offered under this part);

"(B) standards to ensure that projects proposed for inclusion in the Registry are not developed or used for the primary purpose of making sales of excess electric power under the regulatory provisions of this part; and

"(C) procedures for contesting the listing of any source or site on the Registry by any State, utility, or other interested person.

"(c) TECHNICAL SUPPORT.—On the request of the owner or operator of a source or site included in the Registry, the Secretary shall—

"(1) provide to owners or operators of combustion sources technical support; and

"(2) offer partial funding (in an amount equal to not more than ½ of total costs) for feasibility studies to confirm whether or not investment in recovery of waste energy or combined heat and power at a source would offer a payback period of 5 years or less.

"(d) REGISTRY.—

"(1) ESTABLISHMENT.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Energy Independence and Security Act of 2007, the Administrator shall establish a Registry of Recoverable Waste Energy Sources, and sites on which the sources are located, that meet the criteria established under subsection (b).

"(B) UPDATES; AVAILABILITY.—The Administrator shall—

"(i) update the Registry on a regular basis; and

"(ii) make the Registry available to the public on the website of the Environmental Protection Agency.

"(C) CONTESTING LISTING.—Any State, electric utility, or other interested person may contest the listing of any source or site by submitting a petition to the Administrator.

"(2) CONTENTS.—

"(A) IN GENERAL.—The Administrator shall register and include on the Registry all sites meeting the criteria established under subsection (b).

"(B) QUANTITY OF RECOVERABLE WASTE ENERGY.—The Administrator shall—

"(i) calculate the total quantities of potentially recoverable waste energy from sources at the sites, nationally and by State; and

"(ii) make public—

"(I) the total quantities described in clause (i); and

"(II) information on the criteria pollutant and greenhouse gas emissions savings that might be achieved with recovery of the waste energy from all sources and sites listed on the Registry.

"(3) AVAILABILITY OF INFORMATION.—

"(A) IN GENERAL.—The Administrator shall notify owners or operators of recoverable waste energy sources and sites listed on the Registry prior to publishing the listing.

"(B) DETAILED QUANTITATIVE INFORMATION.—

"(i) IN GENERAL.—Except as provided in clause (ii), the owner or operator of a source at a site may elect to have detailed quantitative information concerning the site not made public by notifying the Administrator of the election.

"(ii) LIMITED AVAILABILITY.—The information shall be made available to—

"(I) the applicable State energy office; and

"(II) any utility requested to support recovery of waste energy from the source pursuant to the incentives provided under section 374.

"(iii) STATE TOTALS.—Information concerning the site shall be included in the total quantity of recoverable waste energy for a State unless there are fewer than 3 sites in the State.

"(4) REMOVAL OF PROJECTS FROM REGISTRY.—

"(A) IN GENERAL.—Subject to subparagraph (B), as a project achieves successful recovery of waste energy, the Administrator shall—

"(i) remove the related sites or sources from the Registry; and

"(ii) designate the removed projects as eligible for incentives under section 374.

"(B) LIMITATION.—No project shall be removed from the Registry without the consent of the owner or operator of the project if—

"(i) the owner or operator has submitted a petition under section 374; and

"(ii) the petition has not been acted on or denied.

"(5) INELIGIBILITY OF CERTAIN SOURCES.—The Administrator shall not list any source constructed after the date of the enactment of the Energy Independence and Security Act of 2007 on the Registry if the Administrator determines that the source—

"(A) was developed for the primary purpose of making sales of excess electric power under the regulatory provisions of this part; or

"(B) does not capture at least 60 percent of the total energy value of the fuels used (on a higher-heating-value basis) in the form of useful thermal energy, electricity, mechanical energy, chemical output, or any combination thereof.

"(e) SELF-CERTIFICATION.—

"(1) IN GENERAL.—Subject to any procedures that are established by the Administrator, an owner, operator, or third-party developer of a recoverable waste energy project that qualifies under standards established by the Administrator may self-certify the sites or sources of the owner, operator, or developer to the Administrator for inclusion in the Registry.

"(2) REVIEW AND APPROVAL.—To prevent a fraudulent listing, a site or source shall be included on the Registry only if the Administrator reviews and approves the self-certification.

"(f) NEW FACILITIES.—As a new energy-consuming industrial facility is developed after the date of enactment of the Energy Independence and Security Act of 2007, to the extent the facility may constitute a site with recoverable waste energy that may qualify for inclusion on the Registry, the Administrator may elect to include the facility on the Registry, at the request of the owner, operator, or developer of the facility, on a conditional basis with the site to be removed from the Registry if the development ceases or the site fails to qualify for listing under this part.

"(g) OPTIMUM MEANS OF RECOVERY.—For each site listed in the Registry, at the request of the owner or operator of the site, the Administrator shall offer, in cooperation with Clean Energy Application Centers operated by the Secretary of Energy, suggestions for optimum means of recovery of value from waste energy stream in the form of electricity, useful thermal energy, or other energy-related products.

"(h) REVISION.—Each annual report of a State under section 548(a) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)) shall include the results of the survey for the State under this section.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to—

"(1) the Administrator to create and maintain the Registry and services authorized by this section, $1,000,000 for each of fiscal years 2008 through 2012; and

"(2) the Secretary—

"(A) to assist site or source owners and operators in determining the feasibility of projects authorized by this section, $2,000,000 for each of fiscal years 2008 through 2012; and

"(B) to provide funding for State energy office functions under this section, $5,000,000.

"SEC. 373. WASTE ENERGY RECOVERY INCENTIVE GRANT PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall establish in the Department of Energy a waste energy recovery incentive grant program to provide incentive grants to—

"(1) owners and operators of projects that successfully produce electricity or incremental useful thermal energy from waste energy recovery;

"(2) utilities purchasing or distributing the electricity; and

"(3) States that have achieved 80 percent or more of recoverable waste heat recovery opportunities.

"(b) GRANTS TO PROJECTS AND UTILITIES.—

"(1) IN GENERAL.—The Secretary shall make grants under this section—

"(A) to the owners or operators of waste energy recovery projects; and

"(B) in the case of excess power purchased or transmitted by a electric utility, to the utility.

"(2) PROOF.—Grants may only be made under this section on receipt of proof of waste energy recovery or excess electricity generation, or both, from the project in a form prescribed by the Secretary.

"(3) EXCESS ELECTRIC ENERGY.—

"(A) IN GENERAL.—In the case of waste energy recovery, a grant under this section shall be made at the rate of $10 per megawatt hour of documented electricity produced from recoverable waste energy (or by prevention of waste energy in the case of a new facility) by the project during the first 3 calendar years of production, beginning on or after the date of enactment of the Energy Independence and Security Act of 2007.

"(B) UTILITIES.—If the project produces net excess power and an electric utility purchases or transmits the excess power, 50 percent of so much of the grant as is attributable to the net excess power shall be paid to the electric utility purchasing or transporting the net excess power.

"(4) USEFUL THERMAL ENERGY.—In the case of waste energy recovery that produces useful thermal energy that is used for a purpose different from that for which the project is principally designed, a grant under this section shall be made to the owner or operator of the waste energy recovery project at the rate of $10 for each 3,412,000 Btus of the excess thermal energy used for the different purpose.

"(c) GRANTS TO STATES.—In the case of any State that has achieved 80 percent or more of waste heat recovery opportunities identified by the Secretary under this part, the Administrator shall make a 1-time grant to the State in an amount of not more than $1,000 per megawatt of waste-heat capacity recovered (or a thermal equivalent) to support State-level programs to identify and achieve additional energy efficiency.

"(d) ELIGIBILITY.—The Secretary shall—

"(1) establish rules and guidelines to establish eligibility for grants under subsection (b);

"(2) publicize the availability of the grant program known to owners or operators of recoverable waste energy sources and sites listed on the Registry; and

"(3) award grants under the program on the basis of the merits of each project in recovering or preventing waste energy throughout the United States on an impartial, objective, and not unduly discriminatory basis.

"(e) LIMITATION.—The Secretary shall not award grants to any person for a combined heat and power project or a waste heat recovery project that qualifies for specific Federal tax incentives for combined heat and power or for waste heat recovery.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary—

"(1) to make grants to projects and utilities under subsection (b)—

"(A) $100,000,000 for fiscal year 2008 and $200,000,000 for each of fiscal years 2009 through 2012; and

"(B) such additional amounts for fiscal year 2008 and each fiscal year thereafter as may be necessary for administration of the waste energy recovery incentive grant program; and

"(2) to make grants to States under subsection (b), $10,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

"SEC. 374. ADDITIONAL INCENTIVES FOR RECOVERY, USE, AND PREVENTION OF INDUSTRIAL WASTE ENERGY.

"(a) CONSIDERATION OF STANDARD.—

"(1) IN GENERAL.—Not later than 180 days after the receipt by a State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority), or nonregulated electric utility, of a request from a project sponsor or owner or operator, the State regulatory authority or nonregulated electric utility shall—

"(A) provide public notice and conduct a hearing respecting the standard established by subsection (b); and

"(B) on the basis of the hearing, consider and make a determination whether or not it is appropriate to implement the standard to carry out the purposes of this part.

"(2) RELATIONSHIP TO STATE LAW.—For purposes of any determination under paragraph (1) and any review of the determination in any court, the purposes of this section supplement otherwise applicable State law.

"(3) NONADOPTION OF STANDARD.—Nothing in this part prohibits any State regulatory authority or nonregulated electric utility from making any determination that it is not appropriate to adopt any standard described in paragraph (1), pursuant to authority under otherwise applicable State law.

"(b) STANDARD FOR SALES OF EXCESS POWER.—For purposes of this section, the standard referred to in subsection (a) shall provide that an owner or operator of a waste energy recovery project identified on the Registry that generates net excess power shall be eligible to benefit from at least 1 of the options described in subsection (c) for disposal of the net excess power in accordance with the rate conditions and limitations described in subsection (d).

"(c) OPTIONS.—The options referred to in subsection (b) are as follows:

"(1) SALE OF NET EXCESS POWER TO UTILITY.—The electric utility shall purchase the net excess power from the owner or operator of the eligible waste energy recovery project during the operation of the project under a contract entered into for that purpose.

"(2) TRANSPORT BY UTILITY FOR DIRECT SALE TO THIRD PARTY.—The electric utility shall transmit the net excess power on behalf of the project owner or operator to up to 3 separate locations on the system of the utility for direct sale by the owner or operator to third parties at those locations.

"(3) TRANSPORT OVER PRIVATE TRANSMISSION LINES.—The State and the electric utility shall permit, and shall waive or modify such laws as would otherwise prohibit, the construction and operation of private electric wires constructed, owned, and operated by the project owner or operator, to transport the power to up to 3 purchasers within a 3-mile radius of the project, allowing the wires to use or cross public rights-of-way, without subjecting the project to regulation as a public utility, and according the wires the same treatment for safety, zoning, land use, and other legal privileges as apply or would apply to the wires of the utility, except that—

"(A) there shall be no grant of any power of eminent domain to take or cross private property for the wires; and

"(B) the wires shall be physically segregated and not interconnected with any portion of the system of the utility, except on the customer side of the revenue meter of the utility and in a manner that precludes any possible export of the electricity onto the utility system, or disruption of the system.

"(4) AGREED ON ALTERNATIVES.—The utility and the owner or operator of the project may reach agreement on any alternate arrangement and payments or rates associated with the arrangement that is mutually satisfactory and in accord with State law.

"(d) RATE CONDITIONS AND CRITERIA.—

"(1) DEFINITIONS.—In this subsection:

"(A) PER UNIT DISTRIBUTION COSTS.—The term 'per unit distribution costs' means (in kilowatt hours) the quotient obtained by dividing—

"(i) the depreciated book-value distribution system costs of a utility; by

"(ii) the volume of utility electricity sales or transmission during the previous year at the distribution level.

"(B) PER UNIT DISTRIBUTION MARGIN.—The term 'per unit distribution margin' means—

"(i) in the case of a State-regulated electric utility, a per-unit gross pretax profit equal to the product obtained by multiplying—

"(I) the State-approved percentage rate of return for the utility for distribution system assets; by

"(II) the per unit distribution costs; and

"(ii) in the case of a nonregulated utility, a per unit contribution to net revenues determined multiplying—

"(I) the percentage (but not less than 10 percent) obtained by dividing—

"(aa) the amount of any net revenue payment or contribution to the owners or subscribers of the nonregulated utility during the prior year; by

"(bb) the gross revenues of the utility during the prior year to obtain a percentage; by

"(II) the per unit distribution costs.

"(C) PER UNIT TRANSMISSION COSTS.—The term 'per unit transmission costs' means the total cost of those transmission services purchased or provided by a utility on a per-kilowatt-hour basis as included in the retail rate of the utility.

"(2) OPTIONS.—The options described in paragraphs (1) and (2) in subsection (c) shall be offered under purchase and transport rate conditions that reflect the rate components defined under paragraph (1) as applicable under the circumstances described in paragraph (3).

"(3) APPLICABLE RATES.—

"(A) RATES APPLICABLE TO SALE OF NET EXCESS POWER.—

"(i) IN GENERAL.—Sales made by a project owner or operator of a facility under the option described in subsection (c)(1) shall be paid for on a per kilowatt hour basis that shall equal the full undiscounted retail rate paid to the utility for power purchased by the facility minus per unit distribution costs, that applies to the type of utility purchasing the power.

"(ii) VOLTAGES EXCEEDING 25 KILOVOLTS.—If the net excess power is made available for purchase at voltages that must be transformed to or from voltages exceeding 25 kilovolts to be available for resale by the utility, the purchase price shall further be reduced by per unit transmission costs.

"(B) RATES APPLICABLE TO TRANSPORT BY UTILITY FOR DIRECT SALE TO THIRD PARTIES.—

"(i) IN GENERAL.—Transportation by utilities of power on behalf of the owner or operator of a project under the option described in subsection (c)(2) shall incur a transportation rate that shall equal the per unit distribution costs and per unit distribution margin, that applies to the type of utility transporting the power.

"(ii) VOLTAGES EXCEEDING 25 KILOVOLTS.—If the net excess power is made available for transportation at voltages that must be transformed to or from voltages exceeding 25 kilovolts to be transported to the designated third-party purchasers, the transport rate shall further be increased by per unit transmission costs.

"(iii) STATES WITH COMPETITIVE RETAIL MARKETS FOR ELECTRICITY.—In a State with a competitive retail market for electricity, the applicable transportation rate for similar transportation shall be applied in lieu of any rate calculated under this paragraph.

"(4) LIMITATIONS.—

"(A) IN GENERAL.—Any rate established for sale or transportation under this section shall—

"(i) be modified over time with changes in the underlying costs or rates of the electric utility; and

"(ii) reflect the same time-sensitivity and billing periods as are established in the retail sales or transportation rates offered by the utility.

"(B) LIMITATION.—No utility shall be required to purchase or transport a quantity of net excess power under this section that exceeds the available capacity of the wires, meter, or other equipment of the electric utility serving the site unless the owner or operator of the project agrees to pay necessary and reasonable upgrade costs.

"(e) PROCEDURAL REQUIREMENTS FOR CONSIDERATION AND DETERMINATION.—

"(1) PUBLIC NOTICE AND HEARING.—

"(A) IN GENERAL.—The consideration referred to in subsection (a) shall be made after public notice and hearing.

"(B) ADMINISTRATION.—The determination referred to in subsection (a) shall be—

"(i) in writing;

"(ii) based on findings included in the determination and on the evidence presented at the hearing; and

"(iii) available to the public.

"(2) INTERVENTION BY ADMINISTRATOR.—The Administrator may intervene as a matter of right in a proceeding conducted under this section—

"(A) to calculate—

"(i) the energy and emissions likely to be saved by electing to adopt 1 or more of the options; and

"(ii) the costs and benefits to ratepayers and the utility; and

"(B) to advocate for the waste-energy recovery opportunity.

"(3) PROCEDURES.—

"(A) IN GENERAL.—Except as otherwise provided in paragraphs (1) and (2), the procedures for the consideration and determination referred to in subsection (a) shall be the procedures established by the State regulatory authority or the nonregulated electric utility.

"(B) MULTIPLE PROJECTS.—If there is more than 1 project seeking consideration simultaneously in connection with the same utility, the proceeding may encompass all such projects, if full attention is paid to individual circumstances and merits and an individual judgment is reached with respect to each project.

"(f) IMPLEMENTATION.—

"(1) IN GENERAL.—The State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority) or nonregulated electric utility may, to the extent consistent with otherwise applicable State law—

"(A) implement the standard determined under this section; or

"(B) decline to implement any such standard.

"(2) NONIMPLEMENTATION OF STANDARD.—

"(A) IN GENERAL.—If a State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority) or nonregulated electric utility declines to implement any standard established by this section, the authority or nonregulated electric utility shall state in writing the reasons for declining to implement the standard.

"(B) AVAILABILITY TO PUBLIC.—The statement of reasons shall be available to the public.

"(C) ANNUAL REPORT.—The Administrator shall include in an annual report submitted to Congress a description of the lost opportunities for waste-heat recovery from the project described in subparagraph (A), specifically identifying the utility and stating the quantity of lost energy and emissions savings calculated.

"(D) NEW PETITION.—If a State regulatory authority (with respect to each electric utility for which the authority has ratemaking authority) or nonregulated electric utility declines to implement the standard established by this section, the project sponsor may submit a new petition under this section with respect to the project at any time after the date that is 2 years after the date on which the State regulatory authority or nonregulated utility declined to implement the standard.

"SEC. 375. CLEAN ENERGY APPLICATION CENTERS.

"(a) RENAMING.—

"(1) IN GENERAL.—The Combined Heat and Power Application Centers of the Department of Energy are redesignated as Clean Energy Application Centers.

"(2) REFERENCES.—Any reference in any law, rule, regulation, or publication to a Combined Heat and Power Application Center shall be treated as a reference to a Clean Energy Application Center.

"(b) RELOCATION.—

"(1) IN GENERAL.—In order to better coordinate efforts with the separate Industrial Assessment Centers and to ensure that the energy efficiency and, when applicable, the renewable nature of deploying mature clean energy technology is fully accounted for, the Secretary shall relocate the administration of the Clean Energy Application Centers to the Office of Energy Efficiency and Renewable Energy within the Department of Energy.

"(2) OFFICE OF ELECTRICITY DELIVERY AND ENERGY RELIABILITY.—The Office of Electricity Delivery and Energy Reliability shall—

"(A) continue to perform work on the role of technology described in paragraph (1) in support of the grid and the reliability and security of the technology; and

"(B) shall assist the Clean Energy Application Centers in the work of the Centers with regard to the grid and with electric utilities.

"(c) GRANTS.—

"(1) IN GENERAL.—The Secretary shall make grants to universities, research centers, and other appropriate institutions to ensure the continued operations and effectiveness of 8 Regional Clean Energy Application Centers in each of the following regions (as designated for such purposes as of the date of the enactment of the Energy Independence and Security Act of 2007):

"(A) Gulf Coast.

"(B) Intermountain.

"(C) Mid-Atlantic.

"(D) Midwest.

"(E) Northeast.

"(F) Northwest.

"(G) Pacific.

"(H) Southeast.

"(2) ESTABLISHMENT OF GOALS AND COMPLIANCE.—In making grants under this subsection, the Secretary shall ensure that sufficient goals are established and met by each Center throughout the program duration concerning outreach and technology deployment.

"(d) ACTIVITIES.—

"(1) IN GENERAL.—Each Clean Energy Application Center shall—

"(A) operate a program to encourage deployment of clean energy technologies through education and outreach to building and industrial professionals; and other individuals and organizations with an interest in efficient energy use; and

"(B) provide project specific support to building and industrial professionals through assessments and advisory activities.

"(2) TYPES OF ACTIVITIES.—Funds made available under this section may be used—

"(A) to develop and distribute informational materials on clean energy technologies, including continuation of the 8 websites in existence on the date of enactment of the Energy Independence and Security Act of 2007;

"(B) to develop and conduct target market workshops, seminars, internet programs, and other activities to educate end users, regulators, and stakeholders in a manner that leads to the deployment of clean energy technologies;

"(C) to provide or coordinate onsite assessments for sites and enterprises that may consider deployment of clean energy technology;

"(D) to perform market research to identify high profile candidates for clean energy deployment;

"(E) to provide consulting support to sites considering deployment of clean energy technologies;

"(F) to assist organizations developing clean energy technologies to overcome barriers to deployment; and

"(G) to assist companies and organizations with performance evaluations of any clean energy technology implemented.

"(e) DURATION.—

"(1) IN GENERAL.—A grant awarded under this section shall be for a period of 5 years

"(2) ANNUAL EVALUATIONS.—Each grant shall be evaluated annually for the continuation of the grant based on the activities and results of the grant.

"(f) AUTHORIZATION.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2008 through 2012.".

(b) TABLE OF CONTENTS.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by inserting after the items relating to part D of title III the following:

"PART E—INDUSTRIAL ENERGY EFFICIENCY

"Sec. 371. Definitions.
"Sec. 372. Survey and Registry.
"Sec. 373. Waste energy recovery incentive grant program.
"Sec. 374. Additional incentives for recovery, utilization and prevention of industrial waste energy.
"Sec. 375. Clean Energy Application Centers.".

SEC. 452. ENERGY-INTENSIVE INDUSTRIES PROGRAM

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) an energy-intensive industry;

(B) a national trade association representing an energy-intensive industry; or

(C) a person acting on behalf of 1 or more energy-intensive industries or sectors, as determined by the Secretary.

(2) ENERGY-INTENSIVE INDUSTRY.—The term "energy-intensive industry" means an industry that uses significant quantities of energy as part of its primary economic activities, including—

(A) information technology, including data centers containing electrical equipment used in processing, storing, and transmitting digital information;

(B) consumer product manufacturing;

(C) food processing;

(D) materials manufacturers, including—

(i) aluminum;

(ii) chemicals;

(iii) forest and paper products;

(iv) metal casting;

(v) glass;

(vi) petroleum refining;

(vii) mining; and

(viii) steel;

(E) other energy-intensive industries, as determined by the Secretary.

(3) FEEDSTOCK.—The term "feedstock" means the raw material supplied for use in manufacturing, chemical, and biological processes.

(4) PARTNERSHIP.—The term "partnership" means an energy efficiency partnership established under subsection (c)(1)(A).

(5) PROGRAM.—The term "program" means the energy-intensive industries program established under subsection (b).

(b) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program under which the Secretary, in cooperation with energy-intensive industries and national industry trade associations representing the energy-intensive industries, shall support, research, develop, and promote the use of new materials processes, technologies, and techniques to optimize energy efficiency and the economic competitiveness of the United States' industrial and commercial sectors.

(c) PARTNERSHIPS.—

(1) IN GENERAL.—As part of the program, the Secretary shall establish energy efficiency partnerships between the Secretary and eligible entities to conduct research on, develop, and demonstrate new processes, technologies, and operating practices and techniques to significantly improve the energy efficiency of equipment and processes used by energy-intensive industries, including the conduct of activities to—

(A) increase the energy efficiency of industrial processes and facilities;

(B) research, develop, and demonstrate advanced technologies capable of energy intensity reductions and increased environmental performance; and

(C) promote the use of the processes, technologies, and techniques described in subparagraphs (A) and (B).

(2) ELIGIBLE ACTIVITIES.—Partnership activities eligible for funding under this subsection include—

(A) feedstock and recycling research, development, and demonstration activities to identify and promote—

(i) opportunities for meeting industry feedstock requirements with more energy efficient and flexible sources of feedstock or energy supply;

(ii) strategies to develop and deploy technologies that improve the quality and quantity of feedstocks recovered from process and waste streams; and

(iii) other methods using recycling, reuse, and improved industrial materials;

(B) research to develop and demonstrate technologies and processes that utilize alternative energy sources to supply heat, power, and new feedstocks for energy-intensive industries;

(C) research to achieve energy efficiency in steam, power, control system, and process heat technologies, and in other manufacturing processes; and

(D) industrial and commercial energy efficiency and sustainability assessments to—

(i) assist individual industrial and commercial sectors in developing tools, techniques, and methodologies to assess—

(I) the unique processes and facilities of the sectors;

(II) the energy utilization requirements of the sectors; and

(III) the application of new, more energy efficient technologies; and

(ii) conduct energy savings assessments;

(E) the incorporation of technologies and innovations that would significantly improve the energy efficiency and utilization of energy-intensive commercial applications; and

(F) any other activities that the Secretary determines to be appropriate.

(3) PROPOSALS.—

(A) IN GENERAL.—To be eligible for funding under this subsection, a partnership shall submit to the Secretary a proposal that describes the proposed research, development, or demonstration activity to be conducted by the partnership.

(B) REVIEW.—After reviewing the scientific, technical, and commercial merit of a proposals submitted under subparagraph (A), the Secretary shall approve or disapprove the proposal.

(C) COMPETITIVE AWARDS.—The provision of funding under this subsection shall be on a competitive basis.

(4) COST-SHARING REQUIREMENT.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(d) GRANTS.—The Secretary may award competitive grants for innovative technology research, development and demonstrations to universities, individual inventors, and small companies, based on energy savings potential, commercial viability, and technical merit.

(e) INSTITUTION OF HIGHER EDUCATION-BASED INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.—The Secretary shall provide funding to institution of higher education-based industrial research and assessment centers, whose purpose shall be—

(1) to identify opportunities for optimizing energy efficiency and environmental performance;

(2) to promote applications of emerging concepts and technologies in small and medium-sized manufacturers;

(3) to promote research and development for the use of alternative energy sources to supply heat, power, and new feedstocks for energy-intensive industries;

(4) to coordinate with appropriate Federal and State research offices, and provide a clearinghouse for industrial process and energy efficiency technical assistance resources; and

(5) to coordinate with State-accredited technical training centers and community colleges, while ensuring appropriate services to all regions of the United States.

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this section—

(A) $184,000,000 for fiscal year 2008;

(B) $190,000,000 for fiscal year 2009;

(C) $196,000,000 for fiscal year 2010;

(D) $202,000,000 for fiscal year 2011;

(E) $208,000,000 for fiscal year 2012; and

(F) such sums as are necessary for fiscal year 2013 and each fiscal year thereafter.

(2) PARTNERSHIP ACTIVITIES.—Of the amounts made available under paragraph (1), not less than 50 percent shall be used to pay the Federal share of partnership activities under subsection (c).

(3) COORDINATION AND NONDUPLICATION.—The Secretary shall coordinate efforts under this section with other programs of the Department and other Federal agencies to avoid duplication of effort.

SEC. 453. ENERGY EFFICIENCY FOR DATA CENTER BUILDINGS.

(a) DEFINITIONS.—In this section:

(1) DATA CENTER.—The term "data center" means any facility that primarily contains electronic equipment used to process, store, and transmit digital information, which may be—

(A) a free-standing structure; or

(B) a facility within a larger structure, that uses environmental control equipment to maintain the proper conditions for the operation of electronic equipment.

(2) DATA CENTER OPERATOR.—The term "data center operator" means any person or government entity that builds or operates a data center or purchases data center services, equipment, and facilities.

(b) VOLUNTARY NATIONAL INFORMATION PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary and the Administrator of the Environmental Protection Agency shall, after consulting with information technology industry and other interested parties, initiate a voluntary national information program for those types of data centers and data center equipment and facilities that are widely used and for which there is a potential for significant data center energy savings as a result of the program.

(2) REQUIREMENTS.—The program described in paragraph (1) shall—

(A) address data center efficiency holistically, reflecting the total energy consumption of data centers as whole systems, including both equipment and facilities;

(B) consider prior work and studies undertaken in this area, including by the Environmental Protection Agency and the Department of Energy;

(C) consistent with the objectives described in paragraph (1), determine the type of data center and data center equipment and facilities to be covered under the program;

(D) produce specifications, measurements, best practices, and benchmarks that will enable data center operators to make more informed decisions about the energy efficiency and costs of data centers, and that take into account—

(i) the performance and use of servers, data storage devices, and other information technology equipment;

(ii) the efficiency of heating, ventilation, and air conditioning, cooling, and power conditioning systems, provided that no modification shall be required of a standard then in effect under the Energy Policy and Conservation Act (42 U.S.C. 6201 et seq.) for any covered heating, ventilation, air-conditioning, cooling or power-conditioning product;

(iii) energy savings from the adoption of software and data management techniques; and

(iv) other factors determined by the organization described in subsection (c);

(E) allow for creation of separate specifications, measurements, and benchmarks based on data center size and function, as well as other appropriate characteristics;

(F) advance the design and implementation of efficiency technologies to the maximum extent economically practical;

(G) provide to data center operators in the private sector and the Federal Government information about best practices and purchasing decisions that reduce the energy consumption of data centers; and

(H) publish the information described in subparagraph (G), which may be disseminated through catalogs, trade publications, the Internet, or other mechanisms, that will allow data center operators to assess the energy consumption and potential cost savings of alternative data centers and data center equipment and facilities.

(3) PROCEDURES.—The program described in paragraph (1) shall be developed in consultation with and coordinated by the organization described in subsection (c) according to commonly accepted procedures for the development of specifications, measurements, and benchmarks.

(c) DATA CENTER EFFICIENCY ORGANIZATION.—

(1) IN GENERAL.—After the establishment of the program described in subsection (b), the Secretary and the Administrator shall jointly designate an information technology industry organization to consult with and to coordinate the program.

(2) REQUIREMENTS.—The organization designated under paragraph (1), whether preexisting or formed specifically for the purposes of subsection (b), shall—

(A) consist of interested parties that have expertise in energy efficiency and in the development, operation, and functionality of computer data centers, information technology equipment, and software, as well as representatives of hardware manufacturers, data center operators, and facility managers;

(B) obtain and address input from Department of Energy National Laboratories or any college, university, research institution, industry association, company, or public interest group with applicable expertise in any of the areas listed in paragraph (1);

(C) follow commonly accepted procedures for the development of specifications and accredited standards development processes;

(D) have a mission to develop and promote energy efficiency for data centers and information technology; and

(E) have the primary responsibility to consult in the development and publishing of the information, measurements, and benchmarks described in subsection (b) and transmission of the information to the Secretary and the Administrator for consideration under subsection (d).

(d) MEASUREMENTS AND SPECIFICATIONS.—

(1) IN GENERAL.—The Secretary and the Administrator shall consider the specifications, measurements, and benchmarks described in subsection (b) for use by the Federal Energy Management Program, the Energy Star Program, and other efficiency programs of the Department of Energy and Environmental Protection Agency, respectively.

(2) REJECTIONS.—If the Secretary or the Administrator rejects 1 or more specifications, measurements, or benchmarks described in subsection (b), the rejection shall be made consistent with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; Public Law 104–113).

(3) DETERMINATION OF IMPRACTICABILITY.—A determination that a specification, measurement, or benchmark described in subsection (b) is impractical may include consideration of the maximum efficiency that is technologically feasible and economically justified.

(e) MONITORING.—The Secretary and the Administrator shall—

(1) monitor and evaluate the efforts to develop the program described in subsection (b); and

(2) not later than 3 years after the date of enactment of this Act, make a determination as to whether the program is consistent with the objectives of subsection (b).

(f) ALTERNATIVE SYSTEM.—If the Secretary and the Administrator make a determination under subsection (e) that a voluntary national information program for data centers consistent with the objectives of subsection (b) has not been developed, the Secretary and the Administrator shall, after consultation with the National Institute of Standards and Technology and not later than 2 years after the determination, develop and implement the program under subsection (b).

(g) PROTECTION OF PROPRIETARY INFORMATION.—The Secretary, the Administrator, or the data center efficiency organization shall not disclose any proprietary information or trade secrets provided by any individual or company for the purposes of carrying out this section or the program established under this section.

Subtitle E—Healthy High-Performance Schools

SEC. 461. HEALTHY HIGH-PERFORMANCE SCHOOLS.

(a) AMENDMENT.—The Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended by adding at the end the following new title:

"TITLE V—HEALTHY HIGH-PERFORMANCE SCHOOLS

"SEC. 501. GRANTS FOR HEALTHY SCHOOL ENVIRONMENTS.

"(a) IN GENERAL.—The Administrator, in consultation with the Secretary of Education, may provide grants to States for use in—

"(1) providing technical assistance for programs of the Environmental Protection Agency (including the Tools for Schools Program and the Healthy School Environmental Assessment Tool) to schools for use in addressing environmental issues; and

"(2) development and implementation of State school environmental health programs that include—

"(A) standards for school building design, construction, and renovation; and

"(B) identification of ongoing school building environmental problems, including contaminants, hazardous substances, and pollutant emissions, in the State and recommended solutions to address those problems, including assessment of information on the exposure of children to environmental hazards in school facilities.

"(b) SUNSET.—The authority of the Administrator to carry out this section shall expire 5 years after the date of enactment of this section.

"SEC. 502. MODEL GUIDELINES FOR SITING OF SCHOOL FACILITIES.

"Not later than 18 months after the date of enactment of this section, the Administrator, in consultation with the Secretary of Education and the Secretary of Health and Human Services, shall issue voluntary school site selection guidelines that account for—

"(1) the special vulnerability of children to hazardous substances or pollution exposures in any case in which the potential for contamination at a potential school site exists;

"(2) modes of transportation available to students and staff;

"(3) the efficient use of energy; and

"(4) the potential use of a school at the site as an emergency shelter.

"SEC. 503. PUBLIC OUTREACH.

"(a) REPORTS.—The Administrator shall publish and submit to Congress an annual report on all activities carried out under this title, until the expiration of authority described in section 501(b).

"(b) PUBLIC OUTREACH.—The Federal Director appointed under section 436(a) of the Energy Independence and Security Act of 2007 (in this title referred to as the 'Federal Director') shall ensure, to the maximum extent practicable, that the public clearinghouse established under section 423(1) of the Energy Independence and Security Act of 2007 receives and makes available information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator.

"SEC. 504. ENVIRONMENTAL HEALTH PROGRAM.

"(a) IN GENERAL.—Not later than 2 years after the date of enactment of this section, the Administrator, in consultation with the Secretary of Education, the Secretary of Health and Human Services, and other relevant agencies, shall issue voluntary guidelines for use by the State in developing and implementing an environmental health program for schools that—

"(1) takes into account the status and findings of Federal initiatives established under this title or subtitle C of title IV of the Energy Independence and Security Act of 2007 and other relevant Federal law with respect to school facilities, including relevant updates on trends in the field, such as the impact of school facility environments on student and staff—

"(A) health, safety, and productivity; and

"(B) disabilities or special needs;

"(2) takes into account studies using relevant tools identified or developed in accordance with section 492 of the Energy Independence and Security Act of 2007;

"(3) takes into account, with respect to school facilities, each of—

"(A) environmental problems, contaminants, hazardous substances, and pollutant emissions, including—

"(i) lead from drinking water;

"(ii) lead from materials and products;

"(iii) asbestos;

"(iv) radon;

"(v) the presence of elemental mercury releases from products and containers;

"(vi) pollutant emissions from materials and products; and

"(vii) any other environmental problem, contaminant, hazardous substance, or pollutant emission that present or may present a risk to the health of occupants of the school facilities or environment;

"(B) natural day lighting;

"(C) ventilation choices and technologies;

"(D) heating and cooling choices and technologies;

"(E) moisture control and mold;

"(F) maintenance, cleaning, and pest control activities;

"(G) acoustics; and

"(H) other issues relating to the health, comfort, productivity, and performance of occupants of the school facilities;

"(4) provides technical assistance on siting, design, management, and operation of school facilities, including facilities used by students with disabilities or special needs;

"(5) collaborates with federally funded pediatric environmental health centers to assist in on-site school environmental investigations;

"(6) assists States and the public in better understanding and improving the environmental health of children; and

"(7) takes into account the special vulnerability of children in low-income and minority communities to exposures from contaminants, hazardous substances, and pollutant emissions.

"(b) PUBLIC OUTREACH.—The Federal Director and Commercial Director shall ensure, to the maximum extent practicable, that the public clearinghouse established under section 423 of the Energy Independence and Security Act of 2007 receives and makes available—

"(1) information from the Administrator that is contained in the report described in section 503(a); and

"(2) information on the exposure of children to environmental hazards in school facilities, as provided by the Administrator.

"SEC. 505. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this title $1,000,000 for fiscal year 2009, and $1,500,000 for each of fiscal years 2010 through 2013, to remain available until expended.".

(b) TABLE OF CONTENTS AMENDMENT.—The table of contents for the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) is amended by adding at the end the following:

"TITLE V—HEALTHY HIGH-PERFORMANCE SCHOOLS

"Sec. 501. Grants for healthy school environments.
"Sec. 502. Model guidelines for siting of school facilities.
"Sec. 503. Public outreach.
"Sec. 504. Environmental health program.
"Sec. 505. Authorization of appropriations.".

SEC. 462. STUDY ON INDOOR ENVIRONMENTAL QUALITY IN SCHOOLS.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall enter into an arrangement with the Secretary of Education and the Secretary of Energy to conduct a detailed study of how sustainable building features such as energy efficiency affect multiple perceived indoor environmental quality stressors on students in K–12 schools.

(b) CONTENTS.—The study shall—

(1) investigate the combined effect building stressors such as heating, cooling, humidity, lighting, and acoustics have on building occupants' health, productivity, and overall well-being;

(2) identify how sustainable building features, such as energy efficiency, are influencing these human outcomes singly and in concert; and

(3) ensure that the impacts of the indoor environmental quality are evaluated as a whole.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out this section $200,000 for each of the fiscal years 2008 through 2012.

Subtitle F—Institutional Entities

SEC. 471. ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS AND LOANS FOR INSTITUTIONS.

Part G of title III of the Energy Policy and Conservation Act is amended by inserting after section 399 (42 U.S.C. 6371h) the following:

"SEC. 399A. ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS AND LOANS FOR INSTITUTIONS.

"(a) DEFINITIONS.—In this section:

"(1) COMBINED HEAT AND POWER.—The term 'combined heat and power' means the generation of electric energy and heat in a single, integrated system, with an overall thermal efficiency of 60 percent or greater on a higher-heating-value basis.

"(2) DISTRICT ENERGY SYSTEMS.—The term 'district energy systems' means systems providing thermal energy from a renewable energy source, thermal energy source, or highly efficient technology to more than 1 building or fixed energy-consuming use from 1 or more thermal-energy production facilities through pipes or other means to provide space heating, space conditioning, hot water, steam, compression, process energy, or other end uses for that energy.

"(3) ENERGY SUSTAINABILITY.—The term 'energy sustainability' includes using a renewable energy source, thermal energy source, or a highly efficient technology for transportation, electricity generation, heating, cooling, lighting, or other energy services in fixed installations.

"(4) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

"(5) INSTITUTIONAL ENTITY.—The term 'institutional entity' means an institution of higher education, a public school district, a local government, a municipal utility, or a designee of 1 of those entities.

"(6) RENEWABLE ENERGY SOURCE.—The term 'renewable energy source' has the meaning given the term in section 609 of the Public Utility Regulatory Policies Act of 1978 (7 U.S.C. 918c).

"(7) SUSTAINABLE ENERGY INFRASTRUCTURE.—The term 'sustainable energy infrastructure' means—

"(A) facilities for production of energy from renewable energy sources, thermal energy sources, or highly efficient technologies, including combined heat and power or other waste heat use; and

"(B) district energy systems.

"(8) THERMAL ENERGY SOURCE.—The term 'thermal energy source' means—

"(A) a natural source of cooling or heating from lake or ocean water; and

"(B) recovery of useful energy that would otherwise be wasted from ongoing energy uses.

"(b) TECHNICAL ASSISTANCE GRANTS.—

"(1) IN GENERAL.—Subject to the availability of appropriated funds, the Secretary shall implement a program of information dissemination and technical assistance to institutional entities to assist the institutional entities in identifying, evaluating, designing, and implementing sustainable energy infrastructure projects in energy sustainability.

"(2) ASSISTANCE.—The Secretary shall support institutional entities in—

"(A) identification of opportunities for sustainable energy infrastructure;

"(B) understanding the technical and economic characteristics of sustainable energy infrastructure;

"(C) utility interconnection and negotiation of power and fuel contracts;

"(D) understanding financing alternatives;

"(E) permitting and siting issues;

"(F) obtaining case studies of similar and successful sustainable energy infrastructure systems; and

"(G) reviewing and obtaining computer software for assessment, design, and operation and maintenance of sustainable energy infrastructure systems.

"(3) ELIGIBLE COSTS FOR TECHNICAL ASSISTANCE GRANTS.—On receipt of an application of an institutional entity, the Secretary may make grants to the institutional entity to fund a portion of the cost of—

"(A) feasibility studies to assess the potential for implementation or improvement of sustainable energy infrastructure;

"(B) analysis and implementation of strategies to overcome barriers to project implementation, including financial, contracting, siting, and permitting barriers; and

"(C) detailed engineering of sustainable energy infrastructure.

"(c) GRANTS FOR ENERGY EFFICIENCY IMPROVEMENT AND ENERGY SUSTAINABILITY.—

"(1) GRANTS.—

"(A) IN GENERAL.—The Secretary shall award grants to institutional entities to carry out projects to improve energy efficiency on the grounds and facilities of the institutional entity.

"(B) REQUIREMENT.—To the extent that applications have been submitted, grants under subparagraph (A) shall include not less than 1 grant each year to an institution of higher education in each State.

"(C) MINIMUM FUNDING.—Not less than 50 percent of the total funding for all grants under this subsection shall be awarded in grants to institutions of higher education.

"(2) CRITERIA.—Evaluation of projects for grant funding shall be based on criteria established by the Secretary, including criteria relating to—

"(A) improvement in energy efficiency;

"(B) reduction in greenhouse gas emissions and other air emissions, including criteria air pollutants and ozone-depleting refrigerants;

"(C) increased use of renewable energy sources or thermal energy sources;

"(D) reduction in consumption of fossil fuels;

"(E) active student participation; and

"(F) need for funding assistance.

"(3) CONDITION.—As a condition of receiving a grant under this subsection, an institutional entity shall agree—

"(A) to implement a public awareness campaign concerning the project in the community in which the institutional entity is located; and

"(B) to submit to the Secretary, and make available to the public, reports on any efficiency improvements, energy cost savings, and environmental benefits achieved as part of a project carried out under paragraph (1), including quantification of the results relative to the criteria described under paragraph (2).

"(d) GRANTS FOR INNOVATION IN ENERGY SUSTAINABILITY.—

"(1) GRANTS.—

"(A) IN GENERAL.—The Secretary shall award grants to institutional entities to engage in innovative energy sustainability projects.

"(B) REQUIREMENT.—To the extent that applications have been submitted, grants under subparagraph (A) shall include not less than 2 grants each year to institutions of higher education in each State.

"(C) MINIMUM FUNDING.—Not less than 50 percent of the total funding for all grants under this subsection shall be awarded in grants to institutions of higher education.

"(2) INNOVATION PROJECTS.—An innovation project carried out with a grant under this subsection shall—

"(A) involve—

"(i) an innovative technology that is not yet commercially available; or

"(ii) available technology in an innovative application that maximizes energy efficiency and sustainability;

"(B) have the greatest potential for testing or demonstrating new technologies or processes; and

"(C) to the extent undertaken by an institution of higher education, ensure active student participation in the project, including the planning, implementation, evaluation, and other phases of projects.

"(3) CONDITION.—As a condition of receiving a grant under this subsection, an institutional entity shall agree to submit to the Secretary, and make available to the public, reports that describe the results of the projects carried out using grant funds.

"(e) ALLOCATION TO INSTITUTIONS OF HIGHER EDUCATION WITH SMALL ENDOWMENTS.—

"(1) IN GENERAL.—Of the total amount of grants provided to institutions of higher education for a fiscal year under this section, the Secretary shall provide not less than 50 percent of the amount to institutions of higher education that have an endowment of not more than $100,000,000.

"(2) REQUIREMENT.—To the extent that applications have been submitted, at least 50 percent of the amount described in paragraph (1) shall be provided to institutions of higher education that have an endowment of not more than $50,000,000.

"(f) GRANT AMOUNTS.—

"(1) IN GENERAL.—If the Secretary determines that cost sharing is appropriate, the amounts of grants provided under this section shall be limited as provided in this subsection.

"(2) TECHNICAL ASSISTANCE GRANTS.—In the case of grants for technical assistance under subsection (b), grant funds shall be available for not more than—

"(A) an amount equal to the lesser of—

"(i) $50,000; or

"(ii) 75 percent of the cost of feasibility studies to assess the potential for implementation or improvement of sustainable energy infrastructure;

"(B) an amount equal to the lesser of—

"(i) $90,000; or

"(ii) 60 percent of the cost of guidance on overcoming barriers to project implementation, including financial, contracting, siting, and permitting barriers; and

"(C) an amount equal to the lesser of—

"(i) $250,000; or

"(ii) 40 percent of the cost of detailed engineering and design of sustainable energy infrastructure.

"(3) GRANTS FOR EFFICIENCY IMPROVEMENT AND ENERGY SUSTAINABILITY.—In the case of grants for efficiency improvement and energy sustainability under subsection (c), grant funds shall be available for not more than an amount equal to the lesser of—

"(A) $1,000,000; or

"(B) 60 percent of the total cost.

"(4) GRANTS FOR INNOVATION IN ENERGY SUSTAINABILITY.—In the case of grants for innovation in energy sustainability under subsection (d), grant funds shall be available for not more than an amount equal to the lesser of—

"(A) $500,000; or

"(B) 75 percent of the total cost.

"(g) LOANS FOR ENERGY EFFICIENCY IMPROVEMENT AND ENERGY SUSTAINABILITY.—

"(1) IN GENERAL.—Subject to the availability of appropriated funds, the Secretary shall provide loans to institutional entities for the purpose of implementing energy efficiency improvements and sustainable energy infrastructure.

"(2) TERMS AND CONDITIONS.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, loans made under this subsection shall be on such terms and conditions as the Secretary may prescribe.

"(B) MATURITY.—The final maturity of loans made within a period shall be the lesser of, as determined by the Secretary—

"(i) 20 years; or

"(ii) 90 percent of the useful life of the principal physical asset to be financed by the loan.

"(C) DEFAULT.—No loan made under this subsection may be subordinated to another debt contracted by the institutional entity or to any other claims against the institutional entity in the case of default.

"(D) BENCHMARK INTEREST RATE.—

"(i) IN GENERAL.—Loans under this subsection shall be at an interest rate that is set by reference to a benchmark interest rate (yield) on marketable Treasury securities with a similar maturity to the direct loans being made.

"(ii) MINIMUM.—The minimum interest rate of loans under this subsection shall be at the interest rate of the benchmark financial instrument.

"(iii) NEW LOANS.—The minimum interest rate of new loans shall be adjusted each quarter to take account of changes in the interest rate of the benchmark financial instrument.

"(E) CREDIT RISK.—The Secretary shall—

"(i) prescribe explicit standards for use in periodically assessing the credit risk of making direct loans under this subsection; and

"(ii) find that there is a reasonable assurance of repayment before making a loan.

"(F) ADVANCE BUDGET AUTHORITY REQUIRED.—New direct loans may not be obligated under this subsection except to the extent that appropriations of budget authority to cover the costs of the new direct loans are made in advance, as required by section 504 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c).

"(3) CRITERIA.—Evaluation of projects for potential loan funding shall be based on criteria established by the Secretary, including criteria relating to—

"(A) improvement in energy efficiency;

"(B) reduction in greenhouse gas emissions and other air emissions, including criteria air pollutants and ozone-depleting refrigerants;

"(C) increased use of renewable electric energy sources or renewable thermal energy sources;

"(D) reduction in consumption of fossil fuels; and

"(E) need for funding assistance, including consideration of the size of endowment or other financial resources available to the institutional entity.

"(4) LABOR STANDARDS.—

"(A) IN GENERAL.—All laborers and mechanics employed by contractors or subcontractors in the performance of construction, repair, or alteration work funded in whole or in part under this section shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code. The Secretary shall not approve any such funding without first obtaining adequate assurance that required labor standards will be maintained upon the construction work.

"(B) AUTHORITY AND FUNCTIONS.—The Secretary of Labor shall have, with respect to the labor standards specified in paragraph (1), the authority and functions set forth in Reorganization Plan Number 14 of 1950 (15 Fed. Reg. 3176; 64 Stat. 1267) and section 3145 of title 40, United States Code.

"(h) PROGRAM PROCEDURES.—Not later than 180 days after the date of enactment of this section, the Secretary shall establish procedures for the solicitation and evaluation of potential projects for grant and loan funding and administration of the grant and loan programs.

"(i) AUTHORIZATION.—

"(1) GRANTS.—There is authorized to be appropriated for the cost of grants authorized in subsections (b), (c), and (d) $250,000,000 for each of fiscal years 2009 through 2013, of which not more than 5 percent may be used for administrative expenses.

"(2) LOANS.—There is authorized to be appropriated for the initial cost of direct loans authorized in subsection (g) $500,000,000 for each of fiscal years 2009 through 2013, of which not more than 5 percent may be used for administrative expenses.".

Subtitle G—Public and Assisted Housing

SEC. 481. APPLICATION OF INTERNATIONAL ENERGY CONSERVATION CODE TO PUBLIC AND ASSISTED HOUSING.

Section 109 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12709) is amended—

(1) in subsection (a)—

(A) in paragraph (1)(C), by striking ", where such standards are determined to be cost effective by the Secretary of Housing and Urban Development"; and

(B) in the first sentence of paragraph (2)—

(i) by striking "Council of American Building Officials Model Energy Code, 1992" and inserting "2006 International Energy Conservation Code"; and

(ii) by striking ", and, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code";

(2) in subsection (b)—

*(A) in the heading, by striking "**MODEL ENERGY CODE.—**" and inserting "**INTERNATIONAL ENERGY CONSERVATION CODE.—**";*

(B) by inserting "and rehabilitation" after "all new construction"; and

(C) by striking ", and, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code";

(3) in subsection (c)—

*(A) in the heading, by striking "**MODEL ENERGY CODE AND**"; and*

(B) by striking ", or, with respect to rehabilitation and new construction of public and assisted housing funded by HOPE VI revitalization grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437v), the 2003 International Energy Conservation Code";

(4) by adding at the end the following:

"(d) FAILURE TO AMEND THE STANDARDS.—If the Secretary of Housing and Urban Development and the Secretary of Agriculture have not, within 1 year after the requirements of the 2006 IECC or the ASHRAE Standard 90.1-2004 are revised, amended the standards or made a determination under subsection (c), all new construction and rehabilitation of housing specified in subsection (a) shall meet the requirements of the revised code or standard if—

"(1) the Secretary of Housing and Urban Development or the Secretary of Agriculture make a determination that the revised codes do not negatively affect the availability or affordability of new construction of assisted housing and single family and multifamily residential housing (other than manufactured homes) subject to mortgages insured under the National Housing Act (12 U.S.C. 1701 et seq.) or insured, guaranteed, or made by the Secretary of Agriculture under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.), respectively; and

"(2) the Secretary of Energy has made a determination under section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) that the revised code or standard would improve energy efficiency.";

(5) by striking "CABO Model Energy Code, 1992" each place it appears and inserting "the 2006 IECC"; and

(6) by striking "1989" each place it appears and inserting "2004".

Subtitle H—General Provisions

SEC. 491. DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Federal Director and the Commercial Director shall establish guidelines to implement a demonstration project to contribute to the research goals of the Office of Commercial High-Performance Green Buildings and the Office of Federal High-Performance Green Buildings.

(b) PROJECTS.—In accordance with guidelines established by the Federal Director and the Commercial Director under subsection (a) and the duties of the Federal Director and the Commercial Director described in this title, the Federal Director or the Commercial Director shall carry out—

(1) for each of fiscal years 2009 through 2014, 1 demonstration project per year of green features in a Federal building selected by the Federal Director in accordance with relevant agencies and described in subsection (c)(1), that—

(A) provides for instrumentation, monitoring, and data collection related to the green features, for study of the impact of the features on overall energy use and operational costs, and for the evaluation of the information obtained through the conduct of projects and activities under this title; and

(B) achieves the highest rating offered by the high performance green building system identified pursuant to section 436(h);

(2) no fewer than 4 demonstration projects at 4 universities, that, as competitively selected by the Commercial Director in accordance with subsection (c)(2), have—

(A) appropriate research resources and relevant projects to meet the goals of the demonstration project established by the Office of Commercial High-Performance Green Buildings; and

(B) the ability—

(i) to serve as a model for high-performance green building initiatives, including research and education by achieving the highest rating offered by the high performance green building system identified pursuant to section 436(h);

(ii) to identify the most effective ways to use high-performance green building and landscape technologies to engage and educate undergraduate and graduate students;

(iii) to effectively implement a high-performance green building education program for students and occupants;

(iv) to demonstrate the effectiveness of various high-performance technologies, including their impacts on energy use and operational costs, in each of the 4 climatic regions of the United States described in subsection (c)(2)(B); and

(v) to explore quantifiable and nonquantifiable beneficial impacts on public health and employee and student performance;

(3) demonstration projects to evaluate replicable approaches of achieving high performance in actual building operation in various types of commercial buildings in various climates; and

(4) deployment activities to disseminate information on and encourage widespread adoption of technologies, practices, and policies to achieve zero-net-energy commercial buildings or low energy use and effective monitoring of energy use in commercial buildings.

(c) CRITERIA.—

(1) FEDERAL FACILITIES.—With respect to the existing or proposed Federal facility at which a demonstration project under this section is conducted, the Federal facility shall—

(A) be an appropriate model for a project relating to—

(i) the effectiveness of high-performance technologies;

(ii) analysis of materials, components, systems, and emergency operations in the building, and the impact of those materials, components, and systems, including the impact on the health of building occupants;

(iii) life-cycle costing and life-cycle assessment of building materials and systems; and

(iv) location and design that promote access to the Federal facility through walking, biking, and mass transit; and

(B) possess sufficient technological and organizational adaptability.

(2) UNIVERSITIES.—With respect to the 4 universities at which a demonstration project under this section is conducted—

(A) the universities should be selected, after careful review of all applications received containing the required information, as determined by the Commercial Director, based on—

(i) successful and established public-private research and development partnerships;

(ii) demonstrated capabilities to construct or renovate buildings that meet high indoor environmental quality standards;

(iii) organizational flexibility;

(iv) technological adaptability;

(v) the demonstrated capacity of at least 1 university to replicate lessons learned among nearby or sister universities, preferably by participation in groups or consortia that promote sustainability;

(vi) the demonstrated capacity of at least 1 university to have officially-adopted, institution-wide "high-performance green building" guidelines for all campus building projects; and

(vii) the demonstrated capacity of at least 1 university to have been recognized by similar institutions as a national leader in sustainability education and curriculum for students of the university; and

(B) each university shall be located in a different climatic region of the United States, each of which regions shall have, as determined by the Office of Commercial High-Performance Green Buildings—

(i) a hot, dry climate;

(ii) a hot, humid climate;

(iii) a cold climate; or

(iv) a temperate climate (including a climate with cold winters and humid summers).

(d) APPLICATIONS.—To receive a grant under subsection (b), an eligible applicant shall submit to the Federal Director or the Commercial Director an application at such time, in such manner, and containing such information as the Director may require, including a written assurance that all laborers and mechanics employed by contractors or subcontractors during construction, alteration, or repair that is financed, in whole or in part, by a grant under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code. The Secretary of Labor shall, with respect to the labor standards described in this subsection, have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

(e) REPORT.—Not later than 1 year after the date of enactment of this Act, and annually thereafter through September 30, 2014—

(1) the Federal Director and the Commercial Director shall submit to the Secretary a report that describes the status of the demonstration projects; and

(2) each University at which a demonstration project under this section is conducted shall submit to the Secretary a report that describes the status of the demonstration projects under this section.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the demonstration project described in section (b)(1) $10,000,000 for the period of fiscal years 2008 through 2012, and to carry out the demonstration project described in section (b)(2), $10,000,000 for the period of fiscal years 2008 through 2012, to remain available until expended.

SEC. 492. RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT.—The Federal Director and the Commercial Director, jointly and in coordination with the Advisory Committee, shall—

(1)(A) survey existing research and studies relating to high-performance green buildings; and

(B) coordinate activities of common interest;

(2) develop and recommend a high-performance green building research plan that—

(A) identifies information and research needs, including the relationships between human health, occupant productivity, safety, security, and accessibility and each of—

(i) emissions from materials and products in the building;

(ii) natural day lighting;

(iii) ventilation choices and technologies;

(iv) heating, cooling, and system control choices and technologies;

(v) moisture control and mold;

(vi) maintenance, cleaning, and pest control activities;

(vii) acoustics;

(viii) access to public transportation; and

(ix) other issues relating to the health, comfort, productivity, and performance of occupants of the building;

(B) promotes the development and dissemination of high-performance green building measurement tools that, at a minimum, may be used—

(i) to monitor and assess the life-cycle performance of facilities (including demonstration projects) built as high-performance green buildings; and

(ii) to perform life-cycle assessments; and

(C) identifies and tests new and emerging technologies for high performance green buildings;

(3) assist the budget and life-cycle costing functions of the Directors' Offices under section 436(d);

(4) study and identify potential benefits of green buildings relating to security, natural disaster, and emergency needs of the Federal Government; and

(5) support other research initiatives determined by the Directors' Offices.

(b) INDOOR AIR QUALITY.—The Federal Director, in consultation with the Administrator of the Environmental Protection Agency and the Advisory Committee, shall develop and carry out a comprehensive indoor air quality program for all Federal facilities to ensure the safety of Federal workers and facility occupants—

(1) during new construction and renovation of facilities; and

(2) in existing facilities.

SEC. 493. ENVIRONMENTAL PROTECTION AGENCY DEMONSTRATION GRANT PROGRAM FOR LOCAL GOVERNMENTS.

Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by adding at the end the following:

"SEC. 329. DEMONSTRATION GRANT PROGRAM FOR LOCAL GOVERNMENTS.

"(a) GRANT PROGRAM.—

"(1) IN GENERAL.—The Administrator shall establish a demonstration program under which the Administrator shall provide competitive grants to assist local governments (such as municipalities and counties), with respect to local government buildings—

"(A) to deploy cost-effective technologies and practices; and

"(B) to achieve operational cost savings, through the application of cost-effective technologies and practices, as verified by the Administrator.

"(2) COST SHARING.—

"(A) IN GENERAL.—The Federal share of the cost of an activity carried out using a grant provided under this section shall be 40 percent.

"(B) WAIVER OF NON-FEDERAL SHARE.—The Administrator may waive up to 100 percent of the local share of the cost of any grant under this section should the Administrator determine that the community is economically distressed, pursuant to objective economic criteria established by the Administrator in published guidelines.

"(3) MAXIMUM AMOUNT.—The amount of a grant provided under this subsection shall not exceed $1,000,000.

"(b) GUIDELINES.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator shall issue guidelines to implement the grant program established under subsection (a).

"(2) REQUIREMENTS.—The guidelines under paragraph (1) shall establish—

"(A) standards for monitoring and verification of operational cost savings through the application of cost-effective technologies and practices reported by grantees under this section;

"(B) standards for grantees to implement training programs, and to provide technical assistance and education, relating to the retrofit of buildings using cost-effective technologies and practices; and

"(C) a requirement that each local government that receives a grant under this section shall achieve facility-wide cost savings, through renovation of existing local government buildings using cost-effective technologies and practices, of at least 40 percent as compared to the baseline operational costs of the buildings before the renovation (as calculated assuming a 3-year, weather-normalized average).

"(c) COMPLIANCE WITH STATE AND LOCAL LAW.—Nothing in this section or any program carried out using a grant provided under this section supersedes or otherwise affects any State or local law, to the extent that the State or local law contains a requirement that is more stringent than the relevant requirement of this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2007 through 2012.

"(e) REPORTS.—

"(1) IN GENERAL.—The Administrator shall provide annual reports to Congress on cost savings achieved and actions taken and recommendations made under this section, and any recommendations for further action.

"(2) FINAL REPORT.—The Administrator shall issue a final report at the conclusion of the program, including findings, a summary of total cost savings achieved, and recommendations for further action.

"(f) TERMINATION.—The program under this section shall terminate on September 30, 2012.

"(g) DEFINITIONS.—In this section, the terms 'cost effective technologies and practices' and 'operating cost savings' shall have the meanings defined in section 401 of the Energy Independence and Security Act of 2007.".

SEC. 494. GREEN BUILDING ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—Not later than 180 days after the date of enactment of this Act, the Federal Director, in coordination with the Commercial Director, shall establish an advisory committee, to be known as the "Green Building Advisory Committee".

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Committee shall be composed of representatives of, at a minimum—

(A) each agency referred to in section 421(e); and

(B) other relevant agencies and entities, as determined by the Federal Director, including at least 1 representative of each of—

(i) State and local governmental green building programs;

(ii) independent green building associations or councils;

(iii) building experts, including architects, material suppliers, and construction contractors;

(iv) security advisors focusing on national security needs, natural disasters, and other dire emergency situations;

(v) public transportation industry experts; and

(vi) environmental health experts, including those with experience in children's health.

(2) NON-FEDERAL MEMBERS.—The total number of non-Federal members on the Committee at any time shall not exceed 15.

(c) MEETINGS.—The Federal Director shall establish a regular schedule of meetings for the Committee.

(d) DUTIES.—The Committee shall provide advice and expertise for use by the Federal Director in carrying out the duties under this subtitle, including such recommendations relating to Federal activities carried out under sections 434 through 436 as are agreed to by a majority of the members of the Committee.

(e) FACA EXEMPTION.—The Committee shall not be subject to section 14 of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 495. ADVISORY COMMITTEE ON ENERGY EFFICIENCY FINANCE.

(a) ESTABLISHMENT.—The Secretary, acting through the Assistant Secretary of Energy for Energy Efficiency and Renewable Energy, shall establish an Advisory Committee on Energy Efficiency Finance to provide advice and recommendations to the Department on energy efficiency finance and investment issues, options, ideas, and trends, and to assist the energy community in identifying practical ways of lowering costs and increasing investments in energy efficiency technologies.

(b) MEMBERSHIP.—The advisory committee established under this section shall have a balanced membership that shall include members with expertise in—

(1) availability of seed capital;

(2) availability of venture capital;

(3) availability of other sources of private equity;

(4) investment banking with respect to corporate finance;

(5) investment banking with respect to mergers and acquisitions;

(6) equity capital markets;

(7) debt capital markets;

(8) research analysis;

(9) sales and trading;

(10) commercial lending; and

(11) residential lending.

(c) TERMINATION.—The Advisory Committee on Energy Efficiency Finance shall terminate on the date that is 10 years after the date of enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to the Secretary for carrying out this section.

TITLE V—ENERGY SAVINGS IN GOVERNMENT AND PUBLIC INSTITUTIONS

Subtitle A—United States Capitol Complex

SEC. 501. CAPITOL COMPLEX PHOTOVOLTAIC ROOF FEASIBILITY STUDIES.

(a) STUDIES.—The Architect of the Capitol may conduct feasibility studies regarding construction of photovoltaic roofs for the Rayburn House Office Building and the Hart Senate Office Building.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Architect of the Capitol shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Rules and Administration of the Senate a report on the results of the feasibility studies and recommendations regarding construction of photovoltaic roofs for the buildings referred to in subsection (a).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $500,000.

SEC. 502. CAPITOL COMPLEX E–85 REFUELING STATION.

(a) CONSTRUCTION.—The Architect of the Capitol may construct a fuel tank and pumping system for E–85 fuel at or within close proximity to the Capitol Grounds Fuel Station.

(b) USE.—The E–85 fuel tank and pumping system shall be available for use by all legislative branch vehicles capable of operating with E–85 fuel, subject to such other legislative branch agencies reimbursing the Architect of the Capitol for the costs of E–85 fuel used by such other legislative branch vehicles.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $640,000 for fiscal year 2008.

SEC. 503. ENERGY AND ENVIRONMENTAL MEASURES IN CAPITOL COMPLEX MASTER PLAN.

(a) IN GENERAL.—To the maximum extent practicable, the Architect of the Capitol shall include energy efficiency and conservation measures, greenhouse gas emission reduction measures, and other appropriate environmental measures in the Capitol Complex Master Plan.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Architect of the Capitol shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Rules and Administration of the Senate a report on the energy efficiency and conservation measures, greenhouse gas emission reduction measures, and other appropriate environmental measures included in the Capitol Complex Master Plan pursuant to subsection (a).

SEC. 504. PROMOTING MAXIMUM EFFICIENCY IN OPERATION OF CAPITOL POWER PLANT.

(a) STEAM BOILERS.—

(1) IN GENERAL.—The Architect of the Capitol shall take such steps as may be necessary to operate the steam boilers at the Capitol Power Plant in the most energy efficient manner possible to minimize carbon emissions and operating costs, including adjusting steam pressures and adjusting the operation of the boilers to take into account variations in demand, including seasonality, for the use of the system.

(2) EFFECTIVE DATE.—The Architect shall implement the steps required under paragraph (1) not later than 30 days after the date of the enactment of this Act.

(b) CHILLER PLANT.—

(1) IN GENERAL.—The Architect of the Capitol shall take such steps as may be necessary to operate the chiller plant at the Capitol Power Plant in the most energy efficient manner possible to minimize carbon emissions and operating costs, including adjusting water temperatures and adjusting the operation of the chillers to take into account variations in demand, including seasonality, for the use of the system.

(2) EFFECTIVE DATE.—The Architect shall implement the steps required under paragraph (1) not later than 30 days after the date of the enactment of this Act.

(c) METERS.—Not later than 90 days after the date of the enactment of this Act, the Architect of the Capitol shall evaluate the accuracy of the meters in use at the Capitol Power Plant and correct them as necessary.

(d) REPORT ON IMPLEMENTATION.—Not later than 180 days after the date of the enactment of

this Act, the Architect of the Capitol shall complete the implementation of the requirements of this section and submit a report describing the actions taken and the energy efficiencies achieved to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, the Committee on House Administration of the House of Representatives, and the Committee on Rules and Administration of the Senate.

SEC. 505. CAPITOL POWER PLANT CARBON DIOXIDE EMISSIONS FEASIBILITY STUDY AND DEMONSTRATION PROJECTS.

The first section of the Act of March 4, 1911 (2 U.S.C. 2162; 36 Stat. 1414, chapter 285) is amended in the seventh undesignated paragraph (relating to the Capitol power plant) under the heading "Public Buildings", under the heading "Under the Department of Interior"—

(1) by striking "ninety thousand dollars:" and inserting $90,000."; and

(2) by striking "Provided, That hereafter the" and all that follows through the end of the proviso and inserting the following:

"(a) DESIGNATION.—The heating, lighting, and power plant constructed under the terms of the Act approved April 28, 1904 (33 Stat. 479, chapter 1762) shall be known as the 'Capitol Power Plant'.

"(b) DEFINITION.—In this section, the term 'carbon dioxide energy efficiency' means the quantity of electricity used to power equipment for carbon dioxide capture and storage or use.

"(c) FEASIBILITY STUDY.—The Architect of the Capitol shall conduct a feasibility study evaluating the available methods to capture, store, and use carbon dioxide emitted from the Capitol Power Plant as a result of burning fossil fuels. In carrying out the feasibility study, the Architect of the Capitol is encouraged to consult with individuals with expertise in carbon capture and storage or use, including experts with the Environmental Protection Agency, Department of Energy, academic institutions, non-profit organizations, and industry, as appropriate. The study shall consider—

"(1) the availability of technologies to capture and store or use Capitol Power Plant carbon dioxide emissions;

"(2) strategies to conserve energy and reduce carbon dioxide emissions at the Capitol Power Plant; and

"(3) other factors as determined by the Architect of the Capitol.

"(d) DEMONSTRATION PROJECTS.—

"(1) IN GENERAL.—If the feasibility study determines that a demonstration project to capture and store or use Capitol Power Plant carbon dioxide emissions is technologically feasible and economically justified (including direct and indirect economic and environmental benefits), the Architect of the Capitol may conduct one or more demonstration projects to capture and store or use carbon dioxide emitted from the Capitol Power Plant as a result of burning fossil fuels.

"(2) FACTORS FOR CONSIDERATION.—In carrying out such demonstration projects, the Architect of the Capitol shall consider—

"(A) the amount of Capitol Power Plant carbon dioxide emissions to be captured and stored or used;

"(B) whether the proposed project is able to reduce air pollutants other than carbon dioxide;

"(C) the carbon dioxide energy efficiency of the proposed project;

"(D) whether the proposed project is able to use carbon dioxide emissions;

"(E) whether the proposed project could be expanded to significantly increase the amount of Capitol Power Plant carbon dioxide emissions to be captured and stored or used;

"(F) the potential environmental, energy, and educational benefits of demonstrating the capture and storage or use of carbon dioxide at the U.S. Capitol; and

"(G) other factors as determined by the Architect of the Capitol.

"(3) TERMS AND CONDITIONS.—A demonstration project funded under this section shall be subject to such terms and conditions as the Architect of the Capitol may prescribe.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the feasibility study and demonstration project $3,000,000. Such sums shall remain available until expended.".

Subtitle B—Energy Savings Performance Contracting

SEC. 511. AUTHORITY TO ENTER INTO CONTRACTS; REPORTS.

(a) IN GENERAL.—Section 801(a)(2)(D) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)(D)) is amended—

(1) in clause (ii), by inserting "and" after the semicolon at the end;

(2) by striking clause (iii); and

(3) by redesignating clause (iv) as clause (iii).

(b) REPORTS.—Section 548(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)(2)) is amended by inserting "and any termination penalty exposure" after "the energy and cost savings that have resulted from such contracts".

(c) CONFORMING AMENDMENT.—Section 2913 of title 10, United States Code, is amended by striking subsection (e).

SEC. 512. FINANCING FLEXIBILITY.

Section 801(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)) is amended by adding at the end the following:

"(E) FUNDING OPTIONS.—In carrying out a contract under this title, a Federal agency may use any combination of—

"(i) appropriated funds; and

"(ii) private financing under an energy savings performance contract.".

SEC. 513. PROMOTING LONG-TERM ENERGY SAVINGS PERFORMANCE CONTRACTS AND VERIFYING SAVINGS.

Section 801(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)) (as amended by section 512) is amended—

(1) in subparagraph (D), by inserting "beginning on the date of the delivery order" after "25 years"; and

(2) by adding at the end the following:

"(F) PROMOTION OF CONTRACTS.—In carrying out this section, a Federal agency shall not—

"(i) establish a Federal agency policy that limits the maximum contract term under subparagraph (D) to a period shorter than 25 years; or

"(ii) limit the total amount of obligations under energy savings performance contracts or other private financing of energy savings measures.

"(G) MEASUREMENT AND VERIFICATION REQUIREMENTS FOR PRIVATE FINANCING.—

"(i) IN GENERAL.—In the case of energy savings performance contracts, the evaluations and savings measurement and verification required under paragraphs (2) and (4) of section 543(f) shall be used by a Federal agency to meet the requirements for the need for energy audits, calculation of energy savings, and any other evaluation of costs and savings needed to implement the guarantee of savings under this section.

"(ii) MODIFICATION OF EXISTING CONTRACTS.—Not later than 18 months after the date of enactment of this subparagraph, each Federal agency shall, to the maximum extent practicable, modify any indefinite delivery and indefinite quantity energy savings performance contracts, and other indefinite delivery and indefinite quantity contracts using private financing, to conform to the amendments made by subtitle B of title V of the Energy Independence and Security Act of 2007.".

SEC. 514. PERMANENT REAUTHORIZATION.

Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended by striking subsection (c).

SEC. 515. DEFINITION OF ENERGY SAVINGS.

Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting appropriately;

(2) by striking "means a reduction" and inserting "means—

"(A) a reduction";

(3) by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(B) the increased efficient use of an existing energy source by cogeneration or heat recovery;

"(C) if otherwise authorized by Federal or State law (including regulations), the sale or transfer of electrical or thermal energy generated on-site from renewable energy sources or cogeneration, but in excess of Federal needs, to utilities or non-Federal energy users; and

"(D) the increased efficient use of existing water sources in interior or exterior applications.".

SEC. 516. RETENTION OF SAVINGS.

Section 546(c) of the National Energy Conservation Policy Act (42 U.S.C. 8256(c)) is amended by striking paragraph (5).

SEC. 517. TRAINING FEDERAL CONTRACTING OFFICERS TO NEGOTIATE ENERGY EFFICIENCY CONTRACTS.

(a) PROGRAM.—The Secretary shall create and administer in the Federal Energy Management Program a training program to educate Federal contract negotiation and contract management personnel so that the contract officers are prepared to—

(1) negotiate energy savings performance contracts;

(2) conclude effective and timely contracts for energy efficiency services with all companies offering energy efficiency services; and

(3) review Federal contracts for all products and services for the potential energy efficiency opportunities and implications of the contracts.

(b) SCHEDULE.—Not later than 1 year after the date of enactment of this Act, the Secretary shall plan, staff, announce, and begin training under the Federal Energy Management Program.

(c) PERSONNEL TO BE TRAINED.—Personnel appropriate to receive training under the Federal Energy Management Program shall be selected by and sent for the training from—

(1) the Department of Defense;

(2) the Department of Veterans Affairs;

(3) the Department;

(4) the General Services Administration;

(5) the Department of Housing and Urban Development;

(6) the United States Postal Service; and

(7) all other Federal agencies and departments that enter contracts for buildings, building services, electricity and electricity services, natural gas and natural gas services, heating and air conditioning services, building fuel purchases, and other types of procurement or service contracts determined by the Secretary, in carrying out the Federal Energy Management Program, to offer the potential for energy savings and greenhouse gas emission reductions if negotiated with taking into account those goals.

(d) TRAINERS.—Training under the Federal Energy Management Program may be conducted by—

(1) attorneys or contract officers with experience in negotiating and managing contracts described in subsection (c)(7) from any agency, except that the Secretary shall reimburse the related salaries and expenses of the attorneys or

contract officers from amounts made available for carrying out this section to the extent the attorneys or contract officers are not employees of the Department; and

(2) private experts hired by the Secretary for the purposes of this section, except that the Secretary may not hire experts who are simultaneously employed by any company under contract to provide energy efficiency services to the Federal Government.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $750,000 for each of fiscal years 2008 through 2012.

SEC. 518. STUDY OF ENERGY AND COST SAVINGS IN NONBUILDING APPLICATIONS.

(a) DEFINITIONS.—In this section:

(1) NONBUILDING APPLICATION.—The term "nonbuilding application" means—

(A) any class of vehicles, devices, or equipment that is transportable under the power of the applicable vehicle, device, or equipment by land, sea, or air and that consumes energy from any fuel source for the purpose of—

(i) that transportation; or

(ii) maintaining a controlled environment within the vehicle, device, or equipment; and

(B) any federally-owned equipment used to generate electricity or transport water.

(2) SECONDARY SAVINGS.—

(A) IN GENERAL.—The term "secondary savings" means additional energy or cost savings that are a direct consequence of the energy savings that result from the energy efficiency improvements that were financed and implemented pursuant to an energy savings performance contract.

(B) INCLUSIONS.—The term "secondary savings" includes—

(i) energy and cost savings that result from a reduction in the need for fuel delivery and logistical support;

(ii) personnel cost savings and environmental benefits; and

(iii) in the case of electric generation equipment, the benefits of increased efficiency in the production of electricity, including revenues received by the Federal Government from the sale of electricity so produced.

(b) STUDY.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary and the Secretary of Defense shall jointly conduct, and submit to Congress and the President a report of, a study of the potential for the use of energy savings performance contracts to reduce energy consumption and provide energy and cost savings in nonbuilding applications.

(2) REQUIREMENTS.—The study under this subsection shall include—

(A) an estimate of the potential energy and cost savings to the Federal Government, including secondary savings and benefits, from increased efficiency in nonbuilding applications;

(B) an assessment of the feasibility of extending the use of energy savings performance contracts to nonbuilding applications, including an identification of any regulatory or statutory barriers to that use; and

(C) such recommendations as the Secretary and Secretary of Defense determine to be appropriate.

Subtitle C—Energy Efficiency in Federal Agencies

SEC. 521. INSTALLATION OF PHOTOVOLTAIC SYSTEM AT DEPARTMENT OF ENERGY HEADQUARTERS BUILDING.

(a) IN GENERAL.—The Administrator of General Services shall install a photovoltaic system, as set forth in the Sun Wall Design Project, for the headquarters building of the Department located at 1000 Independence Avenue, SW., Washington, DC, commonly known as the Forrestal Building.

(b) FUNDING.—There shall be available from the Federal Buildings Fund established by section 592 of title 40, United States Code, $30,000,000 to carry out this section. Such sums shall be derived from the unobligated balance of amounts made available from the Fund for fiscal year 2007, and prior fiscal years, for repairs and alternations and other activities (excluding amounts made available for the energy program). Such sums shall remain available until expended.

SEC. 522. PROHIBITION ON INCANDESCENT LAMPS BY COAST GUARD.

(a) PROHIBITION.—Except as provided by subsection (b), on and after January 1, 2009, a general service incandescent lamp shall not be purchased or installed in a Coast Guard facility by or on behalf of the Coast Guard.

(b) EXCEPTION.—A general service incandescent lamp may be purchased, installed, and used in a Coast Guard facility whenever the application of a general service incandescent lamp is—

(1) necessary due to purpose or design, including medical, security, and industrial applications;

(2) reasonable due to the architectural or historical value of a light fixture installed before January 1, 2009; or

(3) the Commandant of the Coast Guard determines that operational requirements necessitate the use of a general service incandescent lamp.

(c) LIMITATION.—In this section, the term "facility" does not include a vessel or aircraft of the Coast Guard.

SEC. 523. STANDARD RELATING TO SOLAR HOT WATER HEATERS.

Section 305(a)(3)(A) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)(A)) is amended—

(1) in clause (i)(II), by striking "and" at the end;

(2) in clause (ii), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(iii) if lifecycle cost-effective, as compared to other reasonably available technologies, not less than 30 percent of the hot water demand for each new Federal building or Federal building undergoing a major renovation be met through the installation and use of solar hot water heaters.".

SEC. 524. FEDERALLY-PROCURED APPLIANCES WITH STANDBY POWER.

Section 553 of the National Energy Conservation Policy Act (42 U.S.C. 8259b) is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following:

"(e) FEDERALLY-PROCURED APPLIANCES WITH STANDBY POWER.—

"(1) DEFINITION OF ELIGIBLE PRODUCT.—In this subsection, the term 'eligible product' means a commercially available, off-the-shelf product that—

"(A)(i) uses external standby power devices; or

"(ii) contains an internal standby power function; and

"(B) is included on the list compiled under paragraph (4).

"(2) FEDERAL PURCHASING REQUIREMENT.—Subject to paragraph (3), if an agency purchases an eligible product, the agency shall purchase—

"(A) an eligible product that uses not more than 1 watt in the standby power consuming mode of the eligible product; or

"(B) if an eligible product described in subparagraph (A) is not available, the eligible product with the lowest available standby power wattage in the standby power consuming mode of the eligible product.

"(3) LIMITATION.—The requirements of paragraph (2) shall apply to a purchase by an agency only if—

"(A) the lower-wattage eligible product is—

"(i) lifecycle cost-effective; and

"(ii) practicable; and

"(B) the utility and performance of the eligible product is not compromised by the lower wattage requirement.

"(4) ELIGIBLE PRODUCTS.—The Secretary, in consultation with the Secretary of Defense, the Administrator of the Environmental Protection Agency, and the Administrator of General Services, shall compile a publicly accessible list of cost-effective eligible products that shall be subject to the purchasing requirements of paragraph (2).".

SEC. 525. FEDERAL PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.

(a) AMENDMENTS.—Section 553 of the National Energy Conservation Policy Act (42 U.S.C. 8259b) is amended—

(1) in subsection (b)(1), by inserting "in a product category covered by the Energy Star program or the Federal Energy Management Program for designated products" after "energy consuming product"; and

(2) in the second sentence of subsection (c)—

(A) by inserting "list in their catalogues, represent as available, and" after "Logistics Agency shall"; and

(B) by striking "where the agency" and inserting "in which the head of the agency".

(b) CATALOGUE LISTING DEADLINE.—Not later than 9 months after the date of enactment of this Act, the General Services Administration and the Defense Logistics Agency shall ensure that the requirement established by the amendment made by subsection (a)(2)(A) has been fully complied with.

SEC. 526. PROCUREMENT AND ACQUISITION OF ALTERNATIVE FUELS.

No Federal agency shall enter into a contract for procurement of an alternative or synthetic fuel, including a fuel produced from nonconventional petroleum sources, for any mobility-related use, other than for research or testing, unless the contract specifies that the lifecycle greenhouse gas emissions associated with the production and combustion of the fuel supplied under the contract must, on an ongoing basis, be less than or equal to such emissions from the equivalent conventional fuel produced from conventional petroleum sources.

SEC. 527. GOVERNMENT EFFICIENCY STATUS REPORTS.

(a) IN GENERAL.—Each Federal agency subject to any of the requirements of this title or the amendments made by this title shall compile and submit to the Director of the Office of Management and Budget an annual Government efficiency status report on—

(1) compliance by the agency with each of the requirements of this title and the amendments made by this title;

(2) the status of the implementation by the agency of initiatives to improve energy efficiency, reduce energy costs, and reduce emissions of greenhouse gases; and

(3) savings to the taxpayers of the United States resulting from mandated improvements under this title and the amendments made by this title

(b) SUBMISSION.—The report shall be submitted—

(1) to the Director at such time as the Director requires;

(2) in electronic, not paper, format; and

(3) consistent with related reporting requirements.

SEC. 528. OMB GOVERNMENT EFFICIENCY REPORTS AND SCORECARDS.

(a) REPORTS.—Not later than April 1 of each year, the Director of the Office of Management and Budget shall submit an annual Government efficiency report to the Committee on Oversight

and Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate, which shall contain—

(1) a summary of the information reported by agencies under section 527;

(2) an evaluation of the overall progress of the Federal Government toward achieving the goals of this title and the amendments made by this title; and

(3) recommendations for additional actions necessary to meet the goals of this title and the amendments made by this title.

(b) SCORECARDS.—The Director of the Office of Management and Budget shall include in any annual energy scorecard the Director is otherwise required to submit a description of the compliance of each agency with the requirements of this title and the amendments made by this title.

SEC. 529. ELECTRICITY SECTOR DEMAND RESPONSE.

(a) IN GENERAL.—Title V of the National Energy Conservation Policy Act (42 U.S.C. 8241 et seq.) is amended by adding at the end the following:

"PART 5—PEAK DEMAND REDUCTION

"SEC. 571. NATIONAL ACTION PLAN FOR DEMAND RESPONSE.

"(a) NATIONAL ASSESSMENT AND REPORT.—The Federal Energy Regulatory Commission ('Commission') shall conduct a National Assessment of Demand Response. The Commission shall, within 18 months of the date of enactment of this part, submit a report to Congress that includes each of the following:

"(1) Estimation of nationwide demand response potential in 5 and 10 year horizons, including data on a State-by-State basis, and a methodology for updates of such estimates on an annual basis.

"(2) Estimation of how much of this potential can be achieved within 5 and 10 years after the enactment of this part accompanied by specific policy recommendations that if implemented can achieve the estimated potential. Such recommendations shall include options for funding and/or incentives for the development of demand response resources.

"(3) The Commission shall further note any barriers to demand response programs offering flexible, non-discriminatory, and fairly compensatory terms for the services and benefits made available, and shall provide recommendations for overcoming such barriers.

"(4) The Commission shall seek to take advantage of preexisting research and ongoing work, and shall insure that there is no duplication of effort.

"(b) NATIONAL ACTION PLAN ON DEMAND RESPONSE.—The Commission shall further develop a National Action Plan on Demand Response, soliciting and accepting input and participation from a broad range of industry stakeholders, State regulatory utility commissioners, and nongovernmental groups. The Commission shall seek consensus where possible, and decide on optimum solutions to issues that defy consensus. Such Plan shall be completed within one year after the completion of the National Assessment of Demand Response, and shall meet each of the following objectives:

"(1) Identification of requirements for technical assistance to States to allow them to maximize the amount of demand response resources that can be developed and deployed.

"(2) Design and identification of requirements for implementation of a national communications program that includes broad-based customer education and support.

"(3) Development or identification of analytical tools, information, model regulatory provisions, model contracts, and other support materials for use by customers, states, utilities and demand response providers.

"(c) Upon completion, the National Action Plan on Demand Response shall be published, together with any favorable and dissenting comments submitted by participants in its preparation. Six months after publication, the Commission, together with the Secretary of Energy, shall submit to Congress a proposal to implement the Action Plan, including specific proposed assignments of responsibility, proposed budget amounts, and any agreements secured for participation from State and other participants.

"(d) AUTHORIZATION.—There are authorized to be appropriated to the Commission to carry out this section not more than $10,000,000 for each of the fiscal years 2008, 2009, and 2010.".

(b) TABLE OF CONTENTS.—The table of contents for the National Energy Conservation Policy Act (42 U.S.C. 8201 note) is amended by adding after the items relating to part 4 of title V the following:

"PART 5—PEAK DEMAND REDUCTION

"Sec. 571. National Action Plan for Demand Response.".

Subtitle D—Energy Efficiency of Public Institutions

SEC. 531. REAUTHORIZATION OF STATE ENERGY PROGRAMS.

Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking "$100,000,000 for each of the fiscal years 2006 and 2007 and $125,000,000 for fiscal year 2008" and inserting "$125,000,000 for each of fiscal years 2007 through 2012".

SEC. 532. UTILITY ENERGY EFFICIENCY PROGRAMS.

(a) ELECTRIC UTILITIES.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

"(16) INTEGRATED RESOURCE PLANNING.—Each electric utility shall—

"(A) integrate energy efficiency resources into utility, State, and regional plans; and

"(B) adopt policies establishing cost-effective energy efficiency as a priority resource.

"(17) RATE DESIGN MODIFICATIONS TO PROMOTE ENERGY EFFICIENCY INVESTMENTS.—

"(A) IN GENERAL.—The rates allowed to be charged by any electric utility shall—

"(i) align utility incentives with the delivery of cost-effective energy efficiency; and

"(ii) promote energy efficiency investments.

"(B) POLICY OPTIONS.—In complying with subparagraph (A), each State regulatory authority and each nonregulated utility shall consider—

"(i) removing the throughput incentive and other regulatory and management disincentives to energy efficiency;

"(ii) providing utility incentives for the successful management of energy efficiency programs;

"(iii) including the impact on adoption of energy efficiency as 1 of the goals of retail rate design, recognizing that energy efficiency must be balanced with other objectives;

"(iv) adopting rate designs that encourage energy efficiency for each customer class;

"(v) allowing timely recovery of energy efficiency-related costs; and

"(vi) offering home energy audits, offering demand response programs, publicizing the financial and environmental benefits associated with making home energy efficiency improvements, and educating homeowners about all existing Federal and State incentives, including the availability of low-cost loans, that make energy efficiency improvements more affordable.".

(b) NATURAL GAS UTILITIES.—Section 303(b) of the Public Utility Regulatory Policies Act of 1978 (15 U.S.C. 3203(b)) is amended by adding at the end the following:

"(5) ENERGY EFFICIENCY.—Each natural gas utility shall—

"(A) integrate energy efficiency resources into the plans and planning processes of the natural gas utility; and

"(B) adopt policies that establish energy efficiency as a priority resource in the plans and planning processes of the natural gas utility.

"(6) RATE DESIGN MODIFICATIONS TO PROMOTE ENERGY EFFICIENCY INVESTMENTS.—

"(A) IN GENERAL.—The rates allowed to be charged by a natural gas utility shall align utility incentives with the deployment of cost-effective energy efficiency.

"(B) POLICY OPTIONS.—In complying with subparagraph (A), each State regulatory authority and each nonregulated utility shall consider—

"(i) separating fixed-cost revenue recovery from the volume of transportation or sales service provided to the customer;

"(ii) providing to utilities incentives for the successful management of energy efficiency programs, such as allowing utilities to retain a portion of the cost-reducing benefits accruing from the programs;

"(iii) promoting the impact on adoption of energy efficiency as 1 of the goals of retail rate design, recognizing that energy efficiency must be balanced with other objectives; and

"(iv) adopting rate designs that encourage energy efficiency for each customer class.

For purposes of applying the provisions of this subtitle to this paragraph, any reference in this subtitle to the date of enactment of this Act shall be treated as a reference to the date of enactment of this paragraph.".

(c) CONFORMING AMENDMENT.—Section 303(a) of the Public Utility Regulatory Policies Act of 1978 U.S.C. 3203(a)) is amended by striking "and (4)" inserting "(4), (5), and (6)".

Subtitle E—Energy Efficiency and Conservation Block Grants

SEC. 541. DEFINITIONS.

In this subtitle:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a State;

(B) an eligible unit of local government; and

(C) an Indian tribe.

(2) ELIGIBLE UNIT OF LOCAL GOVERNMENT.—The term "eligible unit of local government" means—

(A) an eligible unit of local government-alternative 1; and

(B) an eligible unit of local government-alternative 2.

(3)(A) ELIGIBLE UNIT OF LOCAL GOVERNMENT-ALTERNATIVE 1.—The term "eligible unit of local government-alternative 1" means—

(i) a city with a population—

(I) of at least 35,000; or

(II) that causes the city to be 1 of the 10 highest-populated cities of the State in which the city is located; and

(ii) a county with a population—

(I) of at least 200,000; or

(II) that causes the county to be 1 of the 10 highest-populated counties of the State in which the county is located.

(B) ELIGIBLE UNIT OF LOCAL GOVERNMENT-ALTERNATIVE 2.—The term "eligible unit of local government-alternative 2" means—

(i) a city with a population of at least 50,000; or

(ii) a county with a population of at least 200,000.

(4) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self- Determination and Education Assistance Act (25 U.S.C. 450b).

(5) PROGRAM.—The term "program" means the Energy Efficiency and Conservation Block Grant Program established under section 542(a).

(6) STATE.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

SEC. 542. ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the "Energy Efficiency and Conservation Block Grant Program", under which the Secretary shall provide grants to eligible entities in accordance with this subtitle.

(b) PURPOSE.—The purpose of the program shall be to assist eligible entities in implementing strategies—

(1) to reduce fossil fuel emissions created as a result of activities within the jurisdictions of eligible entities in manner that—

(A) is environmentally sustainable; and

(B) to the maximum extent practicable, maximizes benefits for local and regional communities;

(2) to reduce the total energy use of the eligible entities; and

(3) to improve energy efficiency in—

(A) the transportation sector;

(B) the building sector; and

(C) other appropriate sectors.

SEC. 543. ALLOCATION OF FUNDS.

(a) IN GENERAL.—Of amounts made available to provide grants under this subtitle for each fiscal year, the Secretary shall allocate—

(1) 68 percent to eligible units of local government in accordance with subsection (b);

(2) 28 percent to States in accordance with subsection (c);

(3) 2 percent to Indian tribes in accordance with subsection (d); and

(4) 2 percent for competitive grants under section 546.

(b) ELIGIBLE UNITS OF LOCAL GOVERNMENT.—Of amounts available for distribution to eligible units of local government under subsection (a)(1), the Secretary shall provide grants to eligible units of local government under this section based on a formula established by the Secretary according to—

(1) the populations served by the eligible units of local government, according to the latest available decennial census; and

(2) the daytime populations of the eligible units of local government and other similar factors (such as square footage of commercial, office, and industrial space), as determined by the Secretary.

(c) STATES.—Of amounts available for distribution to States under subsection (a)(2), the Secretary shall provide—

(1) not less than 1.25 percent to each State; and

(2) the remainder among the States, based on a formula to be established by the Secretary that takes into account—

(A) the population of each State; and

(B) any other criteria that the Secretary determines to be appropriate.

(d) INDIAN TRIBES.—Of amounts available for distribution to Indian tribes under subsection (a)(3), the Secretary shall establish a formula for allocation of the amounts to Indian tribes, taking into account any factors that the Secretary determines to be appropriate.

(e) PUBLICATION OF ALLOCATION FORMULAS.—Not later than 90 days before the beginning of each fiscal year for which grants are provided under this subtitle, the Secretary shall publish in the Federal Register the formulas for allocation established under this section.

(f) STATE AND LOCAL ADVISORY COMMITTEE.—The Secretary shall establish a State and local advisory committee to advise the Secretary regarding administration, implementation, and evaluation of the program.

SEC. 544. USE OF FUNDS.

An eligible entity may use a grant received under this subtitle to carry out activities to achieve the purposes of the program, including—

(1) development and implementation of an energy efficiency and conservation strategy under section 545(b);

(2) retaining technical consultant services to assist the eligible entity in the development of such a strategy, including—

(A) formulation of energy efficiency, energy conservation, and energy usage goals;

(B) identification of strategies to achieve those goals—

(i) through efforts to increase energy efficiency and reduce energy consumption; and

(ii) by encouraging behavioral changes among the population served by the eligible entity;

(C) development of methods to measure progress in achieving the goals;

(D) development and publication of annual reports to the population served by the eligible entity describing—

(i) the strategies and goals; and

(ii) the progress made in achieving the strategies and goals during the preceding calendar year; and

(E) other services to assist in the implementation of the energy efficiency and conservation strategy;

(3) conducting residential and commercial building energy audits;

(4) establishment of financial incentive programs for energy efficiency improvements;

(5) the provision of grants to nonprofit organizations and governmental agencies for the purpose of performing energy efficiency retrofits;

(6) development and implementation of energy efficiency and conservation programs for buildings and facilities within the jurisdiction of the eligible entity, including—

(A) design and operation of the programs;

(B) identifying the most effective methods for achieving maximum participation and efficiency rates;

(C) public education;

(D) measurement and verification protocols; and

(E) identification of energy efficient technologies;

(7) development and implementation of programs to conserve energy used in transportation, including—

(A) use of flex time by employers;

(B) satellite work centers;

(C) development and promotion of zoning guidelines or requirements that promote energy efficient development;

(D) development of infrastructure, such as bike lanes and pathways and pedestrian walkways;

(E) synchronization of traffic signals; and

(F) other measures that increase energy efficiency and decrease energy consumption;

(8) development and implementation of building codes and inspection services to promote building energy efficiency;

(9) application and implementation of energy distribution technologies that significantly increase energy efficiency, including—

(A) distributed resources; and

(B) district heating and cooling systems;

(10) activities to increase participation and efficiency rates for material conservation programs, including source reduction, recycling, and recycled content procurement programs that lead to increases in energy efficiency;

(11) the purchase and implementation of technologies to reduce, capture, and, to the maximum extent practicable, use methane and other greenhouse gases generated by landfills or similar sources;

(12) replacement of traffic signals and street lighting with energy efficient lighting technologies, including—

(A) light emitting diodes; and

(B) any other technology of equal or greater energy efficiency;

(13) development, implementation, and installation on or in any government building of the eligible entity of onsite renewable energy technology that generates electricity from renewable resources, including—

(A) solar energy;

(B) wind energy;

(C) fuel cells; and

(D) biomass; and

(14) any other appropriate activity, as determined by the Secretary, in consultation with—

(A) the Administrator of the Environmental Protection Agency;

(B) the Secretary of Transportation; and

(C) the Secretary of Housing and Urban Development.

SEC. 545. REQUIREMENTS FOR ELIGIBLE ENTITIES.

(a) CONSTRUCTION REQUIREMENT.—

(1) IN GENERAL.—To be eligible to receive a grant under the program, each eligible applicant shall submit to the Secretary a written assurance that all laborers and mechanics employed by any contractor or subcontractor of the eligible entity during any construction, alteration, or repair activity funded, in whole or in part, by the grant shall be paid wages at rates not less than the prevailing wages for similar construction activities in the locality, as determined by the Secretary of Labor, in accordance with sections 3141 through 3144, 3146, and 3147 of title 40, United States Code.

(2) SECRETARY OF LABOR.—With respect to the labor standards referred to in paragraph (1), the Secretary of Labor shall have the authority and functions described in—

(A) Reorganization Plan Numbered 14 of 1950 (5 U.S.C. 903 note); and

(B) section 3145 of title 40, United States Code.

(b) ELIGIBLE UNITS OF LOCAL GOVERNMENT AND INDIAN TRIBES.—

(1) PROPOSED STRATEGY.—

(A) IN GENERAL.—Not later than 1 year after the date on which an eligible unit of local government or Indian tribe receives a grant under this subtitle, the eligible unit of local government or Indian tribe shall submit to the Secretary a proposed energy efficiency and conservation strategy in accordance with this paragraph.

(B) INCLUSIONS.—The proposed strategy under subparagraph (A) shall include—

(i) a description of the goals of the eligible unit of local government or Indian tribe, in accordance with the purposes of this subtitle, for increased energy efficiency and conservation in the jurisdiction of the eligible unit of local government or Indian tribe; and

(ii) a plan for the use of the grant to assist the eligible unit of local government or Indian tribe in achieving those goals, in accordance with section 544.

(C) REQUIREMENTS FOR ELIGIBLE UNITS OF LOCAL GOVERNMENT.—In developing the strategy under subparagraph (A), an eligible unit of local government shall—

(i) take into account any plans for the use of funds by adjacent eligible units of local governments that receive grants under the program; and

(ii) coordinate and share information with the State in which the eligible unit of local government is located regarding activities carried out using the grant to maximize the energy efficiency and conservation benefits under this subtitle.

(2) APPROVAL BY SECRETARY.—

(A) IN GENERAL.—The Secretary shall approve or disapprove a proposed strategy under paragraph (1) by not later than 120 days after the date of submission of the proposed strategy.

(B) DISAPPROVAL.—If the Secretary disapproves a proposed strategy under subparagraph (A)—

(i) the Secretary shall provide to the eligible unit of local government or Indian tribe the reasons for the disapproval; and

(ii) the eligible unit of local government or Indian tribe may revise and resubmit the proposed strategy as many times as necessary until the Secretary approves a proposed strategy.

(C) REQUIREMENT.—The Secretary shall not provide to an eligible unit of local government or Indian tribe any grant under the program until a proposed strategy of the eligible unit of local government or Indian tribe is approved by the Secretary under this paragraph.

(3) LIMITATIONS ON USE OF FUNDS.—Of amounts provided to an eligible unit of local government or Indian tribe under the program, an eligible unit of local government or Indian tribe may use—

(A) for administrative expenses, excluding the cost of meeting the reporting requirements of this subtitle, an amount equal to the greater of—

(i) 10 percent; and

(ii) $75,000;

(B) for the establishment of revolving loan funds, an amount equal to the greater of—

(i) 20 percent; and

(ii) $250,000; and

(C) for the provision of subgrants to nongovernmental organizations for the purpose of assisting in the implementation of the energy efficiency and conservation strategy of the eligible unit of local government or Indian tribe, an amount equal to the greater of—

(i) 20 percent; and

(ii) $250,000.

(4) ANNUAL REPORT.—Not later than 2 years after the date on which funds are initially provided to an eligible unit of local government or Indian tribe under the program, and annually thereafter, the eligible unit of local government or Indian tribe shall submit to the Secretary a report describing—

(A) the status of development and implementation of the energy efficiency and conservation strategy of the eligible unit of local government or Indian tribe; and

(B) as practicable, an assessment of energy efficiency gains within the jurisdiction of the eligible unit of local government or Indian tribe.

(c) STATES.—

(1) DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—A State that receives a grant under the program shall use not less than 60 percent of the amount received to provide subgrants to units of local government in the State that are not eligible units of local government.

(B) DEADLINE.—The State shall provide the subgrants required under subparagraph (A) by not later than 180 days after the date on which the Secretary approves a proposed energy efficiency and conservation strategy of the State under paragraph (3).

(2) REVISION OF CONSERVATION PLAN; PROPOSED STRATEGY.—Not later than 120 days after the date of enactment of this Act, each State shall—

(A) modify the State energy conservation plan of the State under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322) to establish additional goals for increased energy efficiency and conservation in the State; and

(B) submit to the Secretary a proposed energy efficiency and conservation strategy that—

(i) establishes a process for providing subgrants as required under paragraph (1); and

(ii) includes a plan of the State for the use of funds received under a the program to assist the State in achieving the goals established under subparagraph (A), in accordance with sections 542(b) and 544.

(3) APPROVAL BY SECRETARY.—

(A) IN GENERAL.—The Secretary shall approve or disapprove a proposed strategy under paragraph (2)(B) by not later than 120 days after the date of submission of the proposed strategy.

(B) DISAPPROVAL.—If the Secretary disapproves a proposed strategy under subparagraph (A)—

(i) the Secretary shall provide to the State the reasons for the disapproval; and

(ii) the State may revise and resubmit the proposed strategy as many times as necessary until the Secretary approves a proposed strategy.

(C) REQUIREMENT.—The Secretary shall not provide to a State any grant under the program until a proposed strategy of the State is approved the Secretary under this paragraph.

(4) LIMITATIONS ON USE OF FUNDS.—A State may use not more than 10 percent of amounts provided under the program for administrative expenses.

(5) ANNUAL REPORTS.—Each State that receives a grant under the program shall submit to the Secretary an annual report that describes—

(A) the status of development and implementation of the energy efficiency and conservation strategy of the State during the preceding calendar year;

(B) the status of the subgrant program of the State under paragraph (1);

(C) the energy efficiency gains achieved through the energy efficiency and conservation strategy of the State during the preceding calendar year; and

(D) specific energy efficiency and conservation goals of the State for subsequent calendar years.

SEC. 546. COMPETITIVE GRANTS.

(a) IN GENERAL.—Of the total amount made available for each fiscal year to carry out this subtitle, the Secretary shall use not less than 2 percent to provide grants under this section, on a competitive basis, to—

(1) units of local government (including Indian tribes) that are not eligible entities; and

(2) consortia of units of local government described in paragraph (1).

(b) APPLICATIONS.—To be eligible to receive a grant under this section, a unit of local government or consortia shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a plan of the unit of local government to carry out an activity described in section 544.

(c) PRIORITY.—In providing grants under this section, the Secretary shall give priority to units of local government—

(1) located in States with populations of less than 2,000,000; or

(2) that plan to carry out projects that would result in significant energy efficiency improvements or reductions in fossil fuel use.

SEC. 547. REVIEW AND EVALUATION.

(a) IN GENERAL.—The Secretary may review and evaluate the performance of any eligible entity that receives a grant under the program, including by conducting an audit, as the Secretary determines to be appropriate.

(b) WITHHOLDING OF FUNDS.—The Secretary may withhold from an eligible entity any portion of a grant to be provided to the eligible entity under the program if the Secretary determines that the eligible entity has failed to achieve compliance with—

(1) any applicable guideline or regulation of the Secretary relating to the program, including the misuse or misappropriation of funds provided under the program; or

(2) the energy efficiency and conservation strategy of the eligible entity.

SEC. 548. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) GRANTS.—There is authorized to be appropriated to the Secretary for the provision of grants under the program $2,000,000,000 for each of fiscal years 2008 through 2012; provided that 49 percent of the appropriated funds shall be distributed using the definition of eligible unit of local government-alternative 1 in section 541(3)(A) and 49 percent of the appropriated funds shall be distributed using the definition of eligible unit of local government-alternative 2 in section 541(3)(B).

(2) ADMINISTRATIVE COSTS.—There are authorized to be appropriated to the Secretary for administrative expenses of the program—

(A) $20,000,000 for each of fiscal years 2008 and 2009;

(B) $25,000,000 for each of fiscal years 2010 and 2011; and

(C) $30,000,000 for fiscal year 2012.

(b) MAINTENANCE OF FUNDING.—The funding provided under this section shall supplement (and not supplant) other Federal funding provided under—

(1) a State energy conservation plan established under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 et seq.); or

(2) the Weatherization Assistance Program for Low-Income Persons established under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 et seq.).

TITLE VI—ACCELERATED RESEARCH AND DEVELOPMENT

Subtitle A—Solar Energy

SEC. 601. SHORT TITLE.

This subtitle may be cited as the "Solar Energy Research and Advancement Act of 2007".

SEC. 602. THERMAL ENERGY STORAGE RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a program of research and development to provide lower cost and more viable thermal energy storage technologies to enable the shifting of electric power loads on demand and extend the operating time of concentrating solar power electric generating plants.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $5,000,000 for fiscal year 2008, $7,000,000 for fiscal year 2009, $9,000,000 for fiscal year 2010, $10,000,000 for fiscal year 2011, and $12,000,000 for fiscal year 2012.

SEC. 603. CONCENTRATING SOLAR POWER COMMERCIAL APPLICATION STUDIES.

(a) INTEGRATION.—The Secretary shall conduct a study on methods to integrate concentrating solar power and utility-scale photovoltaic systems into regional electricity transmission systems, and to identify new transmission or transmission upgrades needed to bring electricity from high concentrating solar power resource areas to growing electric power load centers throughout the United States. The study shall analyze and assess cost-effective approaches for management and large-scale integration of concentrating solar power and utility-scale photovoltaic systems into regional electric transmission grids to improve electric reliability, to efficiently manage load, and to reduce demand on the natural gas transmission system for electric power. The Secretary shall submit a report to Congress on the results of this study not later than 12 months after the date of enactment of this Act.

(b) WATER CONSUMPTION.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Energy shall transmit to Congress a report on the results of a study on methods to reduce the amount of water consumed by concentrating solar power systems.

SEC. 604. SOLAR ENERGY CURRICULUM DEVELOPMENT AND CERTIFICATION GRANTS.

(a) ESTABLISHMENT.—The Secretary shall establish in the Office of Solar Energy Technologies a competitive grant program to create

and strengthen solar industry workforce training and internship programs in installation, operation, and maintenance of solar energy products. The goal of this program is to ensure a supply of well-trained individuals to support the expansion of the solar energy industry.

(b) AUTHORIZED ACTIVITIES.—Grant funds may be used to support the following activities:

(1) Creation and development of a solar energy curriculum appropriate for the local educational, entrepreneurial, and environmental conditions, including curriculum for community colleges.

(2) Support of certification programs for individual solar energy system installers, instructors, and training programs.

(3) Internship programs that provide hands-on participation by students in commercial applications.

(4) Activities required to obtain certification of training programs and facilities by an industry-accepted quality-control certification program.

(5) Incorporation of solar-specific learning modules into traditional occupational training and internship programs for construction-related trades.

(6) The purchase of equipment necessary to carry out activities under this section.

(7) Support of programs that provide guidance and updates to solar energy curriculum instructors.

(c) ADMINISTRATION OF GRANTS.—Grants may be awarded under this section for up to 3 years. The Secretary shall award grants to ensure sufficient geographic distribution of training programs nationally. Grants shall only be awarded for programs certified by an industry-accepted quality-control certification institution, or for new and growing programs with a credible path to certification. Due consideration shall be given to women, underrepresented minorities, and persons with disabilities.

(d) REPORT.—The Secretary shall make public, on the website of the Department or upon request, information on the name and institution for all grants awarded under this section, including a brief description of the project as well as the grant award amount.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $10,000,000 for each of the fiscal years 2008 through 2012.

SEC. 605. DAYLIGHTING SYSTEMS AND DIRECT SOLAR LIGHT PIPE TECHNOLOGY.

(a) ESTABLISHMENT.—The Secretary shall establish a program of research and development to provide assistance in the demonstration and commercial application of direct solar renewable energy sources to provide alternatives to traditional power generation for lighting and illumination, including light pipe technology, and to promote greater energy conservation and improved efficiency. All direct solar renewable energy devices supported under this program shall have the capability to provide measurable data on the amount of kilowatt-hours saved over the traditionally powered light sources they have replaced.

(b) REPORTING.—The Secretary shall transmit to Congress an annual report assessing the measurable data derived from each project in the direct solar renewable energy sources program and the energy savings resulting from its use.

(c) DEFINITIONS.—For purposes of this section—

(1) the term "direct solar renewable energy" means energy from a device that converts sunlight into useable light within a building, tunnel, or other enclosed structure, replacing artificial light generated by a light fixture and doing so without the conversion of the sunlight into another form of energy; and

(2) the term "light pipe" means a device designed to transport visible solar radiation from its collection point to the interior of a building while excluding interior heat gain in the nonheating season.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $3,500,000 for each of the fiscal years 2008 through 2012.

SEC. 606. SOLAR AIR CONDITIONING RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a research, development, and demonstration program to promote less costly and more reliable decentralized distributed solar-powered air conditioning for individuals and businesses.

(b) AUTHORIZED ACTIVITIES.—Grants made available under this section may be used to support the following activities:

(1) Advancing solar thermal collectors, including concentrating solar thermal and electric systems, flat plate and evacuated tube collector performance.

(2) Achieving technical and economic integration of solar-powered distributed air-conditioning systems with existing hot water and storage systems for residential applications.

(3) Designing and demonstrating mass manufacturing capability to reduce costs of modular standardized solar-powered distributed air conditioning systems and components.

(4) Improving the efficiency of solar-powered distributed air-conditioning to increase the effectiveness of solar-powered absorption chillers, solar-driven compressors and condensors, and cost-effective precooling approaches.

(5) Researching and comparing performance of solar-powered distributed air conditioning systems in different regions of the country, including potential integration with other onsite systems, such as solar, biogas, geothermal heat pumps, and propane assist or combined propane fuel cells, with a goal to develop site-specific energy production and management systems that ease fuel and peak utility loading.

(c) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a project carried out under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this section $2,500,000 for each of the fiscal years 2008 through 2012.

SEC. 607. PHOTOVOLTAIC DEMONSTRATION PROGRAM.

(a) IN GENERAL.—The Secretary shall establish a program of grants to States to demonstrate advanced photovoltaic technology.

(b) REQUIREMENTS.—

(1) ABILITY TO MEET REQUIREMENTS.—To receive funding under the program under this section, a State must submit a proposal that demonstrates, to the satisfaction of the Secretary, that the State will meet the requirements of subsection (f).

(2) COMPLIANCE WITH REQUIREMENTS.—If a State has received funding under this section for the preceding year, the State must demonstrate, to the satisfaction of the Secretary, that it complied with the requirements of subsection (f) in carrying out the program during that preceding year, and that it will do so in the future, before it can receive further funding under this section.

(c) COMPETITION.—The Secretary shall award grants on a competitive basis to the States with the proposals the Secretary considers most likely to encourage the widespread adoption of photovoltaic technologies. The Secretary shall take into consideration the geographic distribution of awards.

(d) PROPOSALS.—Not later than 6 months after the date of enactment of this Act, and in each subsequent fiscal year for the life of the program, the Secretary shall solicit proposals from the States to participate in the program under this section.

(e) COMPETITIVE CRITERIA.—In awarding funds in a competitive allocation under subsection (c), the Secretary shall consider—

(1) the likelihood of a proposal to encourage the demonstration of, or lower the costs of, advanced photovoltaic technologies; and

(2) the extent to which a proposal is likely to—

(A) maximize the amount of photovoltaics demonstrated;

(B) maximize the proportion of non-Federal cost share; and

(C) limit State administrative costs.

(f) STATE PROGRAM.—A program operated by a State with funding under this section shall provide competitive awards for the demonstration of advanced photo-voltaic technologies. Each State program shall—

(1) require a contribution of at least 60 percent per award from non-Federal sources, which may include any combination of State, local, and private funds, except that at least 10 percent of the funding must be supplied by the State;

(2) endeavor to fund recipients in the commercial, industrial, institutional, governmental, and residential sectors;

(3) limit State administrative costs to no more than 10 percent of the grant;

(4) report annually to the Secretary on—

(A) the amount of funds disbursed;

(B) the amount of photovoltaics purchased; and

(C) the results of the monitoring under paragraph (5);

(5) provide for measurement and verification of the output of a representative sample of the photovoltaics systems demonstrated throughout the average working life of the systems, or at least 20 years; and

(6) require that applicant buildings must have received an independent energy efficiency audit during the 6-month period preceding the filing of the application.

(g) UNEXPENDED FUNDS.—If a State fails to expend any funds received under this section within 3 years of receipt, such remaining funds shall be returned to the Treasury.

(h) REPORTS.—The Secretary shall report to Congress 5 years after funds are first distributed to the States under this section—

(1) the amount of photovoltaics demonstrated;

(2) the number of projects undertaken;

(3) the administrative costs of the program;

(4) the results of the monitoring under subsection (f)(5); and

(5) the total amount of funds distributed, including a breakdown by State.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for the purposes of carrying out this section—

(1) $15,000,000 for fiscal year 2008;

(2) $30,000,000 for fiscal year 2009;

(3) $45,000,000 for fiscal year 2010;

(4) $60,000,000 for fiscal year 2011; and

(5) $70,000,000 for fiscal year 2012.

Subtitle B—Geothermal Energy

SEC. 611. SHORT TITLE.

This subtitle may be cited as the "Advanced Geothermal Energy Research and Development Act of 2007".

SEC. 612. DEFINITIONS.

For purposes of this subtitle:

(1) ENGINEERED.—When referring to enhanced geothermal systems, the term "engineered" means subjected to intervention, including intervention to address one or more of the following issues:

(A) Lack of effective permeability or porosity or open fracture connectivity within the reservoir.

(B) Insufficient contained geofluid in the reservoir.

(C) A low average geothermal gradient, which necessitates deeper drilling.

(2) ENHANCED GEOTHERMAL SYSTEMS.—The term "enhanced geothermal systems" means geothermal reservoir systems that are engineered, as opposed to occurring naturally.

(3) GEOFLUID.—The term "geofluid" means any fluid used to extract thermal energy from the Earth which is transported to the surface for direct use or electric power generation, except that such term shall not include oil or natural gas.

(4) GEOPRESSURED RESOURCES.—The term "geopressured resources" mean geothermal deposits found in sedimentary rocks under higher than normal pressure and saturated with gas or methane.

(5) GEOTHERMAL.—The term "geothermal" refers to heat energy stored in the Earth's crust that can be accessed for direct use or electric power generation.

(6) HYDROTHERMAL.—The term "hydrothermal" refers to naturally occurring subsurface reservoirs of hot water or steam.

(7) SYSTEMS APPROACH.—The term "systems approach" means an approach to solving problems or designing systems that attempts to optimize the performance of the overall system, rather than a particular component of the system.

SEC. 613. HYDROTHERMAL RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall support programs of research, development, demonstration, and commercial application to expand the use of geothermal energy production from hydrothermal systems, including the programs described in subsection (b).

(b) PROGRAMS.—

(1) ADVANCED HYDROTHERMAL RESOURCE TOOLS.—The Secretary, in consultation with other appropriate agencies, shall support a program to develop advanced geophysical, geochemical, and geologic tools to assist in locating hidden hydrothermal resources, and to increase the reliability of site characterization before, during, and after initial drilling. The program shall develop new prospecting techniques to assist in prioritization of targets for characterization. The program shall include a field component.

(2) INDUSTRY COUPLED EXPLORATORY DRILLING.—The Secretary shall support a program of cost-shared field demonstration programs, to be pursued, simultaneously and independently, in collaboration with industry partners, for the demonstration of advanced technologies and techniques of siting and exploratory drilling for undiscovered resources in a variety of geologic settings. The program shall include incentives to encourage the use of advanced technologies and techniques.

SEC. 614. GENERAL GEOTHERMAL SYSTEMS RESEARCH AND DEVELOPMENT.

(a) SUBSURFACE COMPONENTS AND SYSTEMS.—The Secretary shall support a program of research, development, demonstration, and commercial application of components and systems capable of withstanding extreme geothermal environments and necessary to cost-effectively develop, produce, and monitor geothermal reservoirs and produce geothermal energy. These components and systems shall include advanced casing systems (expandable tubular casing, low-clearance casing designs, and others), high-temperature cements, high-temperature submersible pumps, and high-temperature packers, as well as technologies for under-reaming, multilateral completions, high-temperature and high-pressure logging, logging while drilling, deep fracture stimulation, and reservoir system diagnostics.

(b) RESERVOIR PERFORMANCE MODELING.—The Secretary shall support a program of research, development, demonstration, and commercial application of models of geothermal reservoir performance, with an emphasis on accurately modeling performance over time. Models shall be developed to assist both in the development of geothermal reservoirs and to more accurately account for stress-related effects in stimulated hydrothermal and enhanced geothermal systems production environments.

(c) ENVIRONMENTAL IMPACTS.—The Secretary shall—

(1) support a program of research, development, demonstration, and commercial application of technologies and practices designed to mitigate or preclude potential adverse environmental impacts of geothermal energy development, production or use, and seek to ensure that geothermal energy development is consistent with the highest practicable standards of environmental stewardship;

(2) in conjunction with the Assistant Administrator for Research and Development at the Environmental Protection Agency, support a research program to identify potential environmental impacts of geothermal energy development, production, and use, and ensure that the program described in paragraph (1) addresses such impacts, including effects on groundwater and local hydrology; and

(3) support a program of research to compare the potential environmental impacts identified as part of the development, production, and use of geothermal energy with the potential emission reductions of greenhouse gases gained by geothermal energy development, production, and use.

SEC. 615. ENHANCED GEOTHERMAL SYSTEMS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall support a program of research, development, demonstration, and commercial application for enhanced geothermal systems, including the programs described in subsection (b).

(b) PROGRAMS.—

(1) ENHANCED GEOTHERMAL SYSTEMS TECHNOLOGIES.—The Secretary shall support a program of research, development, demonstration, and commercial application of the technologies and knowledge necessary for enhanced geothermal systems to advance to a state of commercial readiness, including advances in—

(A) reservoir stimulation;

(B) reservoir characterization, monitoring, and modeling;

(C) stress mapping;

(D) tracer development;

(E) three-dimensional tomography; and

(F) understanding seismic effects of reservoir engineering and stimulation.

(2) ENHANCED GEOTHERMAL SYSTEMS RESERVOIR STIMULATION.—

(A) PROGRAM.—In collaboration with industry partners, the Secretary shall support a program of research, development, and demonstration of enhanced geothermal systems reservoir stimulation technologies and techniques. A minimum of 4 sites shall be selected in locations that show particular promise for enhanced geothermal systems development. Each site shall—

(i) represent a different class of subsurface geologic environments; and

(ii) take advantage of an existing site where subsurface characterization has been conducted or existing drill holes can be utilized, if possible.

(B) CONSIDERATION OF EXISTING SITE.—The Desert Peak, Nevada, site, where a Department of Energy and industry cooperative enhanced geothermal systems project is already underway, may be considered for inclusion among the sites selected under subparagraph (A).

SEC. 616. GEOTHERMAL ENERGY PRODUCTION FROM OIL AND GAS FIELDS AND RECOVERY AND PRODUCTION OF GEOPRESSURED GAS RESOURCES.

(a) IN GENERAL.—The Secretary shall establish a program of research, development, demonstration, and commercial application to support development of geothermal energy production from oil and gas fields and production and recovery of energy, including electricity, from geopressured resources. In addition, the Secretary shall conduct such supporting activities including research, resource characterization, and technology development as necessary.

(b) GEOTHERMAL ENERGY PRODUCTION FROM OIL AND GAS FIELDS.—The Secretary shall implement a grant program in support of geothermal energy production from oil and gas fields. The program shall include grants for a total of not less than three demonstration projects of the use of geothermal techniques such as advanced organic rankine cycle systems at marginal, unproductive, and productive oil and gas wells. The Secretary shall, to the extent practicable and in the public interest, make awards that—

(1) include not less than five oil or gas well sites per project award;

(2) use a range of oil or gas well hot water source temperatures from 150 degrees Fahrenheit to 300 degrees Fahrenheit;

(3) cover a range of sizes up to one megawatt;

(4) are located at a range of sites;

(5) can be replicated at a wide range of sites;

(6) facilitate identification of optimum techniques among competing alternatives;

(7) include business commercialization plans that have the potential for production of equipment at high volumes and operation and support at a large number of sites; and

(8) satisfy other criteria that the Secretary determines are necessary to carry out the program and collect necessary data and information.

The Secretary shall give preference to assessments that address multiple elements contained in paragraphs (1) through (8).

(c) GRANT AWARDS.—Each grant award for demonstration of geothermal technology such as advanced organic rankine cycle systems at oil and gas wells made by the Secretary under subsection (b) shall include—

(1) necessary and appropriate site engineering study;

(2) detailed economic assessment of site specific conditions;

(3) appropriate feasibility studies to determine whether the demonstration can be replicated;

(4) design or adaptation of existing technology for site specific circumstances or conditions;

(5) installation of equipment, service, and support;

(6) operation for a minimum of one year and monitoring for the duration of the demonstration; and

(7) validation of technical and economic assumptions and documentation of lessons learned.

(d) GEOPRESSURED GAS RESOURCE RECOVERY AND PRODUCTION.—(1) The Secretary shall implement a program to support the research, development, demonstration, and commercial application of cost-effective techniques to produce energy from geopressured resources.

(2) The Secretary shall solicit preliminary engineering designs for geopressured resources production and recovery facilities.

(3) Based upon a review of the preliminary designs, the Secretary shall award grants, which may be cost-shared, to support the detailed development and completion of engineering, architectural and technical plans needed to support construction of new designs.

(4) Based upon a review of the final design plans above, the Secretary shall award cost-shared development and construction grants for demonstration geopressured production facilities that show potential for economic recovery of the heat, kinetic energy and gas resources from geopressured resources.

(e) COMPETITIVE GRANT SELECTION.—Not less than 90 days after the date of the enactment of

this Act, the Secretary shall conduct a national solicitation for applications for grants under the programs outlined in subsections (b) and (d). Grant recipients shall be selected on a competitive basis based on criteria in the respective subsection.

(f) WELL DRILLING.—No funds may be used under this section for the purpose of drilling new wells.

SEC. 617. COST SHARING AND PROPOSAL EVALUATION.

(a) FEDERAL SHARE.—The Federal share of costs of projects funded under this subtitle shall be in accordance with section 988 of the Energy Policy Act of 2005.

(b) ORGANIZATION AND ADMINISTRATION OF PROGRAMS.—Programs under this subtitle shall incorporate the following elements:

(1) The Secretary shall coordinate with, and where appropriate may provide funds in furtherance of the purposes of this subtitle to, other Department of Energy research and development programs focused on drilling, subsurface characterization, and other related technologies.

(2) In evaluating proposals, the Secretary shall give priority to proposals that demonstrate clear evidence of employing a systems approach.

(3) The Secretary shall coordinate and consult with the appropriate Federal land management agencies in selecting proposals for funding under this subtitle.

(4) Nothing in this subtitle shall be construed to alter or affect any law relating to the management or protection of Federal lands.

SEC. 618. CENTER FOR GEOTHERMAL TECHNOLOGY TRANSFER.

(a) IN GENERAL.—The Secretary shall award to an institution of higher education (or consortium thereof) a grant to establish a Center for Geothermal Technology Transfer (referred to in this section as the "Center").

(b) DUTIES.—The Center shall—

(1) serve as an information clearinghouse for the geothermal industry by collecting and disseminating information on best practices in all areas relating to developing and utilizing geothermal resources;

(2) make data collected by the Center available to the public; and

(3) seek opportunities to coordinate efforts and share information with domestic and international partners engaged in research and development of geothermal systems and related technology.

(c) SELECTION CRITERIA.—In awarding the grant under subsection (a) the Secretary shall select an institution of higher education (or consortium thereof) best suited to provide national leadership on geothermal related issues and perform the duties enumerated under subsection (b).

(d) DURATION OF GRANT.—A grant made under subsection (a)—

(1) shall be for an initial period of 5 years; and

(2) may be renewed for additional 5-year periods on the basis of—

(A) satisfactory performance in meeting the duties outlined in subsection (b); and

(B) any other requirements specified by the Secretary.

SEC. 619. GEOPOWERING AMERICA.

The Secretary shall expand the Department of Energy's GeoPowering the West program to extend its geothermal technology transfer activities throughout the entire United States. The program shall be renamed "GeoPowering America". The program shall continue to be based in the Department of Energy office in Golden, Colorado.

SEC. 620. EDUCATIONAL PILOT PROGRAM.

The Secretary shall seek to award grant funding, on a competitive basis, to an institution of higher education for a geothermal-powered energy generation facility on the institution's campus. The purpose of the facility shall be to provide electricity and space heating. The facility shall also serve as an educational resource to students in relevant fields of study, and the data generated by the facility shall be available to students and the general public. The total funding award shall not exceed $2,000,000.

SEC. 621. REPORTS.

(a) REPORTS ON ADVANCED USES OF GEOTHERMAL ENERGY.—Not later than 3 years and 5 years after the date of enactment of this Act, the Secretary shall report to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate on advanced concepts and technologies to maximize the geothermal resource potential of the United States. The reports shall include—

(1) the use of carbon dioxide as an alternative geofluid with potential carbon sequestration benefits;

(2) mineral recovery from geofluids;

(3) use of geothermal energy to produce hydrogen;

(4) use of geothermal energy to produce biofuels;

(5) use of geothermal heat for oil recovery from oil shales and tar sands; and

(6) other advanced geothermal technologies, including advanced drilling technologies and advanced power conversion technologies.

(b) PROGRESS REPORTS.—(1) Not later than 36 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Science and Technology of the House of Representatives and the Committee on Energy and Natural Resources of the Senate an interim report describing the progress made under this subtitle. At the end of 60 months, the Secretary shall submit to Congress a report on the results of projects undertaken under this subtitle and other such information the Secretary considers appropriate.

(2) As necessary, the Secretary shall report to the Congress on any legal, regulatory, or other barriers encountered that hinder economic development of these resources, and provide recommendations on legislative or other actions needed to address such impediments.

SEC. 622. APPLICABILITY OF OTHER LAWS.

Nothing in this subtitle shall be construed as waiving, modifying, or superseding the applicability of any requirement under any environmental or other Federal or State law. To the extent that activities authorized in this subtitle take place in coastal and ocean areas, the Secretary shall consult with the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, regarding the potential marine environmental impacts and measures to address such impacts.

SEC. 623. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this subtitle $90,000,000 for each of the fiscal years 2008 through 2012, of which $10,000,000 for each fiscal year shall be for carrying out section 616. There are also authorized to be appropriated to the Secretary for the Intermountain West Geothermal Consortium $5,000,000 for each of the fiscal years 2008 through 2012.

SEC. 624. INTERNATIONAL GEOTHERMAL ENERGY DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Energy, in coordination with other appropriate Federal and multilateral agencies (including the United States Agency for International Development) shall support international collaborative efforts to promote the research, development, and deployment of geothermal technologies used to develop hydrothermal and enhanced geothermal system resources, including as partners (as appropriate) the African Rift Geothermal Development Facility, Australia, China, France, the Republic of Iceland, India, Japan, and the United Kingdom.

(b) UNITED STATES TRADE AND DEVELOPMENT AGENCY.—The Director of the United States Trade and Development Agency may—

(1) encourage participation by United States firms in actions taken to carry out subsection (a); and

(2) provide grants and other financial support for feasibility and resource assessment studies conducted in, or intended to benefit, less developed countries.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.

SEC. 625. HIGH COST REGION GEOTHERMAL ENERGY GRANT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a utility;

(B) an electric cooperative;

(C) a State;

(D) a political subdivision of a State;

(E) an Indian tribe; or

(F) a Native corporation.

(2) HIGH-COST REGION.—The term "high-cost region" means a region in which the average cost of electrical power exceeds 150 percent of the national average retail cost, as determined by the Secretary.

(b) PROGRAM.—The Secretary shall use amounts made available to carry out this section to make grants to eligible entities for activities described in subsection (c).

(c) ELIGIBLE ACTIVITIES.—An eligible entity may use grant funds under this section, with respect to a geothermal energy project in a high-cost region, only—

(1) to conduct a feasibility study, including a study of exploration, geochemical testing, geomagnetic surveys, geologic information gathering, baseline environmental studies, well drilling, resource characterization, permitting, and economic analysis;

(2) for design and engineering costs, relating to the project; and

(3) to demonstrate and promote commercial application of technologies related to geothermal energy as part of the project.

(d) COST SHARING.—The cost-sharing requirements of section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to any project carried out under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Subtitle C—Marine and Hydrokinetic Renewable Energy Technologies

SEC. 631. SHORT TITLE.

This subtitle may be cited as the "Marine and Hydrokinetic Renewable Energy Research and Development Act".

SEC. 632. DEFINITION.

For purposes of this subtitle, the term "marine and hydrokinetic renewable energy" means electrical energy from—

(1) waves, tides, and currents in oceans, estuaries, and tidal areas;

(2) free flowing water in rivers, lakes, and streams;

(3) free flowing water in man-made channels; and

(4) differentials in ocean temperature (ocean thermal energy conversion).

The term "marine and hydrokinetic renewable energy" does not include energy from any source that uses a dam, diversionary structure, or impoundment for electric power purposes.

SEC. 633. MARINE AND HYDROKINETIC RENEWABLE ENERGY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior and the

Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, shall establish a program of research, development, demonstration, and commercial application to expand marine and hydrokinetic renewable energy production, including programs to—

(1) study and compare existing marine and hydrokinetic renewable energy technologies;

(2) research, develop, and demonstrate marine and hydrokinetic renewable energy systems and technologies;

(3) reduce the manufacturing and operation costs of marine and hydrokinetic renewable energy technologies;

(4) investigate efficient and reliable integration with the utility grid and intermittency issues;

(5) advance wave forecasting technologies;

(6) conduct experimental and numerical modeling for optimization of marine energy conversion devices and arrays;

(7) increase the reliability and survivability of marine and hydrokinetic renewable energy technologies, including development of corrosive-resistant materials;

(8) identify, in conjunction with the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, and other Federal agencies as appropriate, the potential environmental impacts, including potential impacts on fisheries and other marine resources, of marine and hydrokinetic renewable energy technologies, measures to prevent adverse impacts, and technologies and other means available for monitoring and determining environmental impacts;

(9) identify, in conjunction with the Secretary of the Department in which the United States Coast Guard is operating, acting through the Commandant of the United States Coast Guard, the potential navigational impacts of marine and hydrokinetic renewable energy technologies and measures to prevent adverse impacts on navigation;

(10) develop power measurement standards for marine and hydrokinetic renewable energy;

(11) develop identification standards for marine and hydrokinetic renewable energy devices;

(12) address standards development, demonstration, and technology transfer for advanced systems engineering and system integration methods to identify critical interfaces;

(13) identifying opportunities for cross fertilization and development of economies of scale between other renewable sources and marine and hydrokinetic renewable energy sources; and

(14) providing public information and opportunity for public comment concerning all technologies.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary, in conjunction with the Secretary of Commerce, acting through the Undersecretary of Commerce for Oceans and Atmosphere, and the Secretary of the Interior, shall provide to the Congress a report that addresses—

(1) the potential environmental impacts, including impacts to fisheries and marine resources, of marine and hydrokinetic renewable energy technologies;

(2) options to prevent adverse environmental impacts;

(3) the potential role of monitoring and adaptive management in identifying and addressing any adverse environmental impacts; and

(4) the necessary components of such an adaptive management program.

SEC. 634. NATIONAL MARINE RENEWABLE ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION CENTERS.

(a) CENTERS.—The Secretary shall award grants to institutions of higher education (or consortia thereof) for the establishment of 1 or more National Marine Renewable Energy Research, Development, and Demonstration Centers. In selecting locations for Centers, the Secretary shall consider sites that meet one of the following criteria:

(1) Hosts an existing marine renewable energy research and development program in coordination with an engineering program at an institution of higher education.

(2) Has proven expertise to support environmental and policy-related issues associated with harnessing of energy in the marine environment.

(3) Has access to and utilizes the marine resources in the Gulf of Mexico, the Atlantic Ocean, or the Pacific Ocean.

The Secretary may give special consideration to historically black colleges and universities and land grant universities that also meet one of these criteria. In establishing criteria for the selection of the Centers, the Secretary shall consult with the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere, on the criteria related to ocean waves, tides, and currents including those for advancing wave forecasting technologies, ocean temperature differences, and studying the compatibility of marine renewable energy technologies and systems with the environment, fisheries, and other marine resources.

(b) PURPOSES.—The Centers shall advance research, development, demonstration, and commercial application of marine renewable energy, and shall serve as an information clearinghouse for the marine renewable energy industry, collecting and disseminating information on best practices in all areas related to developing and managing enhanced marine renewable energy systems resources.

(c) DEMONSTRATION OF NEED.—When applying for a grant under this section, an applicant shall include a description of why Federal support is necessary for the Center, including evidence that the research of the Center will not be conducted in the absence of Federal support.

SEC. 635. APPLICABILITY OF OTHER LAWS.

Nothing in this subtitle shall be construed as waiving, modifying, or superseding the applicability of any requirement under any environmental or other Federal or State law.

SEC. 636. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary to carry out this subtitle $50,000,000 for each of the fiscal years 2008 through 2012, except that no funds shall be appropriated under this section for activities that are receiving funds under section 931(a)(2)(E)(i) of the Energy Policy Act of 2005 (42 U.S.C. 16231(a)(2)(E)(i)).

Subtitle D—Energy Storage for Transportation and Electric Power

SEC. 641. ENERGY STORAGE COMPETITIVENESS.

(a) SHORT TITLE.—This section may be cited as the "United States Energy Storage Competitiveness Act of 2007".

(b) DEFINITIONS.—In this section:

(1) COUNCIL.—The term "Council" means the Energy Storage Advisory Council established under subsection (e).

(2) COMPRESSED AIR ENERGY STORAGE.—The term "compressed air energy storage" means, in the case of an electricity grid application, the storage of energy through the compression of air.

(3) ELECTRIC DRIVE VEHICLE.—The term "electric drive vehicle" means—

(A) a vehicle that uses an electric motor for all or part of the motive power of the vehicle, including battery electric, hybrid electric, plug-in hybrid electric, fuel cell, and plug-in fuel cell vehicles and rail transportation vehicles; or

(B) mobile equipment that uses an electric motor to replace an internal combustion engine for all or part of the work of the equipment.

(4) ISLANDING.—The term "islanding" means a distributed generator or energy storage device continuing to power a location in the absence of electric power from the primary source.

(5) FLYWHEEL.—The term "flywheel" means, in the case of an electricity grid application, a device used to store rotational kinetic energy.

(6) MICROGRID.—The term "microgrid" means an integrated energy system consisting of interconnected loads and distributed energy resources (including generators and energy storage devices), which as an integrated system can operate in parallel with the utility grid or in an intentional islanding mode.

(7) SELF-HEALING GRID.—The term "self-healing grid" means a grid that is capable of automatically anticipating and responding to power system disturbances (including the isolation of failed sections and components), while optimizing the performance and service of the grid to customers.

(8) SPINNING RESERVE SERVICES.—The term "spinning reserve services" means a quantity of electric generating capacity in excess of the quantity needed to meet peak electric demand.

(9) ULTRACAPACITOR.—The term "ultracapacitor" means an energy storage device that has a power density comparable to a conventional capacitor but is capable of exceeding the energy density of a conventional capacitor by several orders of magnitude.

(c) PROGRAM.—The Secretary shall carry out a research, development, and demonstration program to support the ability of the United States to remain globally competitive in energy storage systems for electric drive vehicles, stationary applications, and electricity transmission and distribution.

(d) COORDINATION.—In carrying out the activities of this section, the Secretary shall coordinate relevant efforts with appropriate Federal agencies, including the Department of Transportation.

(e) ENERGY STORAGE ADVISORY COUNCIL.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish an Energy Storage Advisory Council.

(2) COMPOSITION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Council shall consist of not less than 15 individuals appointed by the Secretary, based on recommendations of the National Academy of Sciences.

(B) ENERGY STORAGE INDUSTRY.—The Council shall consist primarily of representatives of the energy storage industry of the United States.

(C) CHAIRPERSON.—The Secretary shall select a Chairperson for the Council from among the members appointed under subparagraph (A).

(3) MEETINGS.—

(A) IN GENERAL.—The Council shall meet not less than once a year.

(B) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to a meeting of the Council.

(4) PLANS.—No later than 1 year after the date of enactment of this Act and every 5 years thereafter, the Council, in conjunction with the Secretary, shall develop a 5-year plan for integrating basic and applied research so that the United States retains a globally competitive domestic energy storage industry for electric drive vehicles, stationary applications, and electricity transmission and distribution.

(5) REVIEW.—The Council shall—

(A) assess, every 2 years, the performance of the Department in meeting the goals of the plans developed under paragraph (4); and

(B) make specific recommendations to the Secretary on programs or activities that should be established or terminated to meet those goals.

(f) BASIC RESEARCH PROGRAM.—

(1) BASIC RESEARCH.—The Secretary shall conduct a basic research program on energy storage

systems to support electric drive vehicles, stationary applications, and electricity transmission and distribution, including—

(A) materials design;

(B) materials synthesis and characterization;

(C) electrode-active materials, including electrolytes and bioelectrolytes;

(D) surface and interface dynamics;

(E) modeling and simulation; and

(F) thermal behavior and life degradation mechanisms.

(2) NANOSCIENCE CENTERS.—The Secretary, in cooperation with the Council, shall coordinate the activities of the nanoscience centers of the Department to help the energy storage research centers of the Department maintain a globally competitive posture in energy storage systems for electric drive vehicles, stationary applications, and electricity transmission and distribution.

(3) FUNDING.—For activities carried out under this subsection, in addition to funding activities at National Laboratories, the Secretary shall award funds to, and coordinate activities with, a range of stakeholders including the public, private, and academic sectors.

(g) APPLIED RESEARCH PROGRAM.—

(1) IN GENERAL.—The Secretary shall conduct an applied research program on energy storage systems to support electric drive vehicles, stationary applications, and electricity transmission and distribution technologies, including—

(A) ultracapacitors;

(B) flywheels;

(C) batteries and battery systems (including flow batteries);

(D) compressed air energy systems;

(E) power conditioning electronics;

(F) manufacturing technologies for energy storage systems;

(G) thermal management systems; and

(H) hydrogen as an energy storage medium.

(2) FUNDING.—For activities carried out under this subsection, in addition to funding activities at National Laboratories, the Secretary shall provide funds to, and coordinate activities with, a range of stakeholders, including the public, private, and academic sectors.

(h) ENERGY STORAGE RESEARCH CENTERS.—

(1) IN GENERAL.—The Secretary shall establish, through competitive bids, not more than 4 energy storage research centers to translate basic research into applied technologies to advance the capability of the United States to maintain a globally competitive posture in energy storage systems for electric drive vehicles, stationary applications, and electricity transmission and distribution.

(2) PROGRAM MANAGEMENT.—The centers shall be managed by the Under Secretary for Science of the Department.

(3) PARTICIPATION AGREEMENTS.—As a condition of participating in a center, a participant shall enter into a participation agreement with the center that requires that activities conducted by the participant for the center promote the goal of enabling the United States to compete successfully in global energy storage markets.

(4) PLANS.—A center shall conduct activities that promote the achievement of the goals of the plans of the Council under subsection (e)(4).

(5) NATIONAL LABORATORIES.—A national laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)) may participate in a center established under this subsection, including a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))).

(6) DISCLOSURE.—Section 623 of the Energy Policy Act of 1992 (42 U.S.C. 13293) may apply to any project carried out through a grant, contract, or cooperative agreement under this subsection.

(7) INTELLECTUAL PROPERTY.—In accordance with section 202(a)(ii) of title 35, United States Code, section 152 of the Atomic Energy Act of 1954 (42 U.S.C. 2182), and section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908), the Secretary may require, for any new invention developed under this subsection, that—

(A) if an industrial participant is active in a energy storage research center established under this subsection relating to the advancement of energy storage technologies carried out, in whole or in part, with Federal funding, the industrial participant be granted the first option to negotiate with the invention owner, at least in the field of energy storage technologies, nonexclusive licenses, and royalties on terms that are reasonable, as determined by the Secretary;

(B) if 1 or more industry participants are active in a center, during a 2-year period beginning on the date on which an invention is made—

(i) the patent holder shall not negotiate any license or royalty agreement with any entity that is not an industrial participant under this subsection; and

(ii) the patent holder shall negotiate nonexclusive licenses and royalties in good faith with any interested industrial participant under this subsection; and

(C) the new invention be developed under such other terms as the Secretary determines to be necessary to promote the accelerated commercialization of inventions made under this subsection to advance the capability of the United States to successfully compete in global energy storage markets.

(i) ENERGY STORAGE SYSTEMS DEMONSTRATIONS.—

(1) IN GENERAL.—The Secretary shall carry out a program of new demonstrations of advanced energy storage systems.

(2) SCOPE.—The demonstrations shall—

(A) be regionally diversified; and

(B) expand on the existing technology demonstration program of the Department.

(3) STAKEHOLDERS.—In carrying out the demonstrations, the Secretary shall, to the maximum extent practicable, include the participation of a range of stakeholders, including—

(A) rural electric cooperatives;

(B) investor owned utilities;

(C) municipally owned electric utilities;

(D) energy storage systems manufacturers;

(E) electric drive vehicle manufacturers;

(F) the renewable energy production industry;

(G) State or local energy offices;

(H) the fuel cell industry; and

(I) institutions of higher education.

(4) OBJECTIVES.—Each of the demonstrations shall include 1 or more of the following:

(A) Energy storage to improve the feasibility of microgrids or islanding, or transmission and distribution capability, to improve reliability in rural areas.

(B) Integration of an energy storage system with a self-healing grid.

(C) Use of energy storage to improve security to emergency response infrastructure and ensure availability of emergency backup power for consumers.

(D) Integration with a renewable energy production source, at the source or away from the source.

(E) Use of energy storage to provide ancillary services, such as spinning reserve services, for grid management.

(F) Advancement of power conversion systems to make the systems smarter, more efficient, able to communicate with other inverters, and able to control voltage.

(G) Use of energy storage to optimize transmission and distribution operation and power quality, which could address overloaded lines and maintenance of transformers and substations.

(H) Use of advanced energy storage for peak load management of homes, businesses, and the grid.

(I) Use of energy storage devices to store energy during nonpeak generation periods to make better use of existing grid assets.

(j) VEHICLE ENERGY STORAGE DEMONSTRATION.—

(1) IN GENERAL.—The Secretary shall carry out a program of electric drive vehicle energy storage technology demonstrations.

(2) CONSORTIA.—The technology demonstrations shall be conducted through consortia, which may include—

(A) energy storage systems manufacturers and suppliers of the manufacturers;

(B) electric drive vehicle manufacturers;

(C) rural electric cooperatives;

(D) investor owned utilities;

(E) municipal and rural electric utilities;

(F) State and local governments;

(G) metropolitan transportation authorities; and

(H) institutions of higher education.

(3) OBJECTIVES.—The program shall demonstrate 1 or more of the following:

(A) Novel, high capacity, high efficiency energy storage, charging, and control systems, along with the collection of data on performance characteristics, such as battery life, energy storage capacity, and power delivery capacity.

(B) Advanced onboard energy management systems and highly efficient battery cooling systems.

(C) Integration of those systems on a prototype vehicular platform, including with drivetrain systems for passenger, commercial, and nonroad electric drive vehicles.

(D) New technologies and processes that reduce manufacturing costs.

(E) Integration of advanced vehicle technologies with electricity distribution system and smart metering technology.

(F) Control systems that minimize emissions profiles in cases in which clean diesel engines are part of a plug-in hybrid drive system.

(k) SECONDARY APPLICATIONS AND DISPOSAL OF ELECTRIC DRIVE VEHICLE BATTERIES.—The Secretary shall carry out a program of research, development, and demonstration of—

(1) secondary applications of energy storage devices following service in electric drive vehicles; and

(2) technologies and processes for final recycling and disposal of the devices.

(l) COST SHARING.—The Secretary shall carry out the programs established under this section in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(m) MERIT REVIEW OF PROPOSALS.—The Secretary shall carry out the programs established under subsections (i), (j), and (k) in accordance with section 989 of the Energy Policy Act of 2005 (42 U.S.C. 16353).

(n) COORDINATION AND NONDUPLICATION.—To the maximum extent practicable, the Secretary shall coordinate activities under this section with other programs and laboratories of the Department and other Federal research programs.

(o) REVIEW BY NATIONAL ACADEMY OF SCIENCES.—On the business day that is 5 years after the date of enactment of this Act, the Secretary shall offer to enter into an arrangement with the National Academy of Sciences to assess the performance of the Department in carrying out this section.

(p) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out—

(1) the basic research program under subsection (f) $50,000,000 for each of fiscal years 2009 through 2018;

(2) the applied research program under subsection (g) $80,000,000 for each of fiscal years 2009 through 2018; and;

(3) the energy storage research center program under subsection (h) $100,000,000 for each of fiscal years 2009 through 2018;

(4) the energy storage systems demonstration program under subsection (i) $30,000,000 for each of fiscal years 2009 through 2018;

(5) the vehicle energy storage demonstration program under subsection (j) $30,000,000 for each of fiscal years 2009 through 2018; and

(6) the secondary applications and disposal of electric drive vehicle batteries program under subsection (k) $5,000,000 for each of fiscal years 2009 through 2018.

Subtitle E—Miscellaneous Provisions

SEC. 651. LIGHTWEIGHT MATERIALS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of Energy shall establish a program to determine ways in which the weight of motor vehicles could be reduced to improve fuel efficiency without compromising passenger safety by conducting research, development, and demonstration relating to—

(1) the development of new materials (including cast metal composite materials formed by autocombustion synthesis) and material processes that yield a higher strength-to-weight ratio or other properties that reduce vehicle weight; and

(2) reducing the cost of—

(A) lightweight materials (including high-strength steel alloys, aluminum, magnesium, metal composites, and carbon fiber reinforced polymer composites) with the properties required for construction of lighter-weight vehicles; and

(B) materials processing, automated manufacturing, joining, and recycling lightweight materials for high-volume applications.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $80,000,000 for the period of fiscal years 2008 through 2012.

SEC. 652. COMMERCIAL INSULATION DEMONSTRATION PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADVANCED INSULATION.—The term "advanced insulation" means insulation that has an R value of not less than R35 per inch.

(2) COVERED REFRIGERATION UNIT.—The term "covered refrigeration unit" means any—

(A) commercial refrigerated truck;

(B) commercial refrigerated trailer; or

(C) commercial refrigerator, freezer, or refrigerator-freezer described in section 342(c) of the Energy Policy and Conservation Act (42 U.S.C. 6313(c)).

(b) REPORT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that includes an evaluation of—

(1) the state of technological advancement of advanced insulation; and

(2) the projected amount of cost savings that would be generated by implementing advanced insulation into covered refrigeration units.

(c) DEMONSTRATION PROGRAM.—

(1) ESTABLISHMENT.—If the Secretary determines in the report described in subsection (b) that the implementation of advanced insulation into covered refrigeration units would generate an economically justifiable amount of cost savings, the Secretary, in cooperation with manufacturers of covered refrigeration units, shall establish a demonstration program under which the Secretary shall demonstrate the cost-effectiveness of advanced insulation.

(2) DISCLOSURE.—The Secretary may, for a period of up to five years after an award is granted under the demonstration program, exempt from mandatory disclosure under section 552 of title 5, United States Code (popularly known as the Freedom of Information Act) information that the Secretary determines would be a privileged or confidential trade secret or commercial or financial information under subsection (b)(4) of such section if the information had been obtained from a non-Government party.

(3) COST-SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to any project carried out under this subsection.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $8,000,000 for the period of fiscal years 2009 through 2014.

SEC. 653. TECHNICAL CRITERIA FOR CLEAN COAL POWER INITIATIVE.

Section 402(b)(1)(B)(ii) of the Energy Policy Act of 2005 (42 U.S.C. 15962(b)(1)(B)(ii)) is amended by striking subclause (I) and inserting the following:

"(I)(aa) to remove at least 99 percent of sulfur dioxide; or

"(bb) to emit not more than 0.04 pound SO_2 per million Btu, based on a 30-day average;".

SEC. 654. H–PRIZE.

Section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396) is amended by adding at the end the following new subsection:

"(f) H–PRIZE.—

"(1) PRIZE AUTHORITY.—

"(A) IN GENERAL.—As part of the program under this section, the Secretary shall carry out a program to competitively award cash prizes in conformity with this subsection to advance the research, development, demonstration, and commercial application of hydrogen energy technologies.

"(B) ADVERTISING AND SOLICITATION OF COMPETITORS.—

"(i) ADVERTISING.—The Secretary shall widely advertise prize competitions under this subsection to encourage broad participation, including by individuals, universities (including historically Black colleges and universities and other minority serving institutions), and large and small businesses (including businesses owned or controlled by socially and economically disadvantaged persons).

"(ii) ANNOUNCEMENT THROUGH FEDERAL REGISTER NOTICE.—The Secretary shall announce each prize competition under this subsection by publishing a notice in the Federal Register. This notice shall include essential elements of the competition such as the subject of the competition, the duration of the competition, the eligibility requirements for participation in the competition, the process for participants to register for the competition, the amount of the prize, and the criteria for awarding the prize.

"(C) ADMINISTERING THE COMPETITIONS.—The Secretary shall enter into an agreement with a private, nonprofit entity to administer the prize competitions under this subsection, subject to the provisions of this subsection (in this subsection referred to as the 'administering entity'). The duties of the administering entity under the agreement shall include—

"(i) advertising prize competitions under this subsection and their results;

"(ii) raising funds from private entities and individuals to pay for administrative costs and to contribute to cash prizes, including funds provided in exchange for the right to name a prize awarded under this subsection;

"(iii) developing, in consultation with and subject to the final approval of the Secretary, the criteria for selecting winners in prize competitions under this subsection, based on goals provided by the Secretary;

"(iv) determining, in consultation with the Secretary, the appropriate amount and funding sources for each prize to be awarded under this subsection, subject to the final approval of the Secretary with respect to Federal funding;

"(v) providing advice and consultation to the Secretary on the selection of judges in accordance with paragraph (2)(D), using criteria developed in consultation with and subject to the final approval of the Secretary; and

"(vi) protecting against the administering entity's unauthorized use or disclosure of a registered participant's trade secrets and confidential business information. Any information properly identified as trade secrets or confidential business information that is submitted by a participant as part of a competitive program under this subsection may be withheld from public disclosure.

"(D) FUNDING SOURCES.—Prizes under this subsection shall consist of Federal appropriated funds and any funds provided by the administering entity (including funds raised pursuant to subparagraph (C)(ii)) for such cash prize programs. The Secretary may accept funds from other Federal agencies for such cash prizes and, notwithstanding section 3302(b) of title 31, United States Code, may use such funds for the cash prize program under this subsection. Other than publication of the names of prize sponsors, the Secretary may not give any special consideration to any private sector entity or individual in return for a donation to the Secretary or administering entity.

"(E) ANNOUNCEMENT OF PRIZES.—The Secretary may not issue a notice required by subparagraph (B)(ii) until all the funds needed to pay out the announced amount of the prize have been appropriated or committed in writing by the administering entity. The Secretary may increase the amount of a prize after an initial announcement is made under subparagraph (B)(ii) if—

"(i) notice of the increase is provided in the same manner as the initial notice of the prize; and

"(ii) the funds needed to pay out the announced amount of the increase have been appropriated or committed in writing by the administering entity.

"(F) SUNSET.—The authority to announce prize competitions under this subsection shall terminate on September 30, 2018.

"(2) PRIZE CATEGORIES.—

"(A) CATEGORIES.—The Secretary shall establish prizes under this subsection for—

"(i) advancements in technologies, components, or systems related to—

"(I) hydrogen production;

"(II) hydrogen storage;

"(III) hydrogen distribution; and

"(IV) hydrogen utilization;

"(ii) prototypes of hydrogen-powered vehicles or other hydrogen-based products that best meet or exceed objective performance criteria, such as completion of a race over a certain distance or terrain or generation of energy at certain levels of efficiency; and

"(iii) transformational changes in technologies for the distribution or production of hydrogen that meet or exceed far-reaching objective criteria, which shall include minimal carbon emissions and which may include cost criteria designed to facilitate the eventual market success of a winning technology.

"(B) AWARDS.—

"(i) ADVANCEMENTS.—To the extent permitted under paragraph (1)(E), the prizes authorized under subparagraph (A)(i) shall be awarded biennially to the most significant advance made in each of the four subcategories described in subclauses (I) through (IV) of subparagraph (A)(i) since the submission deadline of the previous prize competition in the same category under subparagraph (A)(i) or the date of enactment of this subsection, whichever is later, unless no such advance is significant enough to merit an award. No one such prize may exceed $1,000,000. If less than $4,000,000 is available for *a prize competition under subparagraph (A)(i), the Secretary may omit one or more subcategories, reduce the amount of the prizes, or not hold a prize competition.*

"(ii) PROTOTYPES.—To the extent permitted under paragraph (1)(E), prizes authorized under subparagraph (A)(ii) shall be awarded biennially in alternate years from the prizes authorized under subparagraph (A)(i). The Secretary is authorized to award up to one prize in this category in each 2-year period. No such prize may exceed $4,000,000. If no registered participants meet the objective performance criteria established pursuant to subparagraph (C) for a competition under this clause, the Secretary shall not award a prize.

"(iii) TRANSFORMATIONAL TECHNOLOGIES.—To the extent permitted under paragraph (1)(E), the Secretary shall announce one prize competition authorized under subparagraph (A)(iii) as soon after the date of enactment of this subsection as is practicable. A prize offered under this clause shall be not less than $10,000,000, paid to the winner in a lump sum, and an additional amount paid to the winner as a match for each dollar of private funding raised by the winner for the hydrogen technology beginning on the date the winner was named. The match shall be provided for 3 years after the date the prize winner is named or until the full amount of the prize has been paid out, whichever occurs first. A prize winner may elect to have the match amount paid to another entity that is continuing the development of the winning technology. The Secretary shall announce the rules for receiving the match in the notice required by paragraph (1)(B)(ii). The Secretary shall award a prize under this clause only when a registered participant has met the objective criteria established for the prize pursuant to subparagraph (C) and announced pursuant to paragraph (1)(B)(ii). Not more than $10,000,000 in Federal funds may be used for the prize award under this clause. The administering entity shall seek to raise $40,000,000 toward the matching award under this clause.

"(C) CRITERIA.—In establishing the criteria required by this subsection, the Secretary—

"(i) shall consult with the Department's Hydrogen Technical and Fuel Cell Advisory Committee;

"(ii) shall consult with other Federal agencies, including the National Science Foundation; and

"(iii) may consult with other experts such as private organizations, including professional societies, industry associations, and the National Academy of Sciences and the National Academy of Engineering.

"(D) JUDGES.—For each prize competition under this subsection, the Secretary in consultation with the administering entity shall assemble a panel of qualified judges to select the winner or winners on the basis of the criteria established under subparagraph (C). Judges for each prize competition shall include individuals from outside the Department, including from the private sector. A judge, spouse, minor children, and members of the judge's household may not—

"(i) have personal or financial interests in, or be an employee, officer, director, or agent of, any entity that is a registered participant in the prize competition for which he or she will serve as a judge; or

"(ii) have a familial or financial relationship with an individual who is a registered participant in the prize competition for which he or she will serve as a judge.

"(3) ELIGIBILITY.—To be eligible to win a prize under this subsection, an individual or entity—

"(A) shall have complied with all the requirements in accordance with the Federal Register notice required under paragraph (1)(B)(ii);

"(B) in the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen of, or an alien lawfully admitted for permanent residence in, the United States; and

"(C) shall not be a Federal entity, a Federal employee acting within the scope of his employment, or an employee of a national laboratory acting within the scope of his employment.

"(4) INTELLECTUAL PROPERTY.—The Federal Government shall not, by virtue of offering or awarding a prize under this subsection, be entitled to any intellectual property rights derived as a consequence of, or direct relation to, the participation by a registered participant in a competition authorized by this subsection. This paragraph shall not be construed to prevent the Federal Government from negotiating a license for the use of intellectual property developed for a prize competition under this subsection.

"(5) LIABILITY.—

"(A) WAIVER OF LIABILITY.—The Secretary may require registered participants to waive claims against the Federal Government and the administering entity (except claims for willful misconduct) for any injury, death, damage, or loss of property, revenue, or profits arising from the registered participants' participation in a competition under this subsection. The Secretary shall give notice of any waiver required under this subparagraph in the notice required by paragraph (1)(B)(ii). The Secretary may not require a registered participant to waive claims against the administering entity arising out of the unauthorized use or disclosure by the administering entity of the registered participant's trade secrets or confidential business information.

"(B) LIABILITY INSURANCE.—

"(i) REQUIREMENTS.—Registered participants in a prize competition under this subsection shall be required to obtain liability insurance or demonstrate financial responsibility, in amounts determined by the Secretary, for claims by—

"(I) a third party for death, bodily injury, or property damage or loss resulting from an activity carried out in connection with participation in a competition under this subsection; and

"(II) the Federal Government for damage or loss to Government property resulting from such an activity.

"(ii) FEDERAL GOVERNMENT INSURED.—The Federal Government shall be named as an additional insured under a registered participant's insurance policy required under clause (i)(I), and registered participants shall be required to agree to indemnify the Federal Government against third party claims for damages arising from or related to competition activities under this subsection.

"(6) REPORT TO CONGRESS.—Not later than 60 days after the awarding of the first prize under this subsection, and annually thereafter, the Secretary shall transmit to the Congress a report that—

"(A) identifies each award recipient;

"(B) describes the technologies developed by each award recipient; and

"(C) specifies actions being taken toward commercial application of all technologies with respect to which a prize has been awarded under this subsection.

"(7) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—

"(i) AWARDS.—There are authorized to be appropriated to the Secretary for the period encompassing fiscal years 2008 through 2017 for carrying out this subsection—

"(I) $20,000,000 for awards described in paragraph (2)(A)(i);

"(II) $20,000,000 for awards described in paragraph (2)(A)(ii); and

"(III) $10,000,000 for the award described in paragraph (2)(A)(iii).

"(ii) ADMINISTRATION.—In addition to the amounts authorized in clause (i), there are authorized to be appropriated to the Secretary for each of fiscal years 2008 and 2009 $2,000,000 for the administrative costs of carrying out this subsection.

"(B) CARRYOVER OF FUNDS.—Funds appropriated for prize awards under this subsection shall remain available until expended, and may be transferred, reprogrammed, or expended for other purposes only after the expiration of 10 fiscal years after the fiscal year for which the funds were originally appropriated. No provision in this subsection permits obligation or payment of funds in violation of section 1341 of title 31 of the United States Code (commonly referred to as the Anti-Deficiency Act).

"(8) NONSUBSTITUTION.—The programs created under this subsection shall not be considered a substitute for Federal research and development programs.".

SEC. 655. BRIGHT TOMORROW LIGHTING PRIZES.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, as part of the program carried out under section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396), the Secretary shall establish and award Bright Tomorrow Lighting Prizes for solid state lighting in accordance with this section.

(b) PRIZE SPECIFICATIONS.—

(1) 60-WATT INCANDESCENT REPLACEMENT LAMP PRIZE.—The Secretary shall award a 60-Watt Incandescent Replacement Lamp Prize to an entrant that produces a solid-state light package simultaneously capable of—

(A) producing a luminous flux greater than 900 lumens;

(B) consuming less than or equal to 10 watts;

(C) having an efficiency greater than 90 lumens per watt;

(D) having a color rendering index greater than 90;

(E) having a correlated color temperature of not less than 2,750, and not more than 3,000, degrees Kelvin;

(F) having 70 percent of the lumen value under subparagraph (A) exceeding 25,000 hours under typical conditions expected in residential use;

(G) having a light distribution pattern similar to a soft 60-watt incandescent A19 bulb;

(H) having a size and shape that fits within the maximum dimensions of an A19 bulb in accordance with American National Standards Institute standard C78.20–2003, figure C78.20–211;

(I) using a single contact medium screw socket; and

(J) mass production for a competitive sales commercial market satisfied by producing commercially accepted quality control lots of such units equal to or exceeding the criteria described in subparagraphs (A) through (I).

(2) PAR TYPE 38 HALOGEN REPLACEMENT LAMP PRIZE.—The Secretary shall award a Parabolic Aluminized Reflector Type 38 Halogen Replacement Lamp Prize (referred to in this section as the "PAR Type 38 Halogen Replacement Lamp Prize") to an entrant that produces a solid-state-light package simultaneously capable of—

(A) producing a luminous flux greater than or equal to 1,350 lumens;

(B) consuming less than or equal to 11 watts;

(C) having an efficiency greater than 123 lumens per watt;

(D) having a color rendering index greater than or equal to 90;

(E) having a correlated color coordinate temperature of not less than 2,750, and not more than 3,000, degrees Kelvin;

(F) having 70 percent of the lumen value under subparagraph (A) exceeding 25,000 hours under typical conditions expected in residential use;

(G) having a light distribution pattern similar to a PAR 38 halogen lamp;

(H) having a size and shape that fits within the maximum dimensions of a PAR 38 halogen lamp in accordance with American National Standards Institute standard C78-21-2003, figure C78.21-238;

(I) using a single contact medium screw socket; and

(J) mass production for a competitive sales commercial market satisfied by producing commercially accepted quality control lots of such units equal to or exceeding the criteria described in subparagraphs (A) through (I).

(3) TWENTY-FIRST CENTURY LAMP PRIZE.—The Secretary shall award a Twenty-First Century Lamp Prize to an entrant that produces a solid-state-light-light capable of—

(A) producing a light output greater than 1,200 lumens;

(B) having an efficiency greater than 150 lumens per watt;

(C) having a color rendering index greater than 90;

(D) having a color coordinate temperature between 2,800 and 3,000 degrees Kelvin; and

(E) having a lifetime exceeding 25,000 hours.

(c) PRIVATE FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2), and notwithstanding section 3302 of title 31, United States Code, the Secretary may accept, retain, and use funds contributed by any person, government entity, or organization for purposes of carrying out this subsection—

(A) without further appropriation; and

(B) without fiscal year limitation.

(2) PRIZE COMPETITION.—A private source of funding may not participate in the competition for prizes awarded under this section.

(d) TECHNICAL REVIEW.—The Secretary shall establish a technical review committee composed of non-Federal officers to review entrant data submitted under this section to determine whether the data meets the prize specifications described in subsection (b).

(e) THIRD PARTY ADMINISTRATION.—The Secretary may competitively select a third party to administer awards under this section.

(f) ELIGIBILITY FOR PRIZES.—To be eligible to be awarded a prize under this section—

(1) in the case of a private entity, the entity shall be incorporated in and maintain a primary place of business in the United States; and

(2) in the case of an individual (whether participating as a single individual or in a group), the individual shall be a citizen or lawful permanent resident of the United States.

(g) AWARD AMOUNTS.—Subject to the availability of funds to carry out this section, the amount of—

(1) the 60-Watt Incandescent Replacement Lamp Prize described in subsection (b)(1) shall be $10,000,000;

(2) the PAR Type 38 Halogen Replacement Lamp Prize described in subsection (b)(2) shall be $5,000,000; and

(3) the Twenty-First Century Lamp Prize described in subsection (b)(3) shall be $5,000,000.

(h) FEDERAL PROCUREMENT OF SOLID-STATE-LIGHTS.—

(1) 60-WATT INCANDESCENT REPLACEMENT.—Subject to paragraph (3), as soon as practicable after the successful award of the 60-Watt Incandescent Replacement Lamp Prize under subsection (b)(1), the Secretary (in consultation with the Administrator of General Services) shall develop governmentwide Federal purchase guidelines with a goal of replacing the use of 60-watt incandescent lamps in Federal Government buildings with a solid-state-light package described in subsection (b)(1) by not later than the date that is 5 years after the date the award is made.

(2) PAR 38 HALOGEN REPLACEMENT LAMP REPLACEMENT.—Subject to paragraph (3), as soon as practicable after the successful award of the PAR Type 38 Halogen Replacement Lamp Prize under subsection (b)(2), the Secretary (in consultation with the Administrator of General Services) shall develop governmentwide Federal purchase guidelines with the goal of replacing the use of PAR 38 halogen lamps in Federal Government buildings with a solid-state-light package described in subsection (b)(2) by not later than the date that is 5 years after the date the award is made.

(3) WAIVERS.—

(A) IN GENERAL.—The Secretary or the Administrator of General Services may waive the application of paragraph (1) or (2) if the Secretary or Administrator determines that the return on investment from the purchase of a solid-state-light package described in paragraph (1) or (2) of subsection (b), respectively, is cost prohibitive.

(B) REPORT OF WAIVER.—If the Secretary or Administrator waives the application of paragraph (1) or (2), the Secretary or Administrator, respectively, shall submit to Congress an annual report that describes the waiver and provides a detailed justification for the waiver.

(i) REPORT.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Administrator of General Services shall submit to the Energy Information Agency a report describing the quantity, type, and cost of each lighting product purchased by the Federal Government.

(j) BRIGHT TOMORROW LIGHTING AWARD FUND.—

(1) ESTABLISHMENT.—There is established in the United States Treasury a Bright Tomorrow Lighting permanent fund without fiscal year limitation to award prizes under paragraphs (1), (2), and (3) of subsection (b).

(2) SOURCES OF FUNDING.—The fund established under paragraph (1) shall accept—

(A) fiscal year appropriations; and

(B) private contributions authorized under subsection (c).

(k) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 656. RENEWABLE ENERGY INNOVATION MANUFACTURING PARTNERSHIP.

(a) ESTABLISHMENT.—The Secretary shall carry out a program, to be known as the Renewable Energy Innovation Manufacturing Partnership Program (referred to in this section as the "Program"), to make assistance awards to eligible entities for use in carrying out research, development, and demonstration relating to the manufacturing of renewable energy technologies.

(b) SOLICITATION.—To carry out the Program, the Secretary shall annually conduct a competitive solicitation for assistance awards for an eligible project described in subsection (e).

(c) PROGRAM PURPOSES.—The purposes of the Program are—

(1) to develop, or aid in the development of, advanced manufacturing processes, materials, and infrastructure;

(2) to increase the domestic production of renewable energy technology and components; and

(3) to better coordinate Federal, State, and private resources to meet regional and national renewable energy goals through advanced manufacturing partnerships.

(d) ELIGIBLE ENTITIES.—An entity shall be eligible to receive an assistance award under the Program to carry out an eligible project described in subsection (e) if the entity is composed of—

(1) 1 or more public or private nonprofit institutions or national laboratories engaged in research, development, demonstration, or technology transfer, that would participate substantially in the project; and

(2) 1 or more private entities engaged in the manufacturing or development of renewable energy system components (including solar energy, wind energy, biomass, geothermal energy, energy storage, or fuel cells).

(e) ELIGIBLE PROJECTS.—An eligible entity may use an assistance award provided under this section to carry out a project relating to—

(1) the conduct of studies of market opportunities for component manufacturing of renewable energy systems;

(2) the conduct of multiyear applied research, development, demonstration, and deployment projects for advanced manufacturing processes, materials, and infrastructure for renewable energy systems; and

(3) other similar ventures, as approved by the Secretary, that promote advanced manufacturing of renewable technologies.

(f) CRITERIA AND GUIDELINES.—The Secretary shall establish criteria and guidelines for the submission, evaluation, and funding of proposed projects under the Program.

(g) COST SHARING.—Section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) shall apply to a project carried out under this section.

(h) DISCLOSURE.—The Secretary may, for a period of up to five years after an award is granted under this section, exempt from mandatory disclosure under section 552 of title 5, United States Code (popularly known as the Freedom of Information Act) information that the Secretary determines would be a privileged or confidential trade secret or commercial or financial information under subsection (b)(4) of such section if the information had been obtained from a non-Government party.

(i) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Secretary should ensure that small businesses engaged in renewable manufacturing be given priority consideration for the assistance awards provided under this section.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated out of funds already authorized to carry out this section $25,000,000 for each of fiscal years 2008 through 2013, to remain available until expended.

TITLE VII—CARBON CAPTURE AND SEQUESTRATION

Subtitle A—Carbon Capture and Sequestration Research, Development, and Demonstration

SEC. 701. SHORT TITLE.

This subtitle may be cited as the "Department of Energy Carbon Capture and Sequestration Research, Development, and Demonstration Act of 2007".

SEC. 702. CARBON CAPTURE AND SEQUESTRATION RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM.

(a) AMENDMENT.—Section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293) is amended—

(1) in the section heading, by striking "**RESEARCH AND DEVELOPMENT**" and inserting "**AND SEQUESTRATION RESEARCH, DEVELOPMENT, AND DEMONSTRATION**";

(2) in subsection (a)—

(A) by striking "research and development" and inserting "and sequestration research, development, and demonstration"; and

(B) by striking "capture technologies on combustion-based systems" and inserting "capture and sequestration technologies related to industrial sources of carbon dioxide";

(3) in subsection (b)—

(A) in paragraph (3), by striking "and" at the end;

(B) in paragraph (4), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(5) to expedite and carry out large-scale testing of carbon sequestration systems in a range of geologic formations that will provide information on the cost and feasibility of deployment of sequestration technologies."; and

(4) by striking subsection (c) and inserting the following:

"(c) PROGRAMMATIC ACTIVITIES.—

"(1) FUNDAMENTAL SCIENCE AND ENGINEERING RESEARCH AND DEVELOPMENT AND DEMONSTRATION SUPPORTING CARBON CAPTURE AND SEQUESTRATION TECHNOLOGIES AND CARBON USE ACTIVITIES.—

"(A) IN GENERAL.—The Secretary shall carry out fundamental science and engineering research (including laboratory-scale experiments, numeric modeling, and simulations) to develop and document the performance of new approaches to capture and sequester, or use carbon dioxide to lead to an overall reduction of carbon dioxide emissions.

"(B) PROGRAM INTEGRATION.—The Secretary shall ensure that fundamental research carried out under this paragraph is appropriately applied to energy technology development activities, the field testing of carbon sequestration, and carbon use activities, including—

"(i) development of new or advanced technologies for the capture and sequestration of carbon dioxide;

"(ii) development of new or advanced technologies that reduce the cost and increase the efficacy of advanced compression of carbon dioxide required for the sequestration of carbon dioxide;

"(iii) modeling and simulation of geologic sequestration field demonstrations;

"(iv) quantitative assessment of risks relating to specific field sites for testing of sequestration technologies;

"(v) research and development of new and advanced technologies for carbon use, including recycling and reuse of carbon dioxide; and

"(vi) research and development of new and advanced technologies for the separation of oxygen from air.

"(2) FIELD VALIDATION TESTING ACTIVITIES.—

"(A) IN GENERAL.—The Secretary shall promote, to the maximum extent practicable, regional carbon sequestration partnerships to conduct geologic sequestration tests involving carbon dioxide injection and monitoring, mitigation, and verification operations in a variety of candidate geologic settings, including—

"(i) operating oil and gas fields;

"(ii) depleted oil and gas fields;

"(iii) unmineable coal seams;

"(iv) deep saline formations;

"(v) deep geologic systems that may be used as engineered reservoirs to extract economical quantities of heat from geothermal resources of low permeability or porosity; and

"(vi) deep geologic systems containing basalt formations.

"(B) OBJECTIVES.—The objectives of tests conducted under this paragraph shall be—

"(i) to develop and validate geophysical tools, analysis, and modeling to monitor, predict, and verify carbon dioxide containment;

"(ii) to validate modeling of geologic formations;

"(iii) to refine sequestration capacity estimated for particular geologic formations;

"(iv) to determine the fate of carbon dioxide concurrent with and following injection into geologic formations;

"(v) to develop and implement best practices for operations relating to, and monitoring of, carbon dioxide injection and sequestration in geologic formations;

"(vi) to assess and ensure the safety of operations related to geologic sequestration of carbon dioxide;

"(vii) to allow the Secretary to promulgate policies, procedures, requirements,.and guidance to ensure that the objectives of this subparagraph are met in large-scale testing and deployment activities for carbon capture and sequestration that are funded by the Department of Energy; and

"(viii) to provide information to States, the Environmental Protection Agency, and other appropriate entities to support development of a regulatory framework for commercial-scale sequestration operations that ensure the protection of human health and the environment.

"(3) LARGE-SCALE CARBON DIOXIDE SEQUESTRATION TESTING.—

"(A) IN GENERAL.—The Secretary shall conduct not less than 7 initial large-scale sequestration tests, not including the FutureGen project, for geologic containment of carbon dioxide to collect and validate information on the cost and feasibility of commercial deployment of technologies for geologic containment of carbon dioxide. These 7 tests may include any Regional Partnership projects awarded as of the date of enactment of the Department of Energy Carbon Capture and Sequestration Research, Development, and Demonstration Act of 2007.

"(B) DIVERSITY OF FORMATIONS TO BE STUDIED.—In selecting formations for study under this paragraph, the Secretary shall consider a variety of geologic formations across the United States, and require characterization and modeling of candidate formations, as determined by the Secretary.

"(C) SOURCE OF CARBON DIOXIDE FOR LARGE-SCALE SEQUESTRATION TESTS.—In the process of any acquisition of carbon dioxide for sequestration tests under subparagraph (A), the Secretary shall give preference to sources of carbon dioxide from industrial sources. To the extent feasible, the Secretary shall prefer tests that would facilitate the creation of an integrated system of capture, transportation and sequestration of carbon dioxide. The preference provided for under this subparagraph shall not delay the implementation of the large-scale sequestration tests under this paragraph.

"(D) DEFINITION.—For purposes of this paragraph, the term 'large-scale' means the injection of more than 1,000,000 tons of carbon dioxide from industrial sources annually or a scale that demonstrates the ability to inject and sequester several million metric tons of industrial source carbon dioxide for a large number of years.

"(4) PREFERENCE IN PROJECT SELECTION FROM MERITORIOUS PROPOSALS.—In making competitive awards under this subsection, subject to the requirements of section 989, the Secretary shall—

"(A) give preference to proposals from partnerships among industrial, academic, and government entities; and

"(B) require recipients to provide assurances that all laborers and mechanics employed by contractors and subcontractors in the construction, repair, or alteration of new or existing facilities performed in order to carry out a demonstration or commercial application activity authorized under this subsection shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code, and the Secretary of Labor shall, with respect to the labor standards in this paragraph, have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 Fed. Reg. 3176; 5 U.S.C. Appendix) and section 3145 of title 40, United States Code.

"(5) COST SHARING.—Activities under this subsection shall be considered research and development activities that are subject to the cost sharing requirements of section 988(b).

"(6) PROGRAM REVIEW AND REPORT.—During fiscal year 2011, the Secretary shall—

"(A) conduct a review of programmatic activities carried out under this subsection; and

"(B) make recommendations with respect to continuation of the activities.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $240,000,000 for fiscal year 2008;

"(2) $240,000,000 for fiscal year 2009;

"(3) $240,000,000 for fiscal year 2010;

"(4) $240,000,000 for fiscal year 2011; and

"(5) $240,000,000 for fiscal year 2012.".

(b) TABLE OF CONTENTS AMENDMENT.—The item relating to section 963 in the table of contents for the Energy Policy Act of 2005 is amended to read as follows:

"Sec. 963. Carbon capture and sequestration research, development, and demonstration program.".

SEC. 703. CARBON CAPTURE.

(a) PROGRAM ESTABLISHMENT.—

(1) IN GENERAL.—The Secretary shall carry out a program to demonstrate technologies for the large-scale capture of carbon dioxide from industrial sources. In making awards under this program, the Secretary shall select, as appropriate, a diversity of capture technologies to address the need to capture carbon dioxide from a range of industrial sources.

(2) SCOPE OF AWARD.—Awards under this section shall be only for the portion of the project that—

(A) carries out the large-scale capture (including purification and compression) of carbon dioxide from industrial sources;

(B) provides for the transportation and injection of carbon dioxide; and

(C) incorporates a comprehensive measurement, monitoring, and validation program.

(3) PREFERENCES FOR AWARD.—To ensure reduced carbon dioxide emissions, the Secretary shall take necessary actions to provide for the integration of the program under this paragraph with the large-scale carbon dioxide sequestration tests described in section 963(c)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16293(c)(3)); as added by section 702 of this subtitle. These actions should not delay implementation of these tests. The Secretary shall give priority consideration to projects with the following characteristics:

(A) CAPACITY.—Projects that will capture a high percentage of the carbon dioxide in the treated stream and large volumes of carbon dioxide as determined by the Secretary.

(B) SEQUESTRATION.—Projects that capture carbon dioxide from industrial sources that are near suitable geological reservoirs and could continue sequestration including—

(i) a field testing validation activity under section 963 of the Energy Policy Act of 2005 (42 U.S.C. 16293), as amended by this Act; or

(ii) other geologic sequestration projects approved by the Secretary.

(4) REQUIREMENT.—For projects that generate carbon dioxide that is to be sequestered, the carbon dioxide stream shall be of a sufficient purity level to allow for safe transport and sequestration.

(5) COST-SHARING.—The cost-sharing requirements of section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352) for research and development projects shall apply to this section.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $200,000,000 per year for fiscal years 2009 through 2013.

SEC. 704. REVIEW OF LARGE-SCALE PROGRAMS.

The Secretary shall enter into an arrangement with the National Academy of Sciences for an independent review and oversight, beginning in 2011, of the programs under section 963(c)(3) of the Energy Policy Act of 2005 (42 U.S.C. 16293(c)(3)), as added by section 702 of this subtitle, and under section 703 of this subtitle, to ensure that the benefits of such programs are maximized. Not later than January 1, 2012, the Secretary shall transmit to the Congress a report on the results of such review and oversight.

SEC. 705. GEOLOGIC SEQUESTRATION TRAINING AND RESEARCH.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences to undertake a study that—

(A) defines an interdisciplinary program in geology, engineering, hydrology, environmental science, and related disciplines that will support the Nation's capability to capture and sequester carbon dioxide from anthropogenic sources;

(B) addresses undergraduate and graduate education, especially to help develop graduate level programs of research and instruction that lead to advanced degrees with emphasis on geologic sequestration science;

(C) develops guidelines for proposals from colleges and universities with substantial capabilities in the required disciplines that seek to implement geologic sequestration science programs that advance the Nation's capacity to address carbon management through geologic sequestration science; and

(D) outlines a budget and recommendations for how much funding will be necessary to establish and carry out the grant program under subsection (b).

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Congress a copy of the results of the study provided by the National Academy of Sciences under paragraph (1).

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this subsection $1,000,000 for fiscal year 2008.

(b) GRANT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish a competitive grant program through which colleges and universities may apply for and receive 4-year grants for—

(A) salary and startup costs for newly designated faculty positions in an integrated geologic carbon sequestration science program; and

(B) internships for graduate students in geologic sequestration science.

(2) RENEWAL.—Grants under this subsection shall be renewable for up to 2 additional 3-year terms, based on performance criteria, established by the National Academy of Sciences study conducted under subsection (a), that include the number of graduates of such programs.

(3) INTERFACE WITH REGIONAL GEOLOGIC CARBON SEQUESTRATION PARTNERSHIPS.—To the greatest extent possible, geologic carbon sequestration science programs supported under this subsection shall interface with the research of the Regional Carbon Sequestration Partnerships operated by the Department to provide internships and practical training in carbon capture and geologic sequestration.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out this subsection such sums as may be necessary.

SEC. 706. RELATION TO SAFE DRINKING WATER ACT.

The injection and geologic sequestration of carbon dioxide pursuant to this subtitle and the amendments made by this subtitle shall be subject to the requirements of the Safe Drinking Water Act (42 U.S.C. 300f et seq.), including the provisions of part C of such Act (42 U.S.C. 300h et seq.; relating to protection of underground sources of drinking water). Nothing in this subtitle and the amendments made by this subtitle imposes or authorizes the promulgation of any requirement that is inconsistent or in conflict with the requirements of the Safe Drinking Water Act (42 U.S.C. 300f et seq.) or regulations thereunder.

SEC. 707. SAFETY RESEARCH.

(a) PROGRAM.—The Administrator of the Environmental Protection Agency shall conduct a research program to address public health, safety, and environmental impacts that may be associated with capture, injection, and sequestration of greenhouse gases in geologic reservoirs.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for carrying out this section $5,000,000 for each fiscal year.

SEC. 708. UNIVERSITY BASED RESEARCH AND DEVELOPMENT GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary, in consultation with other appropriate agencies, shall establish a university based research and development program to study carbon capture and sequestration using the various types of coal.

(b) RURAL AND AGRICULTURAL INSTITUTIONS.—The Secretary shall give special consideration to rural or agricultural based institutions in areas that have regional sources of coal and that offer interdisciplinary programs in the area of environmental science to study carbon capture and sequestration.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are to be authorized to be appropriated $10,000,000 to carry out this section.

Subtitle B—Carbon Capture and Sequestration Assessment and Framework

SEC. 711. CARBON DIOXIDE SEQUESTRATION CAPACITY ASSESSMENT.

(a) DEFINITIONS.—In this section

(1) ASSESSMENT.—The term "assessment" means the national assessment of onshore capacity for carbon dioxide completed under subsection (f).

(2) CAPACITY.—The term "capacity" means the portion of a sequestration formation that can retain carbon dioxide in accordance with the requirements (including physical, geological, and economic requirements) established under the methodology developed under subsection (b).

(3) ENGINEERED HAZARD.—The term "engineered hazard" includes the location and completion history of any well that could affect potential sequestration.

(4) RISK.—The term "risk" includes any risk posed by geomechanical, geochemical, hydrogeological, structural, and engineered hazards.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(6) SEQUESTRATION FORMATION.—The term "sequestration formation" means a deep saline formation, unmineable coal seam, or oil or gas reservoir that is capable of accommodating a volume of industrial carbon dioxide.

(b) METHODOLOGY.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a methodology for conducting an assessment under subsection (f), taking into consideration—

(1) the geographical extent of all potential sequestration formations in all States;

(2) the capacity of the potential sequestration formations;

(3) the injectivity of the potential sequestration formations;

(4) an estimate of potential volumes of oil and gas recoverable by injection and sequestration of industrial carbon dioxide in potential sequestration formations;

(5) the risk associated with the potential sequestration formations; and

(6) the work done to develop the Carbon Sequestration Atlas of the United States and Canada that was completed by the Department.

(c) COORDINATION.—

(1) FEDERAL COORDINATION.—

(A) CONSULTATION.—The Secretary shall consult with the Secretary of Energy and the Administrator of the Environmental Protection Agency on issues of data sharing, format, development of the methodology, and content of the assessment required under this section to ensure the maximum usefulness and success of the assessment.

(B) COOPERATION.—The Secretary of Energy and the Administrator shall cooperate with the Secretary to ensure, to the maximum extent practicable, the usefulness and success of the assessment.

(2) STATE COORDINATION.—The Secretary shall consult with State geological surveys and other relevant entities to ensure, to the maximum extent practicable, the usefulness and success of the assessment.

(d) EXTERNAL REVIEW AND PUBLICATION.—On completion of the methodology under subsection (b), the Secretary shall—

(1) publish the methodology and solicit comments from the public and the heads of affected Federal and State agencies;

(2) establish a panel of individuals with expertise in the matters described in paragraphs (1) through (5) of subsection (b) composed, as appropriate, of representatives of Federal agencies, institutions of higher education, nongovernmental organizations, State organizations, industry, and international geoscience organizations to review the methodology and comments received under paragraph (1); and

(3) on completion of the review under paragraph (2), publish in the Federal Register the revised final methodology.

(e) PERIODIC UPDATES.—The methodology developed under this section shall be updated periodically (including at least once every 5 years) to incorporate new data as the data becomes available.

(f) NATIONAL ASSESSMENT.—

(1) IN GENERAL.—Not later than 2 years after the date of publication of the methodology under subsection (d)(1), the Secretary, in consultation with the Secretary of Energy and State geological surveys, shall complete a national assessment of capacity for carbon dioxide in accordance with the methodology.

(2) GEOLOGICAL VERIFICATION.—As part of the assessment under this subsection, the Secretary shall carry out a drilling program to supplement the geological data relevant to determining sequestration capacity of carbon dioxide in geological sequestration formations, including—

(A) well log data;

(B) core data; and

(C) fluid sample data.

(3) PARTNERSHIP WITH OTHER DRILLING PROGRAMS.—As part of the drilling program under paragraph (2), the Secretary shall enter, as appropriate, into partnerships with other entities to collect and integrate data from other drilling programs relevant to the sequestration of carbon dioxide in geological formations.

(4) INCORPORATION INTO NATCARB.—

(A) IN GENERAL.—On completion of the assessment, the Secretary of Energy and the Secretary of the Interior shall incorporate the results of the assessment using—

(i) the NatCarb database, to the maximum extent practicable; or

(ii) a new database developed by the Secretary of Energy, as the Secretary of Energy determines to be necessary.

(B) RANKING.—The database shall include the data necessary to rank potential sequestration sites for capacity and risk, across the United States, within each State, by formation, and within each basin.

(5) REPORT.—Not later than 180 days after the date on which the assessment is completed, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the findings under the assessment.

(6) PERIODIC UPDATES.—The national assessment developed under this section shall be updated periodically (including at least once every 5 years) to support public and private sector decisionmaking.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $30,000,000 for the period of fiscal years 2008 through 2012.

SEC. 712. ASSESSMENT OF CARBON SEQUESTRATION AND METHANE AND NITROUS OXIDE EMISSIONS FROM ECOSYSTEMS.

(a) DEFINITIONS.—In this section:

(1) ADAPTATION STRATEGY.—The term "adaptation strategy" means a land use and management strategy that can be used—

(A) to increase the sequestration capabilities of covered greenhouse gases of any ecosystem; or

(B) to reduce the emissions of covered greenhouse gases from any ecosystem.

(2) ASSESSMENT.—The term "assessment" means the national assessment authorized under subsection (b).

(3) COVERED GREENHOUSE GAS.—The term "covered greenhouse gas" means carbon dioxide, nitrous oxide, and methane gas.

(4) ECOSYSTEM.—The term "ecosystem" means any terrestrial, freshwater aquatic, or coastal ecosystem, including an estuary.

(5) NATIVE PLANT SPECIES.—The term "native plant species" means any noninvasive, naturally occurring plant species within an ecosystem.

(6) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(b) AUTHORIZATION OF ASSESSMENT.—Not later than 2 years after the date on which the final methodology is published under subsection (f)(3)(D), the Secretary shall complete a national assessment of—

(1) the quantity of carbon stored in and released from ecosystems, including from man-caused and natural fires; and

(2) the annual flux of covered greenhouse gases in and out of ecosystems.

(c) COMPONENTS.—In conducting the assessment under subsection (b), the Secretary shall—

(1) determine the processes that control the flux of covered greenhouse gases in and out of each ecosystem;

(2) estimate the potential for increasing carbon sequestration in natural and managed ecosystems through management activities or restoration activities in each ecosystem;

(3) develop near-term and long-term adaptation strategies or mitigation strategies that can be employed—

(A) to enhance the sequestration of carbon in each ecosystem;

(B) to reduce emissions of covered greenhouse gases from ecosystems; and

(C) to adapt to climate change; and

(4) estimate the annual carbon sequestration capacity of ecosystems under a range of policies in support of management activities to optimize sequestration.

(d) USE OF NATIVE PLANT SPECIES.—In developing restoration activities under subsection (c)(2) and management strategies and adaptation strategies under subsection (c)(3), the Secretary shall emphasize the use of native plant species (including mixtures of many native plant species) for sequestering covered greenhouse gas in each ecosystem.

(e) CONSULTATION.—

(1) IN GENERAL.—In conducting the assessment under subsection (b) and developing the methodology under subsection (f), the Secretary shall consult with—

(A) the Secretary of Energy;

(B) the Secretary of Agriculture;

(C) the Administrator of the Environmental Protection Agency;

(D) the Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere; and

(E) the heads of other relevant agencies.

(2) OCEAN AND COASTAL ECOSYSTEMS.—In carrying out this section with respect to ocean and coastal ecosystems (including estuaries), the Secretary shall work jointly with the Secretary of Commerce, acting through the Under Secretary for Oceans and Atmosphere.

(f) METHODOLOGY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop a methodology for conducting the assessment.

(2) REQUIREMENTS.—The methodology developed under paragraph (1)—

(A) shall—

(i) determine the method for measuring, monitoring, and quantifying covered greenhouse gas emissions and reductions;

(ii) estimate the total capacity of each ecosystem to sequester carbon; and

(iii) estimate the ability of each ecosystem to reduce emissions of covered greenhouse gases through management practices; and

(B) may employ economic and other systems models, analyses, and estimates, to be developed in consultation with each of the individuals described in subsection (e).

(3) EXTERNAL REVIEW AND PUBLICATION.—On completion of a proposed methodology, the Secretary shall—

(A) publish the proposed methodology;

(B) at least 60 days before the date on which the final methodology is published, solicit comments from—

(i) the public; and

(ii) heads of affected Federal and State agencies;

(C) establish a panel to review the proposed methodology published under subparagraph (A) and any comments received under subparagraph (B), to be composed of members—

(i) with expertise in the matters described in subsections (c) and (d); and

(ii) that are, as appropriate, representatives of Federal agencies, institutions of higher education, nongovernmental organizations, State organizations, industry, and international organizations; and

(D) on completion of the review under subparagraph (C), publish in the Federal register the revised final methodology.

(g) ESTIMATE; REVIEW.—The Secretary shall—

(1) based on the assessment, prescribe the data, information, and analysis needed to establish a scientifically sound estimate of the carbon sequestration capacity of relevant ecosystems; and

(2) not later than 180 days after the date on which the assessment is completed, submit to the heads of applicable Federal agencies and the appropriate committees of Congress a report that describes the results of the assessment.

(h) DATA AND REPORT AVAILABILITY.—On completion of the assessment, the Secretary shall incorporate the results of the assessment into a web-accessible database for public use.

(i) AUTHORIZATION.—There is authorized to be appropriated to carry out this section $20,000,000 for the period of fiscal years 2008 through 2012.

SEC. 713. CARBON DIOXIDE SEQUESTRATION INVENTORY.

Section 354 of the Energy Policy Act of 2005 (42 U.S.C. 15910) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) RECORDS AND INVENTORY.—The Secretary of the Interior, acting through the Bureau of Land Management, shall maintain records on, and an inventory of, the quantity of carbon dioxide stored within Federal mineral leaseholds.".

SEC. 714. FRAMEWORK FOR GEOLOGICAL CARBON SEQUESTRATION ON PUBLIC LAND.

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on a recommended framework for managing geological carbon sequestration activities on public land.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) Recommended criteria for identifying candidate geological sequestration sites in each of the following types of geological settings:

(A) Operating oil and gas fields.

(B) Depleted oil and gas fields.

(C) Unmineable coal seams.

(D) Deep saline formations.

(E) Deep geological systems that may be used as engineered reservoirs to extract economical quantities of heat from geothermal resources of low permeability or porosity.

(F) Deep geological systems containing basalt formations.

(G) Coalbeds being used for methane recovery.

(2) A proposed regulatory framework for the leasing of public land or an interest in public land for the long-term geological sequestration of carbon dioxide, which includes an assessment of options to ensure that the United States receives fair market value for the use of public land or an interest in public land for geological sequestration.

(3) A proposed procedure for ensuring that any geological carbon sequestration activities on public land—

(A) provide for public review and comment from all interested persons; and

(B) protect the quality of natural and cultural resources of the public land overlaying a geological sequestration site.

(4) A description of the status of Federal leasehold or Federal mineral estate liability issues related to the geological subsurface trespass of or caused by carbon dioxide stored in public land, including any relevant experience from enhanced oil recovery using carbon dioxide on public land.

(5) Recommendations for additional legislation that may be required to ensure that public land management and leasing laws are adequate to accommodate the long-term geological sequestration of carbon dioxide.

(6) An identification of the legal and regulatory issues specific to carbon dioxide sequestration on land in cases in which title to mineral resources is held by the United States but title to the surface estate is not held by the United States.

(7)(A) An identification of the issues specific to the issuance of pipeline rights-of-way on public land under the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) for natural or anthropogenic carbon dioxide.

(B) Recommendations for additional legislation that may be required to clarify the appropriate framework for issuing rights-of-way for carbon dioxide pipelines on public land.

(c) CONSULTATION WITH OTHER AGENCIES.—In preparing the report under this section, the Secretary of the Interior shall coordinate with—

(1) the Administrator of the Environmental Protection Agency;

(2) the Secretary of Energy; and

(3) the heads of other appropriate agencies.

(d) COMPLIANCE WITH SAFE DRINKING WATER ACT.—The Secretary shall ensure that all recommendations developed under this section are in compliance with all Federal environmental

laws, including the Safe Drinking Water Act (42 U.S.C. 300f et seq.) and regulations under that Act.

TITLE VIII—IMPROVED MANAGEMENT OF ENERGY POLICY

Subtitle A—Management Improvements

SEC. 801. NATIONAL MEDIA CAMPAIGN.

(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Energy Efficiency and Renewable Energy (referred to in this section as the "Secretary"), shall develop and conduct a national media campaign—

(1) to increase energy efficiency throughout the economy of the United States during the 10-year period beginning on the date of enactment of this Act;

(2) to promote the national security benefits associated with increased energy efficiency; and

(3) to decrease oil consumption in the United States during the 10-year period beginning on the date of enactment of this Act.

(b) CONTRACT WITH ENTITY.—The Secretary shall carry out subsection (a) directly or through—

(1) competitively bid contracts with 1 or more nationally recognized media firms for the development and distribution of monthly television, radio, and newspaper public service announcements; or

(2) collective agreements with 1 or more nationally recognized institutes, businesses, or nonprofit organizations for the funding, development, and distribution of monthly television, radio, and newspaper public service announcements.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Amounts made available to carry out this section shall be used for—

(A) advertising costs, including—

(i) the purchase of media time and space;

(ii) creative and talent costs;

(iii) testing and evaluation of advertising; and

(iv) evaluation of the effectiveness of the media campaign; and

(B) administrative costs, including operational and management expenses.

(2) LIMITATIONS.—In carrying out this section, the Secretary shall allocate not less than 85 percent of funds made available under subsection (e) for each fiscal year for the advertising functions specified under paragraph (1)(A).

(d) REPORTS.—The Secretary shall annually submit to Congress a report that describes—

(1) the strategy of the national media campaign and whether specific objectives of the campaign were accomplished, including—

(A) determinations concerning the rate of change of energy consumption, in both absolute and per capita terms; and

(B) an evaluation that enables consideration of whether the media campaign contributed to reduction of energy consumption;

(2) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the campaign;

(3) plans to purchase advertising time and space;

(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

(5) all contracts or cooperative agreements entered into with a corporation, partnership, or individual working on behalf of the national media campaign.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.

(2) DECREASED OIL CONSUMPTION.—The Secretary shall use not less than 50 percent of the amount that is made available under this section for each fiscal year to develop and conduct a national media campaign to decrease oil consumption in the United States over the next decade.

SEC. 802. ALASKA NATURAL GAS PIPELINE ADMINISTRATION.

Section 106 of the Alaska Natural Gas Pipeline Act (15 U.S.C. 720d) is amended by adding at the end the following:

"(h) ADMINISTRATION.—

"(1) PERSONNEL APPOINTMENTS.—

"(A) IN GENERAL.—The Federal Coordinator may appoint and terminate such personnel as the Federal Coordinator determines to be appropriate.

"(B) AUTHORITY OF FEDERAL COORDINATOR.—Personnel appointed by the Federal Coordinator under subparagraph (A) shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

"(2) COMPENSATION.—

"(A) IN GENERAL.—Subject to subparagraph (B), personnel appointed by the Federal Coordinator under paragraph (1)(A) shall be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code (relating to classification and General Schedule pay rates).

"(B) MAXIMUM LEVEL OF COMPENSATION.—The rate of pay for personnel appointed by the Federal Coordinator under paragraph (1)(A) shall not exceed the maximum level of rate payable for level III of the Executive Schedule (5 U.S.C. 5314).

"(C) ALLOWANCES.—Section 5941 of title 5, United States Code, shall apply to personnel appointed by the Federal Coordinator under paragraph (1)(A).

"(3) TEMPORARY SERVICES.—

"(A) IN GENERAL.—The Federal Coordinator may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code.

"(B) MAXIMUM LEVEL OF COMPENSATION.—The level of compensation of an individual employed on a temporary or intermittent basis under subparagraph (A) shall not exceed the maximum level of rate payable for level III of the Executive Schedule (5 U.S.C. 5314).

"(4) FEES, CHARGES, AND COMMISSIONS.—

"(A) IN GENERAL.—With respect to the duties of the Federal Coordinator, as described in this Act, the Federal Coordinator shall have similar authority to establish, change, and abolish reasonable filing and service fees, charges, and commissions, require deposits of payments, and provide refunds as provided to the Secretary of the Interior in section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734).

"(B) AUTHORITY OF SECRETARY OF THE INTERIOR.—Subparagraph (A) shall not affect the authority of the Secretary of the Interior to establish, change, and abolish reasonable filing and service fees, charges, and commissions, require deposits of payments, and provide refunds under section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734).

"(C) USE OF FUNDS.—The Federal Coordinator is authorized to use, without further appropriation, amounts collected under subparagraph (A) to carry out this section.".

SEC. 803. RENEWABLE ENERGY DEPLOYMENT.

(a) DEFINITIONS.—In this section:

(1) ALASKA SMALL HYDROELECTRIC POWER.—The term "Alaska small hydroelectric power" means power that—

(A) is generated—

(i) in the State of Alaska;

(ii) without the use of a dam or impoundment of water; and

(iii) through the use of—

(I) a lake tap (but not a perched alpine lake); or

(II) a run-of-river screened at the point of diversion; and

(B) has a nameplate capacity rating of a wattage that is not more than 15 megawatts.

(2) ELIGIBLE APPLICANT.—The term "eligible applicant" means any—

(A) governmental entity;

(B) private utility;

(C) public utility;

(D) municipal utility;

(E) cooperative utility;

(F) Indian tribes; and

(G) Regional Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).

(3) OCEAN ENERGY.—

(A) INCLUSIONS.—The term "ocean energy" includes current, wave, and tidal energy.

(B) EXCLUSION.—The term "ocean energy" excludes thermal energy.

(4) RENEWABLE ENERGY PROJECT.—The term "renewable energy project" means a project—

(A) for the commercial generation of electricity; and

(B) that generates electricity from—

(i) solar, wind, or geothermal energy or ocean energy;

(ii) biomass (as defined in section 203(b) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)));

(iii) landfill gas; or

(iv) Alaska small hydroelectric power.

(b) RENEWABLE ENERGY CONSTRUCTION GRANTS.—

(1) IN GENERAL.—The Secretary shall use amounts appropriated under this section to make grants for use in carrying out renewable energy projects.

(2) CRITERIA.—Not later than 180 days after the date of enactment of this Act, the Secretary shall set forth criteria for use in awarding grants under this section.

(3) APPLICATION.—To receive a grant from the Secretary under paragraph (1), an eligible applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a written assurance that—

(A) all laborers and mechanics employed by contractors or subcontractors during construction, alteration, or repair that is financed, in whole or in part, by a grant under this section shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with sections 3141–3144, 3146, and 3147 of title 40, United States Code; and

(B) the Secretary of Labor shall, with respect to the labor standards described in this paragraph, have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (5 U.S.C. App.) and section 3145 of title 40, United States Code.

(4) NON-FEDERAL SHARE.—Each eligible applicant that receives a grant under this subsection shall contribute to the total cost of the renewable energy project constructed by the eligible applicant an amount not less than 50 percent of the total cost of the project.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Fund such sums as are necessary to carry out this section.

SEC. 804. COORDINATION OF PLANNED REFINERY OUTAGES.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Energy Information Administration.

(2) PLANNED REFINERY OUTAGE.—

(A) IN GENERAL.—The term "planned refinery outage" means a removal, scheduled before the date on which the removal occurs, of a refinery, or any unit of a refinery, from service for maintenance, repair, or modification.

(B) EXCLUSION.—The term "planned refinery outage" does not include any necessary and unplanned removal of a refinery, or any unit of a refinery, from service as a result of a component failure, safety hazard, emergency, or action reasonably anticipated to be necessary to prevent such events.

(3) REFINED PETROLEUM PRODUCT.—The term "refined petroleum product" means any gasoline, diesel fuel, fuel oil, lubricating oil, liquid petroleum gas, or other petroleum distillate that is produced through the refining or processing of crude oil or an oil derived from tar sands, shale, or coal.

(4) REFINERY.—The term "refinery" means a facility used in the production of a refined petroleum product through distillation, cracking, or any other process.

(b) REVIEW AND ANALYSIS OF AVAILABLE INFORMATION.—The Administrator shall, on an ongoing basis—

(1) review information on refinery outages that is available from commercial reporting services;

(2) analyze that information to determine whether the scheduling of a refinery outage may nationally or regionally substantially affect the price or supply of any refined petroleum product by—

(A) decreasing the production of the refined petroleum product; and

(B) causing or contributing to a retail or wholesale supply shortage or disruption;

(3) not less frequently than twice each year, submit to the Secretary a report describing the results of the review and analysis under paragraphs (1) and (2); and

(4) specifically alert the Secretary of any refinery outage that the Administrator determines may nationally or regionally substantially affect the price or supply of a refined petroleum product.

(c) ACTION BY SECRETARY.—On a determination by the Secretary, based on a report or alert under paragraph (3) or (4) of subsection (b), that a refinery outage may affect the price or supply of a refined petroleum product, the Secretary shall make available to refinery operators information on planned refinery outages to encourage reductions of the quantity of refinery capacity that is out of service at any time.

(d) LIMITATION.—Nothing in this section shall alter any existing legal obligation or responsibility of a refinery operator, or create any legal right of action, nor shall this section authorize the Secretary—

(1) to prohibit a refinery operator from conducting a planned refinery outage; or

(2) to require a refinery operator to continue to operate a refinery.

SEC. 805. ASSESSMENT OF RESOURCES.

(a) 5-YEAR PLAN.—

(1) ESTABLISHMENT.—The Administrator of the Energy Information Administration (referred to in this section as the "Administrator") shall establish a 5-year plan to enhance the quality and scope of the data collection necessary to ensure the scope, accuracy, and timeliness of the information needed for efficient functioning of energy markets and related financial operations.

(2) REQUIREMENT.—In establishing the plan under paragraph (1), the Administrator shall pay particular attention to—

(A) data series terminated because of budget constraints;

(B) data on demand response;

(C) timely data series of State-level information;

(D) improvements in the area of oil and gas data;

(E) improvements in data on solid byproducts from coal-based energy-producing facilities; and

(F) the ability to meet applicable deadlines under Federal law (including regulations) to provide data required by Congress.

(b) SUBMISSION TO CONGRESS.—The Administrator shall submit to Congress the plan established under subsection (a), including a description of any improvements needed to enhance the ability of the Administrator to collect and process energy information in a manner consistent with the needs of energy markets.

(c) GUIDELINES.—

(1) IN GENERAL.—The Administrator shall—

(A) establish guidelines to ensure the quality, comparability, and scope of State energy data, including data on energy production and consumption by product and sector and renewable and alternative sources, required to provide a comprehensive, accurate energy profile at the State level;

(B) share company-level data collected at the State level with each State involved, in a manner consistent with the legal authorities, confidentiality protections, and stated uses in effect at the time the data were collected, subject to the condition that the State shall agree to reasonable requirements for use of the data, as the Administrator may require;

(C) assess any existing gaps in data obtained and compiled by the Energy Information Administration; and

(D) evaluate the most cost-effective ways to address any data quality and quantity issues in conjunction with State officials.

(2) CONSULTATION.—The Administrator shall consult with State officials and the Federal Energy Regulatory Commission on a regular basis in—

(A) establishing guidelines and determining the scope of State-level data under paragraph (1); and

(B) exploring ways to address data needs and serve data uses.

(d) ASSESSMENT OF STATE DATA NEEDS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress an assessment of State-level data needs, including a plan to address the needs.

(e) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other amounts made available to the Administrator, there are authorized to be appropriated to the Administrator to carry out this section—

(1) $10,000,000 for fiscal year 2008;

(2) $10,000,000 for fiscal year 2009;

(3) $10,000,000 for fiscal year 2010;

(4) $15,000,000 for fiscal year 2011;

(5) $20,000,000 for fiscal year 2012; and

(6) such sums as are necessary for subsequent fiscal years.

SEC. 806. SENSE OF CONGRESS RELATING TO THE USE OF RENEWABLE RESOURCES TO GENERATE ENERGY.

(a) FINDINGS.—Congress finds that—

(1) the United States has a quantity of renewable energy resources that is sufficient to supply a significant portion of the energy needs of the United States;

(2) the agricultural, forestry, and working land of the United States can help ensure a sustainable domestic energy system;

(3) accelerated development and use of renewable energy technologies provide numerous benefits to the United States, including improved national security, improved balance of payments, healthier rural economies, improved environmental quality, and abundant, reliable, and affordable energy for all citizens of the United States;

(4) the production of transportation fuels from renewable energy would help the United States meet rapidly growing domestic and global energy demands, reduce the dependence of the United States on energy imported from volatile regions of the world that are politically unstable, stabilize the cost and availability of energy, and safeguard the economy and security of the United States;

(5) increased energy production from domestic renewable resources would attract substantial new investments in energy infrastructure, create economic growth, develop new jobs for the citizens of the United States, and increase the income for farm, ranch, and forestry jobs in the rural regions of the United States;

(6) increased use of renewable energy is practical and can be cost effective with the implementation of supportive policies and proper incentives to stimulate markets and infrastructure; and

(7) public policies aimed at enhancing renewable energy production and accelerating technological improvements will further reduce energy costs over time and increase market demand.

(b) SENSE OF CONGRESS.—It is the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should—

(1) provide from renewable resources not less than 25 percent of the total energy consumed in the United States; and

(2) continue to produce safe, abundant, and affordable food, feed, and fiber.

SEC. 807. GEOTHERMAL ASSESSMENT, EXPLORATION INFORMATION, AND PRIORITY ACTIVITIES.

(a) IN GENERAL.—Not later than January 1, 2012, the Secretary of the Interior, acting through the Director of the United States Geological Survey, shall—

(1) complete a comprehensive nationwide geothermal resource assessment that examines the full range of geothermal resources in the United States; and

(2) submit to the the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing the results of the assessment.

(b) PERIODIC UPDATES.—At least once every 10 years, the Secretary shall update the national assessment required under this section to support public and private sector decisionmaking.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior to carry out this section—

(1) $15,000,000 for each of fiscal years 2008 through 2012; and

(2) such sums as are necessary for each of fiscal years 2013 through 2022.

Subtitle B—Prohibitions on Market Manipulation and False Information

SEC. 811. PROHIBITION ON MARKET MANIPULATION.

It is unlawful for any person, directly or indirectly, to use or employ, in connection with the purchase or sale of crude oil gasoline or petroleum distillates at wholesale, any manipulative or deceptive device or contrivance, in contravention of such rules and regulations as the Federal Trade Commission may prescribe as necessary or appropriate in the public interest or for the protection of United States citizens.

SEC. 812. PROHIBITION ON FALSE INFORMATION.

It is unlawful for any person to report information related to the wholesale price of crude oil gasoline or petroleum distillates to a Federal department or agency if—

(1) the person knew, or reasonably should have known, the information to be false or misleading;

(2) the information was required by law to be reported; and

(3) the person intended the false or misleading data to affect data compiled by the department or agency for statistical or analytical purposes with respect to the market for crude oil, gasoline, or petroleum distillates.

SEC. 813. ENFORCEMENT BY THE FEDERAL TRADE COMMISSION.

(a) ENFORCEMENT.—This subtitle shall be enforced by the Federal Trade Commission in the

same manner, by the same means, and with the same jurisdiction as though all applicable terms of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this subtitle.

(b) VIOLATION IS TREATED AS UNFAIR OR DECEPTIVE ACT OR PRACTICE.—The violation of any provision of this subtitle shall be treated as an unfair or deceptive act or practice proscribed under a rule issued under section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

SEC. 814. PENALTIES.

(a) CIVIL PENALTY.—In addition to any penalty applicable under the Federal Trade Commission Act (15 U.S.C. 41 et seq.), any supplier that violates section 811 or 812 shall be punishable by a civil penalty of not more than $1,000,000.

(b) METHOD.—The penalties provided by subsection (a) shall be obtained in the same manner as civil penalties imposed under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(c) MULTIPLE OFFENSES; MITIGATING FACTORS.—In assessing the penalty provided by subsection (a)—

(1) each day of a continuing violation shall be considered a separate violation; and

(2) the court shall take into consideration, among other factors—

(A) the seriousness of the violation; and

(B) the efforts of the person committing the violation to remedy the harm caused by the violation in a timely manner.

SEC. 815. EFFECT ON OTHER LAWS.

(a) OTHER AUTHORITY OF THE COMMISSION.—Nothing in this subtitle limits or affects the authority of the Federal Trade Commission to bring an enforcement action or take any other measure under the Federal Trade Commission Act (15 U.S.C. 41 et seq.) or any other provision of law.

(b) ANTITRUST LAW.—Nothing in this subtitle shall be construed to modify, impair, or supersede the operation of any of the antitrust laws. For purposes of this subsection, the term "antitrust laws" shall have the meaning given it in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12), except that it includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section 5 applies to unfair methods of competition.

(c) STATE LAW.—Nothing in this subtitle preempts any State law.

TITLE IX—INTERNATIONAL ENERGY PROGRAMS

SEC. 901. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Energy and Natural Resources, the Committee on Environment and Public Works of the Senate, and the Committee on Commerce, Science, and Transportation.

(2) CLEAN AND EFFICIENT ENERGY TECHNOLOGY.—The term "clean and efficient energy technology" means an energy supply or end-use technology that, compared to a similar technology already in widespread commercial use in a recipient country, will—

(A) reduce emissions of greenhouse gases; or

(B)(i) increase efficiency of energy production; or

(ii) decrease intensity of energy usage.

(3) GREENHOUSE GAS.—The term "greenhouse gas" means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons; or

(F) sulfur hexafluoride.

Subtitle A—Assistance to Promote Clean and Efficient Energy Technologies in Foreign Countries

SEC. 911. UNITED STATES ASSISTANCE FOR DEVELOPING COUNTRIES.

(a) ASSISTANCE AUTHORIZED.—The Administrator of the United States Agency for International Development shall support policies and programs in developing countries that promote clean and efficient energy technologies—

(1) to produce the necessary market conditions for the private sector delivery of energy and environmental management services;

(2) to create an environment that is conducive to accepting clean and efficient energy technologies that support the overall purpose of reducing greenhouse gas emissions, including—

(A) improving policy, legal, and regulatory frameworks;

(B) increasing institutional abilities to provide energy and environmental management services; and

(C) increasing public awareness and participation in the decision-making of delivering energy and environmental management services; and

(3) to promote the use of American-made clean and efficient energy technologies, products, and energy and environmental management services.

(b) REPORT.—The Administrator of the United States Agency for International Development shall submit to the appropriate congressional committees an annual report on the implementation of this section for each of the fiscal years 2008 through 2012.

(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Administrator of the United States Agency for International Development $200,000,000 for each of the fiscal years 2008 through 2012.

SEC. 912. UNITED STATES EXPORTS AND OUTREACH PROGRAMS FOR INDIA, CHINA, AND OTHER COUNTRIES.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Commerce shall direct the United States and Foreign Commercial Service to expand or create a corps of the Foreign Commercial Service officers to promote United States exports in clean and efficient energy technologies and build the capacity of government officials in India, China, and any other country the Secretary of Commerce determines appropriate, to become more familiar with the available technologies—

(1) by assigning or training Foreign Commercial Service attachés, who have expertise in clean and efficient energy technologies from the United States, to embark on business development and outreach efforts to such countries; and

(2) by deploying the attachés described in paragraph (1) to educate provincial, state, and local government officials in such countries on the variety of United States-based technologies in clean and efficient energy technologies for the purposes of promoting United States exports and reducing global greenhouse gas emissions.

(b) REPORT.—The Secretary of Commerce shall submit to the appropriate congressional committees an annual report on the implementation of this section for each of the fiscal years 2008 through 2012.

(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary for each of the fiscal years 2008 through 2012.

SEC. 913. UNITED STATES TRADE MISSIONS TO ENCOURAGE PRIVATE SECTOR TRADE AND INVESTMENT.

(a) ASSISTANCE AUTHORIZED.—The Secretary of Commerce shall direct the International Trade Administration to expand or create trade missions to and from the United States to encourage private sector trade and investment in clean and efficient energy technologies—

(1) by organizing and facilitating trade missions to foreign countries and by matching United States private sector companies with opportunities in foreign markets so that clean and efficient energy technologies can help to combat increases in global greenhouse gas emissions; and

(2) by creating reverse trade missions in which the Department of Commerce facilitates the meeting of foreign private and public sector organizations with private sector companies in the United States for the purpose of showcasing clean and efficient energy technologies in use or in development that could be exported to other countries.

(b) REPORT.—The Secretary of Commerce shall submit to the appropriate congressional committees an annual report on the implementation of this section for each of the fiscal years 2008 through 2012.

(c) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Secretary of Commerce such sums as may be necessary for each of the fiscal years 2008 through 2012.

SEC. 914. ACTIONS BY OVERSEAS PRIVATE INVESTMENT CORPORATION.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Overseas Private Investment Corporation should promote greater investment in clean and efficient energy technologies by—

(1) proactively reaching out to United States companies that are interested in investing in clean and efficient energy technologies in countries that are significant contributors to global greenhouse gas emissions;

(2) giving preferential treatment to the evaluation and awarding of projects that involve the investment or utilization of clean and efficient energy technologies; and

(3) providing greater flexibility in supporting projects that involve the investment or utilization of clean and efficient energy technologies, including financing, insurance, and other assistance.

(b) REPORT.—The Overseas Private Investment Corporation shall include in its annual report required under section 240A of the Foreign Assistance Act of 1961 (22 U.S.C. 2200a)—

(1) a description of the activities carried out to implement this section; or

(2) if the Corporation did not carry out any activities to implement this section, an explanation of the reasons therefor.

SEC. 915. ACTIONS BY UNITED STATES TRADE AND DEVELOPMENT AGENCY.

(a) ASSISTANCE AUTHORIZED.—The Director of the Trade and Development Agency shall establish or support policies that—

(1) proactively seek opportunities to fund projects that involve the utilization of clean and efficient energy technologies, including in trade capacity building and capital investment projects;

(2) where appropriate, advance the utilization of clean and efficient energy technologies, particularly to countries that have the potential for significant reduction in greenhouse gas emissions; and

(3) recruit and retain individuals with appropriate expertise or experience in clean, renewable, and efficient energy technologies to identify and evaluate opportunities for projects that involve clean and efficient energy technologies and services.

(b) REPORT.—The President shall include in the annual report on the activities of the Trade and Development Agency required under section 661(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2421(d)) a description of the activities carried out to implement this section.

SEC. 916. DEPLOYMENT OF INTERNATIONAL CLEAN AND EFFICIENT ENERGY TECHNOLOGIES AND INVESTMENT IN GLOBAL ENERGY MARKETS.

(a) TASK FORCE.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of this Act, the President shall establish a Task Force on International Cooperation for Clean and Efficient Energy Technologies (in this section referred to as the "Task Force").

(2) COMPOSITION.—The Task Force shall be composed of representatives, appointed by the head of the respective Federal department or agency, of—

(A) the Council on Environmental Quality;

(B) the Department of Energy;

(C) the Department of Commerce;

(D) the Department of the Treasury;

(E) the Department of State;

(F) the Environmental Protection Agency;

(G) the United States Agency for International Development;

(H) the Export-Import Bank of the United States;

(I) the Overseas Private Investment Corporation:

(J) the Trade and Development Agency;

(K) the Small Business Administration;

(L) the Office of the United States Trade Representative; and

(M) other Federal departments and agencies, as determined by the President.

(3) CHAIRPERSON.—The President shall designate a Chairperson or Co-Chairpersons of the Task Force.

(4) DUTIES.—The Task Force—

(A) shall develop and assist in the implementation of the strategy required under subsection (c); and

(B)(i) shall analyze technology, policy, and market opportunities for the development, demonstration, and deployment of clean and efficient energy technologies on an international basis; and

(ii) shall examine relevant trade, tax, finance, international, and other policy issues to assess which policies, in the United States and in developing countries, would help open markets and improve the export of clean and efficient energy technologies from the United States.

(5) TERMINATION.—The Task Force, including any working group established by the Task Force pursuant to subsection (b), shall terminate 12 years after the date of the enactment of this Act.

(b) WORKING GROUPS.—

(1) ESTABLISHMENT.—The Task Force—

(A) shall establish an Interagency Working Group on the Export of Clean and Efficient Energy Technologies (in this section referred to as the "Interagency Working Group"); and

(B) may establish other working groups as may be necessary to carry out this section.

(2) COMPOSITION.—The Interagency Working Group shall be composed of—

(A) the Secretary of Energy, the Secretary of Commerce, and the Secretary of State, who shall serve as Co-Chairpersons of the Interagency Working Group; and

(B) other members, as determined by the Chairperson or Co-Chairpersons of the Task Force.

(3) DUTIES.—The Interagency Working Group shall coordinate the resources and relevant programs of the Department of Energy, the Department of Commerce, the Department of State, and other relevant Federal departments and agencies to support the export of clean and efficient energy technologies developed or demonstrated in the United States to other countries and the deployment of such clean and efficient energy technologies in such other countries.

(4) INTERAGENCY CENTER.—The Interagency Working Group—

(A) shall establish an Interagency Center on the Export of Clean and Efficient Energy Technologies (in this section referred to as the "Interagency Center") to assist the Interagency Working Group in carrying out its duties required under paragraph (3); and

(B) shall locate the Interagency Center at a site agreed upon by the Co-Chairpersons of the Interagency Working Group, with the approval of Chairperson or Co-Chairpersons of the Task Force.

(c) STRATEGY.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Task Force shall develop and submit to the President and the appropriate congressional committees a strategy to—

(A) support the development and implementation of programs, policies, and initiatives in developing countries to promote the adoption and deployment of clean and efficient energy technologies, with an emphasis on those developing countries that are expected to experience the most significant growth in energy production and use over the next 20 years;

(B) open and expand clean and efficient energy technology markets and facilitate the export of clean and efficient energy technologies to developing countries, in a manner consistent with United States obligations as member of the World Trade Organization;

(C) integrate into the foreign policy objectives of the United States the promotion of—

(i) the deployment of clean and efficient energy technologies and the reduction of greenhouse gas emissions in developing countries; and

(ii) the export of clean and efficient energy technologies; and

(D) develop financial mechanisms and instruments, including securities that mitigate the political and foreign exchange risks of uses that are consistent with the foreign policy objectives of the United States by combining the private sector market and government enhancements, that—

(i) are cost-effective; and

(ii) facilitate private capital investment in clean and efficient energy technology projects in developing countries.

(2) UPDATES.—Not later than 3 years after the date of submission of the strategy under paragraph (1), and every 3 years thereafter, the Task Force shall update the strategy in accordance with the requirements of paragraph (1).

(d) REPORT.—

(1) IN GENERAL.—Not later than 3 years after the date of submission of the strategy under subsection (c)(1), and every 3 years thereafter, the President shall transmit to the appropriate congressional committees a report on the implementation of this section for the prior 3-year period.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include the following:

(A) The update of the strategy required under subsection (c)(2) and a description of the actions taken by the Task Force to assist in the implementation of the strategy.

(B) A description of actions taken by the Task Force to carry out the duties required under subsection (a)(4)(B).

(C) A description of assistance provided under this section.

(D) The results of programs, projects, and activities carried out under this section.

(E) A description of priorities for promoting the diffusion and adoption of clean and efficient energy technologies and strategies in developing countries, taking into account economic and security interests of the United States and opportunities for the export of technology of the United States.

(F) Recommendations to the heads of appropriate Federal departments and agencies on methods to streamline Federal programs and policies to improve the role of such Federal departments and agencies in the development, demonstration, and deployment of clean and efficient energy technologies on an international basis.

(G) Strategies to integrate representatives of the private sector and other interested groups on the export and deployment of clean and efficient energy technologies.

(H) A description of programs to disseminate information to the private sector and the public on clean and efficient energy technologies and opportunities to transfer such clean and efficient energy technologies.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2020.

SEC. 917. UNITED STATES-ISRAEL ENERGY COOPERATION.

(a) FINDINGS.—Congress finds that—

(1) it is in the highest national security interests of the United States to develop renewable energy sources;

(2) the State of Israel is a steadfast ally of the United States;

(3) the special relationship between the United States and Israel is manifested in a variety of cooperative scientific research and development programs, such as—

(A) the United States-Israel Binational Science Foundation; and

(B) the United States-Israel Binational Industrial Research and Development Foundation;

(4) those programs have made possible many scientific, technological, and commercial breakthroughs in the fields of life sciences, medicine, bioengineering, agriculture, biotechnology, communications, and others;

(5) on February 1, 1996, the Secretary of Energy (referred to in this section as the "Secretary") and the Israeli Minister of Energy and Infrastructure signed an agreement to establish a framework for collaboration between the United States and Israel in energy research and development activities;

(6) Israeli scientists and engineers are at the forefront of research and development in the field of renewable energy sources; and

(7) enhanced cooperation between the United States and Israel for the purpose of research and development of renewable energy sources would be in the national interests of both countries.

(b) GRANT PROGRAM.—

(1) ESTABLISHMENT.—In implementing the agreement entitled the "Agreement between the Department of Energy of the United States of America and the Ministry of Energy and Infrastructure of Israel Concerning Energy Cooperation", dated February 1, 1996, the Secretary shall establish a grant program in accordance with the requirements of sections 988 and 989 of the Energy Policy Act of 2005 (42 U.S.C. 16352, 16353) to support research, development, and commercialization of renewable energy or energy efficiency.

(2) TYPES OF ENERGY.—In carrying out paragraph (1), the Secretary may make grants to promote—

(A) solar energy;

(B) biomass energy;

(C) energy efficiency;

(D) wind energy;

(E) geothermal energy;

(F) wave and tidal energy; and

(G) advanced battery technology.

(3) ELIGIBLE APPLICANTS.—An applicant shall be eligible to receive a grant under this subsection if the project of the applicant—

(A) addresses a requirement in the area of improved energy efficiency or renewable energy sources, as determined by the Secretary; and

(B) is a joint venture between—

(i)(I) a for-profit business entity, academic institution, National Laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)), or nonprofit entity in the United States; and

(II) a for-profit business entity, academic institution, or nonprofit entity in Israel; or

(ii)(I) the Federal Government; and

(II) the Government of Israel.

(4) APPLICATIONS.—To be eligible to receive a grant under this subsection, an applicant shall submit to the Secretary an application for the grant in accordance with procedures established by the Secretary, in consultation with the advisory board established under paragraph (5).

(5) ADVISORY BOARD.—

(A) ESTABLISHMENT.—The Secretary shall establish an advisory board—

(i) to monitor the method by which grants are awarded under this subsection; and

(ii) to provide to the Secretary periodic performance reviews of actions taken to carry out this subsection.

(B) COMPOSITION.—The advisory board established under subparagraph (A) shall be composed of 3 members, to be appointed by the Secretary, of whom—

(i) 1 shall be a representative of the Federal Government;

(ii) 1 shall be selected from a list of nominees provided by the United States-Israel Binational Science Foundation; and

(iii) 1 shall be selected from a list of nominees provided by the United States-Israel Binational Industrial Research and Development Foundation.

(6) CONTRIBUTED FUNDS.—Notwithstanding section 3302 of title 31, United States Code, the Secretary may accept, retain, and use funds contributed by any person, government entity, or organization for purposes of carrying out this subsection—

(A) without further appropriation; and

(B) without fiscal year limitation.

(7) REPORT.—Not later than 180 days after the date of completion of a project for which a grant is provided under this subsection, the grant recipient shall submit to the Secretary a report that contains—

(A) a description of the method by which the recipient used the grant funds; and

(B) an evaluation of the level of success of each project funded by the grant.

(8) CLASSIFICATION.—Grants shall be awarded under this subsection only for projects that are considered to be unclassified by both the United States and Israel.

(c) TERMINATION.—The grant program and the advisory committee established under this section terminate on the date that is 7 years after the date of enactment of this Act.

(d) AUTHORIZATION OF APPROPRIATIONS.—The Secretary shall use amounts authorized to be appropriated under section 931 of the Energy Policy Act of 2005 (42 U.S.C. 16231) to carry out this section.

Subtitle B—International Clean Energy Foundation

SEC. 921. DEFINITIONS.

In this subtitle:

(1) BOARD.—The term "Board" means the Board of Directors of the Foundation established pursuant to section 922(c).

(2) CHIEF EXECUTIVE OFFICER.—The term "Chief Executive Officer" means the chief executive officer of the Foundation appointed pursuant to section 922(b).

(3) FOUNDATION.—The term "Foundation" means the International Clean Energy Foundation established by section 922(a).

SEC. 922. ESTABLISHMENT AND MANAGEMENT OF FOUNDATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the executive branch a foundation to be known as the "International Clean Energy Foundation" that shall be responsible for carrying out the provisions of this subtitle. The Foundation shall be a government corporation, as defined in section 103 of title 5, United States Code.

(2) BOARD OF DIRECTORS.—The Foundation shall be governed by a Board of Directors in accordance with subsection (c).

(3) INTENT OF CONGRESS.—It is the intent of Congress, in establishing the structure of the Foundation set forth in this subsection, to create an entity that serves the long-term foreign policy and energy security goals of reducing global greenhouse gas emissions.

(b) CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—There shall be in the Foundation a Chief Executive Officer who shall be responsible for the management of the Foundation.

(2) APPOINTMENT.—The Chief Executive Officer shall be appointed by the Board, with the advice and consent of the Senate, and shall be a recognized leader in clean and efficient energy technologies and climate change and shall have experience in energy security, business, or foreign policy, chosen on the basis of a rigorous search.

(3) RELATIONSHIP TO BOARD.—The Chief Executive Officer shall report to, and be under the direct authority of, the Board.

(4) COMPENSATION AND RANK.—

(A) IN GENERAL.—The Chief Executive Officer shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

(B) AMENDMENT.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

"Chief Executive Officer, International Clean Energy Foundation.".

(C) AUTHORITIES AND DUTIES.—The Chief Executive Officer shall be responsible for the management of the Foundation and shall exercise the powers and discharge the duties of the Foundation.

(D) AUTHORITY TO APPOINT OFFICERS.—In consultation and with approval of the Board, the Chief Executive Officer shall appoint all officers of the Foundation.

(c) BOARD OF DIRECTORS.—

(1) ESTABLISHMENT.—There shall be in the Foundation a Board of Directors.

(2) DUTIES.—The Board shall perform the functions specified to be carried out by the Board in this subtitle and may prescribe, amend, and repeal bylaws, rules, regulations, and procedures governing the manner in which the business of the Foundation may be conducted and in which the powers granted to it by law may be exercised.

(3) MEMBERSHIP.—The Board shall consist of—

(A) the Secretary of State (or the Secretary's designee), the Secretary of Energy (or the Secretary's designee), and the Administrator of the United States Agency for International Development (or the Administrator's designee); and

(B) four other individuals with relevant experience in matters relating to energy security (such as individuals who represent institutions of energy policy, business organizations, foreign policy organizations, or other relevant organizations) who shall be appointed by the President, by and with the advice and consent of the Senate, of whom—

(i) one individual shall be appointed from among a list of individuals submitted by the majority leader of the House of Representatives;

(ii) one individual shall be appointed from among a list of individuals submitted by the minority leader of the House of Representatives;

(iii) one individual shall be appointed from among a list of individuals submitted by the majority leader of the Senate; and

(iv) one individual shall be appointed from among a list of individuals submitted by the minority leader of the Senate.

(4) CHIEF EXECUTIVE OFFICER.—The Chief Executive Officer of the Foundation shall serve as a nonvoting, ex officio member of the Board.

(5) TERMS.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—Each member of the Board described in paragraph (3)(A) shall serve for a term that is concurrent with the term of service of the individual's position as an officer within the other Federal department or agency.

(B) OTHER MEMBERS.—Each member of the Board described in paragraph (3)(B) shall be appointed for a term of 3 years and may be reappointed for a term of an additional 3 years.

(C) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(D) ACTING MEMBERS.—A vacancy in the Board may be filled with an appointment of an acting member by the Chairperson of the Board for up to 1 year while a nominee is named and awaits confirmation in accordance with paragraph (3)(B).

(6) CHAIRPERSON.—There shall be a Chairperson of the Board. The Secretary of State (or the Secretary's designee) shall serve as the Chairperson.

(7) QUORUM.—A majority of the members of the Board described in paragraph (3) shall constitute a quorum, which, except with respect to a meeting of the Board during the 135-day period beginning on the date of the enactment of this Act, shall include at least 1 member of the Board described in paragraph (3)(B).

(8) MEETINGS.—The Board shall meet at the call of the Chairperson, who shall call a meeting no less than once a year.

(9) COMPENSATION.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—

(i) IN GENERAL.—A member of the Board described in paragraph (3)(A) may not receive additional pay, allowances, or benefits by reason of the member's service on the Board.

(ii) TRAVEL EXPENSES.—Each such member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(B) OTHER MEMBERS.—

(i) IN GENERAL.—Except as provided in clause (ii), a member of the Board described in paragraph (3)(B)—

(I) shall be paid compensation out of funds made available for the purposes of this subtitle at the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Board; and

(II) while away from the member's home or regular place of business on necessary travel in the actual performance of duties as a member of the Board, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(ii) LIMITATION.—A member of the Board may not be paid compensation under clause (i)(II) for more than 90 days in any calendar year.

SEC. 923. DUTIES OF FOUNDATION.

The Foundation shall—

(1) use the funds authorized by this subtitle to make grants to promote projects outside of the United States that serve as models of how to significantly reduce the emissions of global greenhouse gases through clean and efficient energy technologies, processes, and services;

(2) seek contributions from foreign governments, especially those rich in energy resources

such as member countries of the Organization of the Petroleum Exporting Countries, and private organizations to supplement funds made available under this subtitle;

(3) harness global expertise through collaborative partnerships with foreign governments and domestic and foreign private actors, including nongovernmental organizations and private sector companies, by leveraging public and private capital, technology, expertise, and services towards innovative models that can be instituted to reduce global greenhouse gas emissions;

(4) create a repository of information on best practices and lessons learned on the utilization and implementation of clean and efficient energy technologies and processes to be used for future initiatives to tackle the climate change crisis;

(5) be committed to minimizing administrative costs and to maximizing the availability of funds for grants under this subtitle; and

(6) promote the use of American-made clean and efficient energy technologies, processes, and services by giving preference to entities incorporated in the United States and whose technology will be substantially manufactured in the United States.

SEC. 924. ANNUAL REPORT.

(a) REPORT REQUIRED.—Not later than March 31, 2008, and each March 31 thereafter, the Foundation shall submit to the appropriate congressional committees a report on the implementation of this subtitle during the prior fiscal year.

(b) CONTENTS.—The report required by subsection (a) shall include—

(1) the total financial resources available to the Foundation during the year, including appropriated funds, the value and source of any gifts or donations accepted pursuant to section 925(a)(6), and any other resources;

(2) a description of the Board's policy priorities for the year and the basis upon which competitive grant proposals were solicited and awarded to nongovernmental institutions and other organizations;

(3) a list of grants made to nongovernmental institutions and other organizations that includes the identity of the institutional recipient, the dollar amount, and the results of the program; and

(4) the total administrative and operating expenses of the Foundation for the year, as well as specific information on—

(A) the number of Foundation employees and the cost of compensation for Board members, Foundation employees, and personal service contractors;

(B) costs associated with securing the use of real property for carrying out the functions of the Foundation;

(C) total travel expenses incurred by Board members and Foundation employees in connection with Foundation activities; and

(D) total representational expenses.

SEC. 925. POWERS OF THE FOUNDATION; RELATED PROVISIONS.

(a) POWERS.—The Foundation—

(1) shall have perpetual succession unless dissolved by a law enacted after the date of the enactment of this Act;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may make and perform such contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Foundation;

(4) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(5) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Foundation;

(6) may accept money, funds, services, or property (real, personal, or mixed), tangible or intangible, made available by gift, bequest grant, or otherwise for the purpose of carrying out the provisions of this title from domestic or foreign private individuals, charities, nongovernmental organizations, corporations, or governments;

(7) may use the United States mails in the same manner and on the same conditions as the executive departments;

(8) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(9) may hire or obtain passenger motor vehicles; and

(10) shall have such other powers as may be necessary and incident to carrying out this subtitle.

(b) PRINCIPAL OFFICE.—The Foundation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

(c) APPLICABILITY OF GOVERNMENT CORPORATION CONTROL ACT.—

(1) IN GENERAL.—The Foundation shall be subject to chapter 91 of subtitle VI of title 31, United States Code, except that the Foundation shall not be authorized to issue obligations or offer obligations to the public.

(2) CONFORMING AMENDMENT.—Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

"(R) the International Clean Energy Foundation.".

(d) INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of State shall serve as Inspector General of the Foundation, and, in acting in such capacity, may conduct reviews, investigations, and inspections of all aspects of the operations and activities of the Foundation.

(2) AUTHORITY OF THE BOARD.—In carrying out the responsibilities under this subsection, the Inspector General shall report to and be under the general supervision of the Board.

(3) REIMBURSEMENT AND AUTHORIZATION OF SERVICES.—

(A) REIMBURSEMENT.—The Foundation shall reimburse the Department of State for all expenses incurred by the Inspector General in connection with the Inspector General's responsibilities under this subsection.

(B) AUTHORIZATION FOR SERVICES.—Of the amount authorized to be appropriated under section 927(a) for a fiscal year, up to $500,000 is authorized to be made available to the Inspector General of the Department of State to conduct reviews, investigations, and inspections of operations and activities of the Foundation.

SEC. 926. GENERAL PERSONNEL AUTHORITIES.

(a) DETAIL OF PERSONNEL.—Upon request of the Chief Executive Officer, the head of an agency may detail any employee of such agency to the Foundation on a reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

(b) REEMPLOYMENT RIGHTS.—

(1) IN GENERAL.—An employee of an agency who is serving under a career or career conditional appointment (or the equivalent), and who, with the consent of the head of such agency, transfers to the Foundation, is entitled to be reemployed in such employee's former position or a position of like seniority, status, and pay in such agency, if such employee—

(A) is separated from the Foundation for any reason, other than misconduct, neglect of duty, or malfeasance; and

(B) applies for reemployment not later than 90 days after the date of separation from the Foundation.

(2) SPECIFIC RIGHTS.—An employee who satisfies paragraph (1) is entitled to be reemployed (in accordance with such paragraph) within 30 days after applying for reemployment and, on reemployment, is entitled to at least the rate of basic pay to which such employee would have been entitled had such employee never transferred.

(c) HIRING AUTHORITY.—Of persons employed by the Foundation, no more than 30 persons may be appointed, compensated, or removed without regard to the civil service laws and regulations.

(d) BASIC PAY.—The Chief Executive Officer may fix the rate of basic pay of employees of the Foundation without regard to the provisions of chapter 51 of title 5, United States Code (relating to the classification of positions), subchapter III of chapter 53 of such title (relating to General Schedule pay rates), except that no employee of the Foundation may receive a rate of basic pay that exceeds the rate for level IV of the Executive Schedule under section 5315 of such title.

(e) DEFINITIONS.—In this section—

(1) the term "agency" means an executive agency, as defined by section 105 of title 5, United States Code; and

(2) the term "detail" means the assignment or loan of an employee, without a change of position, from the agency by which such employee is employed to the Foundation.

SEC. 927. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subtitle, there are authorized to be appropriated $20,000,000 for each of the fiscal years 2009 through 2013.

(b) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Foundation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this subtitle. Such funds shall be available for obligation and expenditure for the purposes for which the funds were authorized, in accordance with authority granted in this subtitle or under authority governing the activities of the United States Government agency to which such funds are allocated or transferred.

(2) NOTIFICATION.—The Foundation shall notify the appropriate congressional committees not less than 15 days prior to an allocation or transfer of funds pursuant to paragraph (1).

Subtitle C—Miscellaneous Provisions

SEC. 931. ENERGY DIPLOMACY AND SECURITY WITHIN THE DEPARTMENT OF STATE.

(a) STATE DEPARTMENT COORDINATOR FOR INTERNATIONAL ENERGY AFFAIRS.—

(1) IN GENERAL.—The Secretary of State should ensure that energy security is integrated into the core mission of the Department of State.

(2) COORDINATOR FOR INTERNATIONAL ENERGY AFFAIRS.—There is established within the Office of the Secretary of State a Coordinator for International Energy Affairs, who shall be responsible for—

(A) representing the Secretary of State in interagency efforts to develop the international energy policy of the United States;

(B) ensuring that analyses of the national security implications of global energy and environmental developments are reflected in the decision making process within the Department of State;

(C) incorporating energy security priorities into the activities of the Department of State;

(D) coordinating energy activities of the Department of State with relevant Federal agencies; and

(E) coordinating energy security and other relevant functions within the Department of State currently undertaken by offices within—

(i) the Bureau of Economic, Energy and Business Affairs;

(ii) the Bureau of Oceans and International Environmental and Scientific Affairs; and

(iii) other offices within the Department of State.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

(b) ENERGY EXPERTS IN KEY EMBASSIES.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that includes—

(1) a description of the Department of State personnel who are dedicated to energy matters and are stationed at embassies and consulates in countries that are major energy producers or consumers;

(2) an analysis of the need for Federal energy specialist personnel in United States embassies and other United States diplomatic missions; and

(3) recommendations for increasing energy expertise within United States embassies among foreign service officers and options for assigning to such embassies energy attachés from the National Laboratories or other agencies within the Department of Energy.

(c) ENERGY ADVISORS.—The Secretary of Energy may make appropriate arrangements with the Secretary of State to assign personnel from the Department of Energy or the National Laboratories of the Department of Energy to serve as dedicated advisors on energy matters in embassies of the United States or other United States diplomatic missions.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, and every 2 years thereafter for the following 20 years, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives that describes—

(1) the energy-related activities being conducted by the Department of State, including activities within—

(A) the Bureau of Economic, Energy and Business Affairs;

(B) the Bureau of Oceans and Environmental and Scientific Affairs; and

(C) other offices within the Department of State;

(2) the amount of funds spent on each activity within each office described in paragraph (1); and

(3) the number and qualification of personnel in each embassy (or relevant foreign posting) of the United States whose work is dedicated exclusively to energy matters.

SEC. 932. NATIONAL SECURITY COUNCIL REORGANIZATION.

Section 101(a) of the National Security Act of 1947 (50 U.S.C. 402(a)) is amended—

(1) by redesignating paragraphs (5), (6), and (7) as paragraphs (6), (7), and (8), respectively; and

(2) by inserting after paragraph (4) the following:

"(5) the Secretary of Energy;".

SEC. 933. ANNUAL NATIONAL ENERGY SECURITY STRATEGY REPORT.

(a) REPORTS.—

(1) IN GENERAL.—Subject to paragraph (2), on the date on which the President submits to Congress the budget for the following fiscal year under section 1105 of title 31, United States Code, the President shall submit to Congress a comprehensive report on the national energy security of the United States.

(2) NEW PRESIDENTS.—In addition to the reports required under paragraph (1), the President shall submit a comprehensive report on the national energy security of the United States by not later than 150 days after the date on which the President assumes the office of President after a presidential election.

(b) CONTENTS.—Each report under this section shall describe the national energy security strategy of the United States, including a comprehensive description of—

(1) the worldwide interests, goals, and objectives of the United States that are vital to the national energy security of the United States;

(2) the foreign policy, worldwide commitments, and national defense capabilities of the United States necessary—

(A) to deter political manipulation of world energy resources; and

(B) to implement the national energy security strategy of the United States;

(3) the proposed short-term and long-term uses of the political, economic, military, and other authorities of the United States—

(A) to protect or promote energy security; and

(B) to achieve the goals and objectives described in paragraph (1);

(4) the adequacy of the capabilities of the United States to protect the national energy security of the United States, including an evaluation of the balance among the capabilities of all elements of the national authority of the United States to support the implementation of the national energy security strategy; and

(5) such other information as the President determines to be necessary to inform Congress on matters relating to the national energy security of the United States.

(c) CLASSIFIED AND UNCLASSIFIED FORM.—Each national energy security strategy report shall be submitted to Congress in—

(1) a classified form; and

(2) an unclassified form.

SEC. 934. CONVENTION ON SUPPLEMENTARY COMPENSATION FOR NUCLEAR DAMAGE CONTINGENT COST ALLOCATION.

(a) FINDINGS AND PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) (commonly known as the "Price-Anderson Act")—

(i) provides a predictable legal framework necessary for nuclear projects; and

(ii) ensures prompt and equitable compensation in the event of a nuclear incident in the United States;

(B) the Price-Anderson Act, in effect, provides operators of nuclear powerplants with insurance for damage arising out of a nuclear incident and funds the insurance primarily through the assessment of a retrospective premium from each operator after the occurrence of a nuclear incident;

(C) the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997, will establish a global system—

(i) to provide a predictable legal framework necessary for nuclear energy projects; and

(ii) to ensure prompt and equitable compensation in the event of a nuclear incident;

(D) the Convention benefits United States nuclear suppliers that face potentially unlimited liability for nuclear incidents that are not covered by the Price-Anderson Act by replacing a potentially open-ended liability with a predictable liability regime that, in effect, provides nuclear suppliers with insurance for damage arising out of such an incident;

(E) the Convention also benefits United States nuclear facility operators that may be publicly liable for a Price-Anderson incident by providing an additional early source of funds to compensate damage arising out of the Price-Anderson incident;

(F) the combined operation of the Convention, the Price-Anderson Act, and this section will augment the quantity of assured funds available for victims in a wider variety of nuclear incidents while reducing the potential liability of United States suppliers without increasing potential costs to United States operators;

(G) the cost of those benefits is the obligation of the United States to contribute to the supplementary compensation fund established by the Convention;

(H) any such contribution should be funded in a manner that does not—

(i) upset settled expectations based on the liability regime established under the Price-Anderson Act; or

(ii) shift to Federal taxpayers liability risks for nuclear incidents at foreign installations;

(I) with respect to a Price-Anderson incident, funds already available under the Price-Anderson Act should be used; and

(J) with respect to a nuclear incident outside the United States not covered by the Price-Anderson Act, a retrospective premium should be prorated among nuclear suppliers relieved from potential liability for which insurance is not available.

(2) PURPOSE.—The purpose of this section is to allocate the contingent costs associated with participation by the United States in the international nuclear liability compensation system established by the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997—

(A) with respect to a Price-Anderson incident, by using funds made available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) to cover the contingent costs in a manner that neither increases the burdens nor decreases the benefits under section 170 of that Act; and

(B) with respect to a covered incident outside the United States that is not a Price-Anderson incident, by allocating the contingent costs equitably, on the basis of risk, among the class of nuclear suppliers relieved by the Convention from the risk of potential liability resulting from any covered incident outside the United States.

(b) DEFINITIONS.—In this section:

(1) COMMISSION.—The term "Commission" means the Nuclear Regulatory Commission.

(2) CONTINGENT COST.—The term "contingent cost" means the cost to the United States in the event of a covered incident the amount of which is equal to the amount of funds the United States is obligated to make available under paragraph 1(b) of Article III of the Convention.

(3) CONVENTION.—The term "Convention" means the Convention on Supplementary Compensation for Nuclear Damage, done at Vienna on September 12, 1997.

(4) COVERED INCIDENT.—The term "covered incident" means a nuclear incident the occurrence of which results in a request for funds pursuant to Article VII of the Convention.

(5) COVERED INSTALLATION.—The term "covered installation" means a nuclear installation at which the occurrence of a nuclear incident could result in a request for funds under Article VII of the Convention.

(6) COVERED PERSON.—

(A) IN GENERAL.—The term "covered person" means—

(i) a United States person; and

(ii) an individual or entity (including an agency or instrumentality of a foreign country) that—

(I) is located in the United States; or

(II) carries out an activity in the United States.

(B) EXCLUSIONS.—The term "covered person" does not include—

(i) the United States; or

(ii) any agency or instrumentality of the United States.

(7) NUCLEAR SUPPLIER.—The term "nuclear supplier" means a covered person (or a successor in interest of a covered person) that—

(A) supplies facilities, equipment, fuel, services, or technology pertaining to the design, construction, operation, or decommissioning of a covered installation; or

(B) transports nuclear materials that could result in a covered incident.

(8) PRICE-ANDERSON INCIDENT.—The term "Price-Anderson incident" means a covered incident for which section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) would make funds available to compensate for public liability (as defined in section 11 of that Act (42 U.S.C. 2014)).

(9) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(10) UNITED STATES.—

(A) IN GENERAL.—The term "United States" has the meaning given the term in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014).

(B) INCLUSIONS.—The term "United States" includes—

(i) the Commonwealth of Puerto Rico;

(ii) any other territory or possession of the United States;

(iii) the Canal Zone; and

(iv) the waters of the United States territorial sea under Presidential Proclamation Number 5928, dated December 27, 1988 (43 U.S.C. 1331 note).

(11) UNITED STATES PERSON.—The term "United States person" means—

(A) any individual who is a resident, national, or citizen of the United States (other than an individual residing outside of the United States and employed by a person who is not a United States person); and

(B) any corporation, partnership, association, joint stock company, business trust, unincorporated organization, or sole proprietorship that is organized under the laws of the United States.

(c) USE OF PRICE-ANDERSON FUNDS.—

(1) IN GENERAL.—Funds made available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) shall be used to cover the contingent cost resulting from any Price-Anderson incident.

(2) EFFECT.—The use of funds pursuant to paragraph (1) shall not reduce the limitation on public liability established under section 170 e. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)).

(d) EFFECT ON AMOUNT OF PUBLIC LIABILITY.—

(1) IN GENERAL.—Funds made available to the United States under Article VII of the Convention with respect to a Price-Anderson incident shall be used to satisfy public liability resulting from the Price-Anderson incident.

(2) AMOUNT.—The amount of public liability allowable under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) relating to a Price-Anderson incident under paragraph (1) shall be increased by an amount equal to the difference between—

(A) the amount of funds made available for the Price-Anderson incident under Article VII of the Convention; and

(B) the amount of funds used under subsection (c) to cover the contingent cost resulting from the Price-Anderson incident.

(e) RETROSPECTIVE RISK POOLING PROGRAM.—

(1) IN GENERAL.—Except as provided under paragraph (2), each nuclear supplier shall participate in a retrospective risk pooling program in accordance with this section to cover the contingent cost resulting from a covered incident outside the United States that is not a Price-Anderson incident.

(2) DEFERRED PAYMENT.—

(A) IN GENERAL.—The obligation of a nuclear supplier to participate in the retrospective risk pooling program shall be deferred until the United States is called on to provide funds pursuant to Article VII of the Convention with respect to a covered incident that is not a Price-Anderson incident.

(B) AMOUNT OF DEFERRED PAYMENT.—The amount of a deferred payment of a nuclear supplier under subparagraph (A) shall be based on the risk-informed assessment formula determined under subparagraph (C).

(C) RISK-INFORMED ASSESSMENT FORMULA.—

(i) IN GENERAL.—Not later than 3 years after the date of the enactment of this Act, and every 5 years thereafter, the Secretary shall, by regulation, determine the risk-informed assessment formula for the allocation among nuclear suppliers of the contingent cost resulting from a covered incident that is not a Price-Anderson incident, taking into account risk factors such as—

(I) the nature and intended purpose of the goods and services supplied by each nuclear supplier to each covered installation outside the United States;

(II) the quantity of the goods and services supplied by each nuclear supplier to each covered installation outside the United States;

(III) the hazards associated with the supplied goods and services if the goods and services fail to achieve the intended purposes;

(IV) the hazards associated with the covered installation outside the United States to which the goods and services are supplied;

(V) the legal, regulatory, and financial infrastructure associated with the covered installation outside the United States to which the goods and services are supplied; and

(VI) the hazards associated with particular forms of transportation.

(ii) FACTORS FOR CONSIDERATION.—In determining the formula, the Secretary may—

(I) exclude—

(aa) goods and services with negligible risk;

(bb) classes of goods and services not intended specifically for use in a nuclear installation;

(cc) a nuclear supplier with a de minimis share of the contingent cost; and

(dd) a nuclear supplier no longer in existence for which there is no identifiable successor; and

(II) establish the period on which the risk assessment is based.

(iii) APPLICATION.—In applying the formula, the Secretary shall not consider any covered installation or transportation for which funds would be available under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210).

(iv) REPORT.—Not later than 5 years after the date of the enactment of this Act, and every 5 years thereafter, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on whether there is a need for continuation or amendment of this section, taking into account the effects of the implementation of the Convention on the United States nuclear industry and suppliers.

(f) REPORTING.—

(1) COLLECTION OF INFORMATION.—

(A) IN GENERAL.—The Secretary may collect information necessary for developing and implementing the formula for calculating the deferred payment of a nuclear supplier under subsection (e)(2).

(B) PROVISION OF INFORMATION.—Each nuclear supplier and other appropriate persons shall make available to the Secretary such information, reports, records, documents, and other data as the Secretary determines, by regulation, to be necessary or appropriate to develop and implement the formula under subsection (e)(2)(C).

(2) PRIVATE INSURANCE.—The Secretary shall make available to nuclear suppliers, and insurers of nuclear suppliers, information to support the voluntary establishment and maintenance of private insurance against any risk for which nuclear suppliers may be required to pay deferred payments under this section.

(g) EFFECT ON LIABILITY.—Nothing in any other law (including regulations) limits liability for a covered incident to an amount equal to less than the amount prescribed in paragraph 1(a) of Article IV of the Convention, unless the law—

(1) specifically refers to this section; and

(2) explicitly repeals, alters, amends, modifies, impairs, displaces, or supersedes the effect of this subsection.

(h) PAYMENTS TO AND BY THE UNITED STATES.—

(1) ACTION BY NUCLEAR SUPPLIERS.—

(A) NOTIFICATION.—In the case of a request for funds under Article VII of the Convention resulting from a covered incident that is not a Price-Anderson incident, the Secretary shall notify each nuclear supplier of the amount of the deferred payment required to be made by the nuclear supplier.

(B) PAYMENTS.—

(i) IN GENERAL.—Except as provided under clause (ii), not later than 60 days after receipt of a notification under subparagraph (A), a nuclear supplier shall pay to the general fund of the Treasury the deferred payment of the nuclear supplier required under subparagraph (A).

(ii) ANNUAL PAYMENTS.—A nuclear supplier may elect to prorate payment of the deferred payment required under subparagraph (A) in 5 equal annual payments (including interest on the unpaid balance at the prime rate prevailing at the time the first payment is due).

(C) VOUCHERS.—A nuclear supplier shall submit payment certification vouchers to the Secretary of the Treasury in accordance with section 3325 of title 31, United States Code.

(2) USE OF FUNDS.—

(A) IN GENERAL.—Amounts paid into the Treasury under paragraph (1) shall be available to the Secretary of the Treasury, without further appropriation and without fiscal year limitation, for the purpose of making the contributions of public funds required to be made by the United States under the Convention.

(B) ACTION BY SECRETARY OF TREASURY.—The Secretary of the Treasury shall pay the contribution required under the Convention to the court of competent jurisdiction under Article XIII of the Convention with respect to the applicable covered incident.

(3) FAILURE TO PAY.—If a nuclear supplier fails to make a payment required under this subsection, the Secretary may take appropriate action to recover from the nuclear supplier—

(A) the amount of the payment due from the nuclear supplier;

(B) any applicable interest on the payment; and

(C) a penalty of not more than twice the amount of the deferred payment due from the nuclear supplier.

(i) LIMITATION ON JUDICIAL REVIEW; CAUSE OF ACTION.—

(1) LIMITATION ON JUDICIAL REVIEW.—

(A) IN GENERAL.—In any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, any appeal or review by writ of mandamus or otherwise with respect to a nuclear incident that is not a Price-Anderson incident shall be in accordance with chapter 83 of title 28, United States Code, except that the appeal or review shall occur in the United States Court of Appeals for the District of Columbia Circuit.

(B) SUPREME COURT JURISDICTION.—Nothing in this paragraph affects the jurisdiction of the Supreme Court of the United States under chapter 81 of title 28, United States Code.

(2) CAUSE OF ACTION.—

(A) IN GENERAL.—Subject to subparagraph (B), in any civil action arising under the Convention over which Article XIII of the Convention grants jurisdiction to the courts of the United States, in addition to any other cause of action that may exist, an individual or entity shall have a cause of action against the operator to recover for nuclear damage suffered by the individual or entity.

(B) REQUIREMENT.—Subparagraph (A) shall apply only if the individual or entity seeks a remedy for nuclear damage (as defined in Article I of the Convention) that was caused by a nuclear incident (as defined in Article I of the Convention) that is not a Price-Anderson incident.

(C) SAVINGS PROVISION.—Nothing in this paragraph may be construed to limit, modify, extinguish, or otherwise affect any cause of action that would have existed in the absence of enactment of this paragraph.

(j) RIGHT OF RECOURSE.—This section does not provide to an operator of a covered installation any right of recourse under the Convention.

(k) PROTECTION OF SENSITIVE UNITED STATES INFORMATION.—Nothing in the Convention or this section requires the disclosure of—

(1) any data that, at any time, was Restricted Data (as defined in section 11 of the Atomic Energy Act of 1954 (42 U.S.C. 2014));

(2) information relating to intelligence sources or methods protected by section 102A(i) of the National Security Act of 1947 (50 U.S.C. 403–1(i)); or

(3) national security information classified under Executive Order 12958 (50 U.S.C. 435 note; relating to classified national security information) (or a successor Executive Order or regulation).

(l) REGULATIONS.—

(1) IN GENERAL.—The Secretary or the Commission, as appropriate, may prescribe regulations to carry out section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this section.

(2) REQUIREMENT.—Rules prescribed under this subsection shall ensure, to the maximum extent practicable, that—

(A) the implementation of section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210) and this section is consistent and equitable; and

(B) the financial and operational burden on a Commission licensee in complying with section 170 of that Act is not greater as a result of the enactment of this section.

(3) APPLICABILITY OF PROVISION.—Section 553 of title 5, United States Code, shall apply with respect to the promulgation of regulations under this subsection.

(4) EFFECT OF SUBSECTION.—The authority provided under this subsection is in addition to, and does not impair or otherwise affect, any other authority of the Secretary or the Commission to prescribe regulations.

(m) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 935. TRANSPARENCY IN EXTRACTIVE INDUSTRIES RESOURCE PAYMENTS.

(a) PURPOSE.—The purpose of this section is to—

(1) ensure greater United States energy security by combating corruption in the governments of foreign countries that receive revenues from the sale of their natural resources; and

(2) enhance the development of democracy and increase political and economic stability in such resource rich foreign countries.

(b) STATEMENT OF POLICY.—It is the policy of the United States—

(1) to increase energy security by promoting anti-corruption initiatives in oil and natural gas rich countries; and

(2) to promote global energy security through promotion of programs such as the Extractive Industries Transparency Initiative (EITI) that seek to instill transparency and accountability into extractive industries resource payments.

(c) SENSE OF CONGRESS.—It is the sense of Congress that the United States should further global energy security and promote democratic development in resource-rich foreign countries by—

(1) encouraging further participation in the EITI by eligible countries and companies; and

(2) promoting the efficacy of the EITI program by ensuring a robust and candid review mechanism.

(d) REPORT.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in consultation with the Secretary of Energy, shall submit to the appropriate congressional committees a report on progress made in promoting transparency in extractive industries resource payments.

(2) MATTERS TO BE INCLUDED.—The report required by paragraph (1) shall include a detailed description of United States participation in the EITI, bilateral and multilateral diplomatic efforts to further participation in the EITI, and other United States initiatives to strengthen energy security, deter energy kleptocracy, and promote transparency in the extractive industries.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $3,000,000 for the purposes of United States contributions to the Multi-Donor Trust Fund of the EITI.

TITLE X—GREEN JOBS

SEC. 1001. SHORT TITLE.

This title may be cited as the "Green Jobs Act of 2007".

SEC. 1002. ENERGY EFFICIENCY AND RENEWABLE ENERGY WORKER TRAINING PROGRAM.

Section 171 of the Workforce Investment Act of 1998 (29 U.S.C. 2916) is amended by adding at the end the following:

"(e) ENERGY EFFICIENCY AND RENEWABLE ENERGY WORKER TRAINING PROGRAM.—

"(1) GRANT PROGRAM.—

"(A) IN GENERAL.—Not later than 6 months after the date of enactment of the Green Jobs Act of 2007, the Secretary, in consultation with the Secretary of Energy, shall establish an energy efficiency and renewable energy worker training program under which the Secretary shall carry out the activities described in paragraph (2) to achieve the purposes of this subsection.

"(B) ELIGIBILITY.—For purposes of providing assistance and services under the program established under this subsection—

"(i) target populations of eligible individuals to be given priority for training and other services shall include—

"(I) workers impacted by national energy and environmental policy;

"(II) individuals in need of updated training related to the energy efficiency and renewable energy industries;

"(III) veterans, or past and present members of reserve components of the Armed Forces;

"(IV) unemployed individuals;

"(V) individuals, including at-risk youth, seeking employment pathways out of poverty and into economic self-sufficiency; and

"(VI) formerly incarcerated, adjudicated, nonviolent offenders; and

"(ii) energy efficiency and renewable energy industries eligible to participate in a program under this subsection include—

"(I) the energy-efficient building, construction, and retrofits industries;

"(II) the renewable electric power industry;

"(III) the energy efficient and advanced drive train vehicle industry;

"(IV) the biofuels industry;

"(V) the deconstruction and materials use industries;

"(VI) the energy efficiency assessment industry serving the residential, commercial, or industrial sectors; and

"(VII) manufacturers that produce sustainable products using environmentally sustainable processes and materials.

"(2) ACTIVITIES.—

"(A) NATIONAL RESEARCH PROGRAM.—Under the program established under paragraph (1), the Secretary, acting through the Bureau of Labor Statistics, where appropriate, shall collect and analyze labor market data to track workforce trends resulting from energy-related initiatives carried out under this subsection. Activities carried out under this paragraph shall include—

"(i) tracking and documentation of academic and occupational competencies as well as future skill needs with respect to renewable energy and energy efficiency technology;

"(ii) tracking and documentation of occupational information and workforce training data with respect to renewable energy and energy efficiency technology;

"(iii) collaborating with State agencies, workforce investments boards, industry, organized labor, and community and nonprofit organizations to disseminate information on successful innovations for labor market services and worker training with respect to renewable energy and energy efficiency technology;

"(iv) serving as a clearinghouse for best practices in workforce development, job placement, and collaborative training partnerships;

"(v) encouraging the establishment of workforce training initiatives with respect to renewable energy and energy efficiency technologies;

"(vi) linking research and development in renewable energy and energy efficiency technology with the development of standards and curricula for current and future jobs;

"(vii) assessing new employment and work practices including career ladder and upgrade training as well as high performance work systems; and

"(viii) providing technical assistance and capacity building to national and State energy partnerships, including industry and labor representatives.

"(B) NATIONAL ENERGY TRAINING PARTNERSHIP GRANTS.—

"(i) IN GENERAL.—Under the program established under paragraph (1), the Secretary shall award National Energy Training Partnerships Grants on a competitive basis to eligible entities to enable such entities to carry out training that leads to economic self-sufficiency and to develop an energy efficiency and renewable energy industries workforce. Grants shall be awarded under this subparagraph so as to ensure geographic diversity with at least 2 grants awarded to entities located in each of the 4 Petroleum Administration for Defense Districts with no subdistricts, and at least 1 grant awarded to an entity located in each of the subdistricts of the Petroleum Administration for Defense District with subdistricts.

"(ii) ELIGIBILITY.—To be eligible to receive a grant under clause (i), an entity shall be a nonprofit partnership that—

"(I) includes the equal participation of industry, including public or private employers, and labor organizations, including joint labor-management training programs, and may include workforce investment boards, community-based organizations, qualified service and conservation corps, educational institutions, small businesses, cooperatives, State and local veterans agencies, and veterans service organizations; and

"(II) demonstrates—

"(aa) experience in implementing and operating worker skills training and education programs;

"(bb) the ability to identify and involve in training programs carried out under this grant, target populations of individuals who would benefit from training and be actively involved in activities related to energy efficiency and renewable energy industries; and

"(cc) the ability to help individuals achieve economic self-sufficiency.

"(iii) PRIORITY.—Priority shall be given to partnerships which leverage additional public and private resources to fund training programs, including cash or in-kind matches from participating employers.

"(C) STATE LABOR MARKET RESEARCH, INFORMATION, AND LABOR EXCHANGE RESEARCH PROGRAM.—

"(i) IN GENERAL.—Under the program established under paragraph (1), the Secretary shall award competitive grants to States to enable such States to administer labor market and labor exchange information programs that include the implementation of the activities described in clause (ii), in coordination with the one-stop delivery system.

"(ii) ACTIVITIES.—A State shall use amounts awarded under a grant under this subparagraph to provide funding to the State agency that administers the Wagner-Peyser Act and State unemployment compensation programs to carry out the following activities using State agency merit staff:

"(I) The identification of job openings in the renewable energy and energy efficiency sector.

"(II) The administration of skill and aptitude testing and assessment for workers.

"(III) The counseling, case management, and referral of qualified job seekers to openings and training programs, including energy efficiency and renewable energy training programs.

"(D) STATE ENERGY TRAINING PARTNERSHIP PROGRAM.—

"(i) IN GENERAL.—Under the program established under paragraph (1), the Secretary shall award competitive grants to States to enable such States to administer renewable energy and energy efficiency workforce development programs that include the implementation of the activities described in clause (ii).

"(ii) PARTNERSHIPS.—A State shall use amounts awarded under a grant under this subparagraph to award competitive grants to eligible State Energy Sector Partnerships to enable such Partnerships to coordinate with existing apprenticeship and labor management training programs and implement training programs that lead to the economic self-sufficiency of trainees.

"(iii) ELIGIBILITY.—To be eligible to receive a grant under this subparagraph, a State Energy Sector Partnership shall—

"(I) consist of nonprofit organizations that include equal participation from industry, including public or private nonprofit employers, and labor organizations, including joint labor-management training programs, and may include representatives from local governments, the workforce investment system, including one-stop career centers, community based organizations, qualified service and conservation corps, community colleges, and other post-secondary institutions, small businesses, cooperatives, State and local veterans agencies, and veterans service organizations;

"(II) demonstrate experience in implementing and operating worker skills training and education programs; and

"(III) demonstrate the ability to identify and involve in training programs, target populations of workers who would benefit from training and be actively involved in activities related to energy efficiency and renewable energy industries.

"(iv) PRIORITY.—In awarding grants under this subparagraph, the Secretary shall give priority to States that demonstrate that activities under the grant—

"(I) meet national energy policies associated with energy efficiency, renewable energy, and the reduction of emissions of greenhouse gases;

"(II) meet State energy policies associated with energy efficiency, renewable energy, and the reduction of emissions of greenhouse gases; and

"(III) leverage additional public and private resources to fund training programs, including cash or in-kind matches from participating employers.

"(v) COORDINATION.—A grantee under this subparagraph shall coordinate activities carried out under the grant with existing other appropriate training programs, including apprenticeship and labor management training programs, including such activities referenced in paragraph (3)(A), and implement training programs that lead to the economic self-sufficiency of trainees.

"(E) PATHWAYS OUT OF POVERTY DEMONSTRATION PROGRAM.—

"(i) IN GENERAL.—Under the program established under paragraph (1), the Secretary shall award competitive grants of sufficient size to eligible entities to enable such entities to carry out training that leads to economic self-sufficiency. The Secretary shall give priority to entities that serve individuals in families with income of less than 200 percent of the sufficiency standard for the local areas where the training is conducted that specifies, as defined by the State, or where such standard is not established, the income needs of families, by family size, the number and ages of children in the family, and sub-State geographical considerations. Grants shall be awards to ensure geographic diversity.

"(ii) ELIGIBLE ENTITIES.—To be eligible to receive a grant an entity shall be a partnership that—

"(I) includes community-based nonprofit organizations, educational institutions with expertise in serving low-income adults or youth, public or private employers from the industry sectors described in paragraph (1)(B)(ii), and labor organizations representing workers in such industry sectors;

"(II) demonstrates a record of successful experience in implementing and operating worker skills training and education programs;

"(III) coordinates activities, where appropriate, with the workforce investment system; and

"(IV) demonstrates the ability to recruit individuals for training and to support such individuals to successful completion in training programs carried out under this grant, targeting populations of workers who are or will be engaged in activities related to energy efficiency and renewable energy industries.

"(iii) PRIORITIES.—In awarding grants under this paragraph, the Secretary shall give priority to applicants that—

"(I) target programs to benefit low-income workers, unemployed youth and adults, high school dropouts, or other underserved sectors of the workforce within areas of high poverty;

"(II) ensure that supportive services are integrated with education and training, and delivered by organizations with direct access to and experience with targeted populations;

"(III) leverage additional public and private resources to fund training programs, including cash or in-kind matches from participating employers;

"(IV) involve employers and labor organizations in the determination of relevant skills and competencies and ensure that the certificates or credentials that result from the training are employer-recognized;

"(V) deliver courses at alternative times (such as evening and weekend programs) and locations most convenient and accessible to participants and link adult remedial education with occupational skills training; and

"(VI) demonstrate substantial experience in administering local, municipal, State, Federal, foundation, or private entity grants.

"(iv) DATA COLLECTION.—Grantees shall collect and report the following information:

"(I) The number of participants.

"(II) The demographic characteristics of participants, including race, gender, age, parenting status, participation in other Federal programs, education and literacy level at entry, significant barriers to employment (such as limited English proficiency, criminal record, addiction or mental health problem requiring treatment, or mental disability).

"(III) The services received by participants, including training, education, and supportive services.

"(IV) The amount of program spending per participant.

"(V) Program completion rates.

"(VI) Factors determined as significantly interfering with program participation or completion.

"(VII) The rate of Job placement and the rate of employment retention after 1 year.

"(VIII) The average wage at placement, including any benefits, and the rate of average wage increase after 1 year.

"(IX) Any post-employment supportive services provided.

The Secretary shall assist grantees in the collection of data under this clause by making available, where practicable, low-cost means of tracking the labor market outcomes of participants, and by providing standardized reporting forms, where appropriate.

"(3) ACTIVITIES.—

"(A) IN GENERAL.—Activities to be carried out under a program authorized by subparagraph (B), (D), or (E) of paragraph (2) shall be coordinated with existing systems or providers, as appropriate. Such activities may include—

"(i) occupational skills training, including curriculum development, on-the-job training, and classroom training;

"(ii) safety and health training;

"(iii) the provision of basic skills, literacy, GED, English as a second language, and job readiness training;

"(iv) individual referral and tuition assistance for a community college training program, or any training program leading to an industry-recognized certificate;

"(v) internship programs in fields related to energy efficiency and renewable energy;

"(vi) customized training in conjunction with an existing registered apprenticeship program or labor-management partnership;

"(vii) incumbent worker and career ladder training and skill upgrading and retraining;

"(viii) the implementation of transitional jobs strategies; and

"(ix) the provision of supportive services.

"(B) OUTREACH ACTIVITIES.—In addition to the activities authorized under subparagraph (A), activities authorized for programs under subparagraph (E) of paragraph (2) may include the provision of outreach, recruitment, career guidance, and case management services.

"(4) WORKER PROTECTIONS AND NONDISCRIMINATION REQUIREMENTS.—

"(A) APPLICATION OF WIA.—The provisions of sections 181 and 188 of the Workforce Investment Act of 1998 (29 U.S.C. 2931 and 2938) shall apply to all programs carried out with assistance under this subsection.

"(B) CONSULTATION WITH LABOR ORGANIZATIONS.—If a labor organization represents a substantial number of workers who are engaged in similar work or training in an area that is the same as the area that is proposed to be funded

under this Act, the labor organization shall be provided an opportunity to be consulted and to submit comments in regard to such a proposal.

"(5) PERFORMANCE MEASURES.—

"(A) IN GENERAL.—The Secretary shall negotiate and reach agreement with the eligible entities that receive grants and assistance under this section on performance measures for the indicators of performance referred to in subparagraphs (A) and (B) of section 136(b)(2) that will be used to evaluate the performance of the eligible entity in carrying out the activities described in subsection (e)(2). Each performance measure shall consist of such an indicator of performance, and a performance level referred to in subparagraph (B).

"(B) PERFORMANCE LEVELS.—The Secretary shall negotiate and reach agreement with the eligible entity regarding the levels of performance expected to be achieved by the eligible entity on the indicators of performance.

"(6) REPORT.—

"(A) STATUS REPORT.—Not later than 18 months after the date of enactment of the Green Jobs Act of 2007, the Secretary shall transmit a report to the Senate Committee on Energy and Natural Resources, the Senate Committee on Health, Education, Labor, and Pensions, the House Committee on Education and Labor, and the House Committee on Energy and Commerce on the training program established by this subsection. The report shall include a description of the entities receiving funding and the activities carried out by such entities.

"(B) EVALUATION.—Not later than 3 years after the date of enactment of such Act, the Secretary shall transmit to the Senate Committee on Energy and Natural Resources, the Senate Committee on Health, Education, Labor, and Pensions, the House Committee on Education and Labor, and the House Committee on Energy and Commerce an assessment of such program and an evaluation of the activities carried out by entities receiving funding from such program.

"(7) DEFINITION.—As used in this subsection, the term 'renewable energy' has the meaning given such term in section 203(b)(2) of the Energy Policy Act of 2005 (Public Law 109–58).

"(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection, $125,000,000 for each fiscal years, of which—

"(A) not to exceed 20 percent of the amount appropriated in each such fiscal year shall be made available for, and shall be equally divided between, national labor market research and information under paragraph (2)(A) and State labor market information and labor exchange research under paragraph (2)(C), and not more than 2 percent of such amount shall be for the evaluation and report required under paragraph (4);

"(B) 20 percent shall be dedicated to Pathways Out of Poverty Demonstration Programs under paragraph (2)(E); and

"(C) the remainder shall be divided equally between National Energy Partnership Training Grants under paragraph (2)(B) and State energy training partnership grants under paragraph (2)(D).".

TITLE XI—ENERGY TRANSPORTATION AND INFRASTRUCTURE

Subtitle A—Department of Transportation

SEC. 1101. OFFICE OF CLIMATE CHANGE AND ENVIRONMENT.

(a) IN GENERAL.—Section 102 of title 49, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

"(g) OFFICE OF CLIMATE CHANGE AND ENVIRONMENT.—

"(1) ESTABLISHMENT.—There is established in the Department an Office of Climate Change and Environment to plan, coordinate, and implement—

"(A) department-wide research, strategies, and actions under the Department's statutory authority to reduce transportation-related energy use and mitigate the effects of climate change; and

"(B) department-wide research strategies and actions to address the impacts of climate change on transportation systems and infrastructure.

"(2) CLEARINGHOUSE.—The Office shall establish a clearinghouse of solutions, including cost-effective congestion reduction approaches, to reduce air pollution and transportation-related energy use and mitigate the effects of climate change.".

(b) COORDINATION.—The Office of Climate Change and Environment of the Department of Transportation shall coordinate its activities with the United States Global Change Research Program.

(c) TRANSPORTATION SYSTEM'S IMPACT ON CLIMATE CHANGE AND FUEL EFFICIENCY.—

(1) STUDY.—The Office of Climate Change and Environment, in coordination with the Environmental Protection Agency and in consultation with the United States Global Change Research Program, shall conduct a study to examine the impact of the Nation's transportation system on climate change and the fuel efficiency savings and clean air impacts of major transportation projects, to identify solutions to reduce air pollution and transportation-related energy use and mitigate the effects of climate change, and to examine the potential fuel savings that could result from changes in the current transportation system and through the use of intelligent transportation systems that help businesses and consumers to plan their travel and avoid delays, including Web-based real-time transit information systems, congestion information systems, carpool information systems, parking information systems, freight route management systems, and traffic management systems.

(2) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary of Transportation, in coordination with the Administrator of the Environmental Protection Agency, shall transmit to the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate a report that contains the results of the study required under this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for the Office of Climate Change and Environment to carry out its duties under section 102(g) of title 49, United States Code (as amended by this Act), such sums as may be necessary for fiscal years 2008 through 2011.

Subtitle B—Railroads

SEC. 1111. ADVANCED TECHNOLOGY LOCOMOTIVE GRANT PILOT PROGRAM.

(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall establish and carry out a pilot program for making grants to railroad carriers (as defined in section 20102 of title 49, United States Code) and State and local governments—

(1) for assistance in purchasing hybrid or other energy-efficient locomotives, including hybrid switch and generator-set locomotives; and

(2) to demonstrate the extent to which such locomotives increase fuel economy, reduce emissions, and lower costs of operation.

(b) LIMITATION.—Notwithstanding subsection (a), no grant under this section may be used to fund the costs of emissions reductions that are mandated under Federal law.

(c) GRANT CRITERIA.—In selecting applicants for grants under this section, the Secretary of Transportation shall consider—

(1) the level of energy efficiency that would be achieved by the proposed project;

(2) the extent to which the proposed project would assist in commercial deployment of hybrid or other energy-efficient locomotive technologies;

(3) the extent to which the proposed project complements other private or governmental partnership efforts to improve air quality or fuel efficiency in a particular area; and

(4) the extent to which the applicant demonstrates innovative strategies and a financial commitment to increasing energy efficiency and reducing greenhouse gas emissions of its railroad operations.

(d) COMPETITIVE GRANT SELECTION PROCESS.—

(1) APPLICATIONS.—A railroad carrier or State or local government seeking a grant under this section shall submit for approval by the Secretary of Transportation an application for the grant containing such information as the Secretary of Transportation may require.

(2) COMPETITIVE SELECTION.—The Secretary of Transportation shall conduct a national solicitation for applications for grants under this section and shall select grantees on a competitive basis.

(e) FEDERAL SHARE.—The Federal share of the cost of a project under this section shall not exceed 80 percent of the project cost.

(f) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of Transportation shall submit to Congress a report on the results of the pilot program carried out under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of Transportation $10,000,000 for each of the fiscal years 2008 through 2011 to carry out this section. Such funds shall remain available until expended.

SEC. 1112. CAPITAL GRANTS FOR CLASS II AND CLASS III RAILROADS.

(a) AMENDMENT.—Chapter 223 of title 49, United States Code, is amended to read as follows:

"CHAPTER 223—CAPITAL GRANTS FOR CLASS II AND CLASS III RAILROADS

"Sec.
"22301. Capital grants for class II and class III railroads.

"§22301. Capital grants for class II and class III railroads

"(a) ESTABLISHMENT OF PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary of Transportation shall establish a program for making capital grants to class II and class III railroads. Such grants shall be for projects in the public interest that—

"(A)(i) rehabilitate, preserve, or improve railroad track (including roadbed, bridges, and related track structures) used primarily for freight transportation;

"(ii) facilitate the continued or greater use of railroad transportation for freight shipments; and

"(iii) reduce the use of less fuel efficient modes of transportation in the transportation of such shipments; and

"(B) demonstrate innovative technologies and advanced research and development that increase fuel economy, reduce greenhouse gas emissions, and lower the costs of operation.

"(2) PROVISION OF GRANTS.—Grants may be provided under this chapter—

"(A) directly to the class II or class III railroad; or

"(B) with the concurrence of the class II or class III railroad, to a State or local government.

"(3) STATE COOPERATION.—Class II and class III railroad applicants for a grant under this chapter are encouraged to utilize the expertise and assistance of State transportation agencies in applying for and administering such grants. State transportation agencies are encouraged to provide such expertise and assistance to such railroads.

"(4) REGULATIONS.—Not later than October 1, 2008, the Secretary shall issue final regulations to implement the program under this section.

"(b) MAXIMUM FEDERAL SHARE.—The maximum Federal share for carrying out a project under this section shall be 80 percent of the project cost. The non-Federal share may be provided by any non-Federal source in cash, equipment, or supplies. Other in-kind contributions may be approved by the Secretary on a case-by-case basis consistent with this chapter.

"(c) USE OF FUNDS.—Grants provided under this section shall be used to implement track capital projects as soon as possible. In no event shall grant funds be contractually obligated for a project later than the end of the third Federal fiscal year following the year in which the grant was awarded. Any funds not so obligated by the end of such fiscal year shall be returned to the Secretary for reallocation.

"(d) EMPLOYEE PROTECTION.—The Secretary shall require as a condition of any grant made under this section that the recipient railroad provide a fair arrangement at least as protective of the interests of employees who are affected by the project to be funded with the grant as the terms imposed under section 11326(a), as in effect on the date of the enactment of this chapter.

"(e) LABOR STANDARDS.—

"(1) PREVAILING WAGES.—The Secretary shall ensure that laborers and mechanics employed by contractors and subcontractors in construction work financed by a grant made under this section will be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under subchapter IV of chapter 31 of title 40 (commonly known as the 'Davis-Bacon Act'). The Secretary shall make a grant under this section only after being assured that required labor standards will be maintained on the construction work.

"(2) WAGE RATES.—Wage rates in a collective bargaining agreement negotiated under the Railway Labor Act (45 U.S.C. 151 et seq.) are deemed for purposes of this subsection to comply with the subchapter IV of chapter 31 of title 40.

"(f) STUDY.—The Secretary shall conduct a study of the projects carried out with grant assistance under this section to determine the extent to which the program helps promote a reduction in fuel use associated with the transportation of freight and demonstrates innovative technologies that increase fuel economy, reduce greenhouse gas emissions, and lower the costs of operation. Not later than March 31, 2009, the Secretary shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the study, including any recommendations the Secretary considers appropriate regarding the program.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $50,000,000 for each of fiscal years 2008 through 2011 for carrying out this section.".

(b) CLERICAL AMENDMENT.—The item relating to chapter 223 in the table of chapters of subtitle V of title 49, United States Code, is amended to read as follows:

"223. CAPITAL GRANTS FOR CLASS
II AND CLASS III RAILROADS .... 22301".

Subtitle C—Marine Transportation

SEC. 1121. SHORT SEA TRANSPORTATION INITIATIVE.

(a) IN GENERAL.—Title 46, United States Code, is amended by adding after chapter 555 the following:

"CHAPTER 556—SHORT SEA TRANSPORTATION

"Sec. 55601. Short sea transportation program.
"Sec. 55602. Cargo and shippers.
"Sec. 55603. Interagency coordination.
"Sec. 55604. Research on short sea transportation.
"Sec. 55605. Short sea transportation defined.

"§ 55601. Short sea transportation program

"(a) ESTABLISHMENT.—The Secretary of Transportation shall establish a short sea transportation program and designate short sea transportation projects to be conducted under the program to mitigate landside congestion.

"(b) PROGRAM ELEMENTS.—The program shall encourage the use of short sea transportation through the development and expansion of—

"(1) documented vessels;

"(2) shipper utilization;

"(3) port and landside infrastructure; and

"(4) marine transportation strategies by State and local governments.

"(c) SHORT SEA TRANSPORTATION ROUTES.—The Secretary shall designate short sea transportation routes as extensions of the surface transportation system to focus public and private efforts to use the waterways to relieve landside congestion along coastal corridors. The Secretary may collect and disseminate data for the designation and delineation of short sea transportation routes.

"(d) PROJECT DESIGNATION.—The Secretary may designate a project to be a short sea transportation project if the Secretary determines that the project may—

"(1) offer a waterborne alternative to available landside transportation services using documented vessels; and

"(2) provide transportation services for passengers or freight (or both) that may reduce congestion on landside infrastructure using documented vessels.

"(e) ELEMENTS OF PROGRAM.—For a short sea transportation project designated under this section, the Secretary may—

"(1) promote the development of short sea transportation services;

"(2) coordinate, with ports, State departments of transportation, localities, other public agencies, and the private sector and on the development of landside facilities and infrastructure to support short sea transportation services; and

"(3) develop performance measures for the short sea transportation program.

"(f) MULTISTATE, STATE AND REGIONAL TRANSPORTATION PLANNING.—The Secretary, in consultation with Federal entities and State and local governments, shall develop strategies to encourage the use of short sea transportation for transportation of passengers and cargo. The Secretary shall—

"(1) assess the extent to which States and local governments include short sea transportation and other marine transportation solutions in their transportation planning;

"(2) encourage State departments of transportation to develop strategies, where appropriate, to incorporate short sea transportation, ferries, and other marine transportation solutions for regional and interstate transport of freight and passengers in their transportation planning; and

"(3) encourage groups of States and multi-State transportation entities to determine how short sea transportation can address congestion, bottlenecks, and other interstate transportation challenges.

"§ 55602. Cargo and shippers

"(a) MEMORANDUMS OF AGREEMENT.—The Secretary of Transportation shall enter into memorandums of understanding with the heads of other Federal entities to transport federally owned or generated cargo using a short sea transportation project designated under section 55601 when practical or available.

"(b) SHORT-TERM INCENTIVES.—The Secretary shall consult shippers and other participants in transportation logistics and develop proposals for short-term incentives to encourage the use of short sea transportation.

"§ 55603. Interagency coordination

"The Secretary of Transportation shall establish a board to identify and seek solutions to impediments hindering effective use of short sea transportation. The board shall include representatives of the Environmental Protection Agency and other Federal, State, and local governmental entities and private sector entities.

"§ 55604. Research on short sea transportation

"The Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, may conduct research on short sea transportation, regarding—

"(1) the environmental and transportation benefits to be derived from short sea transportation alternatives for other forms of transportation;

"(2) technology, vessel design, and other improvements that would reduce emissions, increase fuel economy, and lower costs of short sea transportation and increase the efficiency of intermodal transfers; and

"(3) solutions to impediments to short sea transportation projects designated under section 55601.

"§ 55605. Short sea transportation defined

"In this chapter, the term 'short sea transportation' means the carriage by vessel of cargo—

"(1) that is—

"(A) contained in intermodal cargo containers and loaded by crane on the vessel; or

"(B) loaded on the vessel by means of wheeled technology; and

"(2) that is—

"(A) loaded at a port in the United States and unloaded either at another port in the United States or at a port in Canada located in the Great Lakes Saint Lawrence Seaway System; or

"(B) loaded at a port in Canada located in the Great Lakes Saint Lawrence Seaway System and unloaded at a port in the United States.".

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle V of such title is amended by inserting after the item relating to chapter 555 the following:

"556. Short Sea Transportation .... 55601".

(c) REGULATIONS.—

(1) INTERIM REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary of Transportation shall issue temporary regulations to implement the program under this section. Subchapter II of chapter 5 of title 5, United States Code, does not apply to a temporary regulation issued under this paragraph or to an amendment to such a temporary regulation.

(2) FINAL REGULATIONS.—Not later than October 1, 2008, the Secretary of Transportation shall issue final regulations to implement the program under this section.

SEC. 1122. SHORT SEA SHIPPING ELIGIBILITY FOR CAPITAL CONSTRUCTION FUND.

(a) DEFINITION OF QUALIFIED VESSEL.—Section 53501 of title 46, United States Code, is amended—

(1) in paragraph (5)(A)(iii) by striking "or noncontiguous domestic" and inserting "noncontiguous domestic, or short sea transportation trade"; and

(2) by inserting after paragraph (6) the following:

"(7) SHORT SEA TRANSPORTATION TRADE.—The term 'short sea transportation trade' means the carriage by vessel of cargo—

"(A) that is—

"(i) contained in intermodal cargo containers and loaded by crane on the vessel; or

"(ii) loaded on the vessel by means of wheeled technology; and

"(B) that is—

"(i) loaded at a port in the United States and unloaded either at another port in the United States or at a port in Canada located in the Great Lakes Saint Lawrence Seaway System; or

"(ii) loaded at a port in Canada located in the Great Lakes Saint Lawrence Seaway System and unloaded at a port in the United States.".

(b) ALLOWABLE PURPOSE.—Section 53503(b) of such title is amended by striking "or noncontiguous domestic trade" and inserting "noncontiguous domestic, or short sea transportation trade".

SEC. 1123. SHORT SEA TRANSPORTATION REPORT.

Not later than one year after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the short sea transportation program established under the amendments made by section 1121. The report shall include a description of the activities conducted under the program, and any recommendations for further legislative or administrative action that the Secretary of Transportation considers appropriate.

Subtitle D—Highways

SEC. 1131. INCREASED FEDERAL SHARE FOR CMAQ PROJECTS.

Section 120(c) of title 23, United States Code, is amended—

(1) in the subsection heading by striking "FOR CERTAIN SAFETY PROJECTS";

(2) by striking "The Federal share" and inserting the following:

"(1) CERTAIN SAFETY PROJECTS.—The Federal share"; and

(3) by adding at the end the following:

"(2) CMAQ PROJECTS.—The Federal share payable on account of a project or program carried out under section 149 with funds obligated in fiscal year 2008 or 2009, or both, shall be not less than 80 percent and, at the discretion of the State, may be up to 100 percent of the cost thereof.".

SEC. 1132. DISTRIBUTION OF RESCISSIONS.

(a) IN GENERAL.—Any unobligated balances of amounts that are appropriated from the Highway Trust Fund for a fiscal year, and apportioned under chapter 1 of title 23, United States Code, before, on, or after the date of enactment of this Act and that are rescinded in fiscal year 2008 or fiscal year 2009 shall be distributed by the Secretary of Transportation within each State (as defined in section 101 of such title) among all programs for which funds are apportioned under such chapter for such fiscal year, to the extent sufficient funds remain available for obligation, in the ratio that the amount of funds apportioned for each program under such chapter for such fiscal year, bears to the amount of funds apportioned for all such programs under such chapter for such fiscal year.

(b) ADJUSTMENTS.—A State may make adjustments to the distribution of a rescission within the State for a fiscal year under subsection (a) by transferring the amounts to be rescinded among the programs for which funds are apportioned under chapter 1 of title 23, United States Code, for such fiscal year, except that in making such adjustments the State may not rescind from any such program more than 110 percent of the funds to be rescinded from the program for the fiscal year as determined by the Secretary of Transportation under subsection (a).

(c) TREATMENT OF TRANSPORTATION ENHANCEMENT SET-ASIDE AND FUNDS SUBALLOCATED TO SUBSTATE AREAS.—Funds set aside under sections 133(d)(2) and 133(d)(3) of title 23, United States Code, shall be treated as being apportioned under chapter 1 of such title for purposes of subsection (a).

SEC. 1133. SENSE OF CONGRESS REGARDING USE OF COMPLETE STREETS DESIGN TECHNIQUES.

It is the sense of Congress that in constructing new roadways or rehabilitating existing facilities, State and local governments should consider policies designed to accommodate all users, including motorists, pedestrians, cyclists, transit riders, and people of all ages and abilities, in order to—

(1) serve all surface transportation users by creating a more interconnected and intermodal system;

(2) create more viable transportation options; and

(3) facilitate the use of environmentally friendly options, such as public transportation, walking, and bicycling.

TITLE XII—SMALL BUSINESS ENERGY PROGRAMS

SEC. 1201. EXPRESS LOANS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.

Section 7(a)(31) of the Small Business Act (15 U.S.C. 636(a)(31)) is amended by adding at the end the following:

"(F) EXPRESS LOANS FOR RENEWABLE ENERGY AND ENERGY EFFICIENCY.—

"(i) DEFINITIONS.—In this subparagraph—

"(I) the term 'biomass'—

"(aa) means any organic material that is available on a renewable or recurring basis, including—

"(AA) agricultural crops;

"(BB) trees grown for energy production;

"(CC) wood waste and wood residues;

"(DD) plants (including aquatic plants and grasses);

"(EE) residues;

"(FF) fibers;

"(GG) animal wastes and other waste materials; and

"(HH) fats, oils, and greases (including recycled fats, oils, and greases); and

"(bb) does not include—

"(AA) paper that is commonly recycled; or

"(BB) unsegregated solid waste;

"(II) the term 'energy efficiency project' means the installation or upgrading of equipment that results in a significant reduction in energy usage; and

"(III) the term 'renewable energy system' means a system of energy derived from—

"(aa) a wind, solar, biomass (including biodiesel), or geothermal source; or

"(bb) hydrogen derived from biomass or water using an energy source described in item (aa).

"(ii) LOANS.—The Administrator may make a loan under the Express Loan Program for the purpose of—

"(I) purchasing a renewable energy system; or

"(II) carrying out an energy efficiency project for a small business concern.".

SEC. 1202. PILOT PROGRAM FOR REDUCED 7(a) FEES FOR PURCHASE OF ENERGY EFFICIENT TECHNOLOGIES.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(32) LOANS FOR ENERGY EFFICIENT TECHNOLOGIES.—

"(A) DEFINITIONS.—In this paragraph—

"(i) the term 'cost' has the meaning given that term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a);

"(ii) the term 'covered energy efficiency loan' means a loan—

"(I) made under this subsection; and

"(II) the proceeds of which are used to purchase energy efficient designs, equipment, or fixtures, or to reduce the energy consumption of the borrower by 10 percent or more; and

"(iii) the term 'pilot program' means the pilot program established under subparagraph (B)

"(B) ESTABLISHMENT.—The Administrator shall establish and carry out a pilot program under which the Administrator shall reduce the fees for covered energy efficiency loans.

"(C) DURATION.—The pilot program shall terminate at the end of the second full fiscal year after the date that the Administrator establishes the pilot program.

"(D) MAXIMUM PARTICIPATION.—A covered energy efficiency loan shall include the maximum participation levels by the Administrator permitted for loans made under this subsection.

"(E) FEES.—

"(i) IN GENERAL.—The fee on a covered energy efficiency loan shall be equal to 50 percent of the fee otherwise applicable to that loan under paragraph (18).

"(ii) WAIVER.—The Administrator may waive clause (i) for a fiscal year if—

"(I) for the fiscal year before that fiscal year, the annual rate of default of covered energy efficiency loans exceeds that of loans made under this subsection that are not covered energy efficiency loans;

"(II) the cost to the Administration of making loans under this subsection is greater than zero and such cost is directly attributable to the cost of making covered energy efficiency loans; and

"(III) no additional sources of revenue authority are available to reduce the cost of making loans under this subsection to zero.

"(iii) EFFECT OF WAIVER.—If the Administrator waives the reduction of fees under clause (ii), the Administrator—

"(I) shall not assess or collect fees in an amount greater than necessary to ensure that the cost of the program under this subsection is not greater than zero; and

"(II) shall reinstate the fee reductions under clause (i) when the conditions in clause (ii) no longer apply.

"(iv) NO INCREASE OF FEES.—The Administrator shall not increase the fees under paragraph (18) on loans made under this subsection that are not covered energy efficiency loans as a direct result of the pilot program.

"(F) GAO REPORT.—

"(i) IN GENERAL.—Not later than 1 year after the date that the pilot program terminates, the Comptroller General of the United States shall submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report on the pilot program.

"(ii) CONTENTS.—The report submitted under clause (i) shall include—

"(I) the number of covered energy efficiency loans for which fees were reduced under the pilot program;

"(II) a description of the energy efficiency savings with the pilot program;

"(III) a description of the impact of the pilot program on the program under this subsection;

"(IV) an evaluation of the efficacy and potential fraud and abuse of the pilot program; and

"(V) recommendations for improving the pilot program.".

SEC. 1203. SMALL BUSINESS ENERGY EFFICIENCY.

(a) DEFINITIONS.—In this section—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "association" means the association of small business development centers established under section 21(a)(3)(A) of the Small Business Act (15 U.S.C. 648(a)(3)(A));

(3) the term "disability" has the meaning given that term in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102);

(4) the term "Efficiency Program" means the Small Business Energy Efficiency Program established under subsection (c)(1);

(5) the term "electric utility" has the meaning given that term in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602);

(6) the term "high performance green building" has the meaning given that term in section 401;

(7) the term "on-bill financing" means a low interest or no interest financing agreement between a small business concern and an electric utility for the purchase or installation of equipment, under which the regularly scheduled payment of that small business concern to that electric utility is not reduced by the amount of the reduction in cost attributable to the new equipment and that amount is credited to the electric utility, until the cost of the purchase or installation is repaid;

(8) the term "small business concern" has the same meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

(9) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648);

(10) the term "telecommuting" means the use of telecommunications to perform work functions under circumstances which reduce or eliminate the need to commute;

(11) the term "Telecommuting Pilot Program" means the pilot program established under subsection (d)(1)(A); and

(12) the term "veteran" has the meaning given that term in section 101 of title 38, United States Code.

(b) IMPLEMENTATION OF SMALL BUSINESS ENERGY EFFICIENCY PROGRAM.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator shall promulgate final rules establishing the Government-wide program authorized under subsection (d) of section 337 of the Energy Policy and Conservation Act (42 U.S.C. 6307) that ensure compliance with that subsection by not later than 6 months after such date of enactment.

(2) PROGRAM REQUIRED.—The Administrator shall develop and coordinate a Government-wide program, building on the Energy Star for Small Business program, to assist small business concerns in—

(A) becoming more energy efficient;

(B) understanding the cost savings from improved energy efficiency; and

(C) identifying financing options for energy efficiency upgrades.

(3) CONSULTATION AND COOPERATION.—The program required by paragraph (2) shall be developed and coordinated—

(A) in consultation with the Secretary of Energy and the Administrator of the Environmental Protection Agency; and

(B) in cooperation with any entities the Administrator considers appropriate, such as industry trade associations, industry members, and energy efficiency organizations.

(4) AVAILABILITY OF INFORMATION.—The Administrator shall make available the information and materials developed under the program required by paragraph (2) to—

(A) small business concerns, including smaller design, engineering, and construction firms; and

(B) other Federal programs for energy efficiency, such as the Energy Star for Small Business program.

(5) STRATEGY AND REPORT.—

(A) STRATEGY REQUIRED.—The Administrator shall develop a strategy to educate, encourage, and assist small business concerns in adopting energy efficient building fixtures and equipment.

(B) REPORT.—Not later than December 31, 2008, the Administrator shall submit to Congress a report containing a plan to implement the strategy developed under subparagraph (A).

(c) SMALL BUSINESS SUSTAINABILITY INITIATIVE.—

(1) AUTHORITY.—The Administrator shall establish a Small Business Energy Efficiency Program to provide energy efficiency assistance to small business concerns through small business development centers.

(2) SMALL BUSINESS DEVELOPMENT CENTERS.—

(A) IN GENERAL.—In carrying out the Efficiency Program, the Administrator shall enter into agreements with small business development centers under which such centers shall—

(i) provide access to information and resources on energy efficiency practices, including on-bill financing options;

(ii) conduct training and educational activities;

(iii) offer confidential, free, one-on-one, in-depth energy audits to the owners and operators of small business concerns regarding energy efficiency practices;

(iv) give referrals to certified professionals and other providers of energy efficiency assistance who meet such standards for educational, technical, and professional competency as the Administrator shall establish;

(v) to the extent not inconsistent with controlling State public utility regulations, act as a facilitator between small business concerns, electric utilities, lenders, and the Administration to facilitate on-bill financing arrangements;

(vi) provide necessary support to small business concerns to—

(I) evaluate energy efficiency opportunities and opportunities to design or construct high performance green buildings;

(II) evaluate renewable energy sources, such as the use of solar and small wind to supplement power consumption;

(III) secure financing to achieve energy efficiency or to design or construct high performance green buildings; and

(IV) implement energy efficiency projects;

(vii) assist owners of small business concerns with the development and commercialization of clean technology products, goods, services, and processes that use renewable energy sources, dramatically reduce the use of natural resources, and cut or eliminate greenhouse gas emissions through—

(I) technology assessment;

(II) intellectual property;

(III) Small Business Innovation Research submissions under section 9 of the Small Business Act (15 U.S.C. 638);

(IV) strategic alliances;

(V) business model development; and

(VI) preparation for investors; and

(viii) help small business concerns improve environmental performance by shifting to less hazardous materials and reducing waste and emissions, including by providing assistance for small business concerns to adapt the materials they use, the processes they operate, and the products and services they produce.

(B) REPORTS.—Each small business development center participating in the Efficiency Program shall submit to the Administrator and the Administrator of the Environmental Protection Agency an annual report that includes—

(i) a summary of the energy efficiency assistance provided by that center under the Efficiency Program;

(ii) the number of small business concerns assisted by that center under the Efficiency Program;

(iii) statistics on the total amount of energy saved as a result of assistance provided by that center under the Efficiency Program; and

(iv) any additional information determined necessary by the Administrator, in consultation with the association.

(C) REPORTS TO CONGRESS.—Not later than 60 days after the date on which all reports under subparagraph (B) relating to a year are submitted, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report summarizing the information regarding the Efficiency Program submitted by small business development centers participating in that program.

(3) ELIGIBILITY.—A small business development center shall be eligible to participate in the Efficiency Program only if that center is certified under section 21(k)(2) of the Small Business Act (15 U.S.C. 648(k)(2)).

(4) SELECTION OF PARTICIPATING STATE PROGRAMS.—From among small business development centers submitting applications to participate in the Efficiency Program, the Administrator—

(A) shall, to the maximum extent practicable, select small business development centers in such a manner so as to promote a nationwide distribution of centers participating in the Efficiency Program; and

(B) may not select more than 1 small business development center in a State to participate in the Efficiency Program.

(5) MATCHING REQUIREMENT.—Subparagraphs (A) and (B) of section 21(a)(4) of the Small Business Act (15 U.S.C. 648(a)(4)) shall apply to assistance made available under the Efficiency Program.

(6) GRANT AMOUNTS.—Each small business development center selected to participate in the Efficiency Program under paragraph (4) shall be eligible to receive a grant in an amount equal to—

(A) not less than $100,000 in each fiscal year; and

(B) not more than $300,000 in each fiscal year.

(7) EVALUATION AND REPORT.—The Comptroller General of the United States shall—

(A) not later than 30 months after the date of disbursement of the first grant under the Efficiency Program, initiate an evaluation of that program; and

(B) not later than 6 months after the date of the initiation of the evaluation under subparagraph (A), submit to the Administrator, the Committee on Small Business and Entrepreneurship of the Senate, and the Committee on Small Business of the House of Representatives, a report containing—

(i) the results of the evaluation; and

(ii) any recommendations regarding whether the Efficiency Program, with or without modification, should be extended to include the participation of all small business development centers.

(8) GUARANTEE.—To the extent not inconsistent with State law, the Administrator may guarantee the timely payment of a loan made to a small business concern through an on-bill financing agreement on such terms and conditions as the Administrator shall establish through a formal rule making, after providing notice and an opportunity for comment.

(9) IMPLEMENTATION.—Subject to amounts approved in advance in appropriations Acts and separate from amounts approved to carry out section 21(a)(1) of the Small Business Act (15 U.S.C. 648(a)(1)), the Administrator may make grants or enter into cooperative agreements to carry out this subsection.

(10) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to make grants and enter into cooperative agreements to carry out this subsection.

(11) TERMINATION.—The authority under this subsection shall terminate 4 years after the date of disbursement of the first grant under the Efficiency Program.

(d) SMALL BUSINESS TELECOMMUTING.—

(1) PILOT PROGRAM.—

(A) IN GENERAL.—The Administrator shall conduct, in not more than 5 of the regions of the Administration, a pilot program to provide information regarding telecommuting to employers that are small business concerns and to encourage such employers to offer telecommuting options to employees.

(B) SPECIAL OUTREACH TO INDIVIDUALS WITH DISABILITIES.—In carrying out the Telecommuting Pilot Program, the Administrator shall make a concerted effort to provide information to—

(i) small business concerns owned by or employing individuals with disabilities, particularly veterans who are individuals with disabilities;

(ii) Federal, State, and local agencies having knowledge and expertise in assisting individuals with disabilities, including veterans who are individuals with disabilities; and

(iii) any group or organization, the primary purpose of which is to aid individuals with disabilities or veterans who are individuals with disabilities.

(C) PERMISSIBLE ACTIVITIES.—In carrying out the Telecommuting Pilot Program, the Administrator may—

(i) produce educational materials and conduct presentations designed to raise awareness in the small business community of the benefits and the ease of telecommuting;

(ii) conduct outreach—

(I) to small business concerns that are considering offering telecommuting options; and

(II) as provided in subparagraph (B); and

(iii) acquire telecommuting technologies and equipment to be used for demonstration purposes.

(D) SELECTION OF REGIONS.—In determining which regions will participate in the Telecommuting Pilot Program, the Administrator shall give priority consideration to regions in which Federal agencies and private-sector employers have demonstrated a strong regional commitment to telecommuting.

(2) REPORT TO CONGRESS.—Not later than 2 years after the date on which funds are first appropriated to carry out this subsection, the Administrator shall transmit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report containing the results of an evaluation of the Telecommuting Pilot Program and any recommendations regarding whether the pilot program, with or without modification, should be extended to include the participation of all regions of the Administration.

(3) TERMINATION.—The Telecommuting Pilot Program shall terminate 4 years after the date on which funds are first appropriated to carry out this subsection.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administration $5,000,000 to carry out this subsection.

(e) ENCOURAGING INNOVATION IN ENERGY EFFICIENCY.—Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

"(z) ENCOURAGING INNOVATION IN ENERGY EFFICIENCY.—

"(1) FEDERAL AGENCY ENERGY-RELATED PRIORITY.—In carrying out its duties under this section relating to SBIR and STTR solicitations by Federal departments and agencies, the Administrator shall—

"(A) ensure that such departments and agencies give high priority to small business concerns that participate in or conduct energy efficiency or renewable energy system research and development projects; and

"(B) include in the annual report to Congress under subsection (b)(7) a determination of whether the priority described in subparagraph (A) is being carried out.

"(2) CONSULTATION REQUIRED.—The Administrator shall consult with the heads of other Federal departments and agencies in determining whether priority has been given to small business concerns that participate in or conduct energy efficiency or renewable energy system research and development projects, as required by this subsection.

"(3) GUIDELINES.—The Administrator shall, as soon as is practicable after the date of enactment of this subsection, issue guidelines and directives to assist Federal agencies in meeting the requirements of this subsection.

"(4) DEFINITIONS.—In this subsection—

"(A) the term 'biomass'—

"(i) means any organic material that is available on a renewable or recurring basis, including—

"(I) agricultural crops;

"(II) trees grown for energy production;

"(III) wood waste and wood residues;

"(IV) plants (including aquatic plants and grasses);

"(V) residues;

"(VI) fibers;

"(VII) animal wastes and other waste materials; and

"(VIII) fats, oils, and greases (including recycled fats, oils, and greases); and

"(ii) does not include—

"(I) paper that is commonly recycled; or

"(II) unsegregated solid waste;

"(B) the term 'energy efficiency project' means the installation or upgrading of equipment that results in a significant reduction in energy usage; and

"(C) the term 'renewable energy system' means a system of energy derived from—

"(i) a wind, solar, biomass (including biodiesel), or geothermal source; or

"(ii) hydrogen derived from biomass or water using an energy source described in clause (i).".

SEC. 1204. LARGER 504 LOAN LIMITS TO HELP BUSINESS DEVELOP ENERGY EFFICIENT TECHNOLOGIES AND PURCHASES.

(a) ELIGIBILITY FOR ENERGY EFFICIENCY PROJECTS.—Section 501(d)(3) of the Small Business Investment Act of 1958 (15 U.S.C. 695(d)(3)) is amended—

(1) in subparagraph (G) by striking "or" at the end;

(2) in subparagraph (H) by striking the period at the end and inserting a comma;

(3) by inserting after subparagraph (H) the following:

"(I) reduction of energy consumption by at least 10 percent,

"(J) increased use of sustainable design, including designs that reduce the use of greenhouse gas emitting fossil fuels, or low-impact design to produce buildings that reduce the use of non-renewable resources and minimize environmental impact, or

"(K) plant, equipment and process upgrades of renewable energy sources such as the small-scale production of energy for individual buildings or communities consumption, commonly known as micropower, or renewable fuels producers including biodiesel and ethanol producers."; and

(4) by adding at the end the following: "In subparagraphs (J) and (K), terms have the meanings given those terms under the Leadership in Energy and Environmental Design (LEED) standard for green building certification, as determined by the Administrator.".

(b) LOANS FOR PLANT PROJECTS USED FOR ENERGY-EFFICIENT PURPOSES.—Section 502(2)(A) of the Small Business Investment Act of 1958 (15 U.S.C. 696(2)(A)) is amended—

(1) in clause (ii) by striking "and" at the end;

(2) in clause (iii) by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(iv) $4,000,000 for each project that reduces the borrower's energy consumption by at least 10 percent; and

"(v) $4,000,000 for each project that generates renewable energy or renewable fuels, such as biodiesel or ethanol production.".

SEC. 1205. ENERGY SAVING DEBENTURES.

(a) IN GENERAL.—Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended by adding at the end the following:

"(k) ENERGY SAVING DEBENTURES.—In addition to any other authority under this Act, a small business investment company licensed in the first fiscal year after the date of enactment of this subsection or any fiscal year thereafter may issue Energy Saving debentures.".

(b) DEFINITIONS.—Section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662) is amended—

(1) in paragraph (16), by striking "and" at the end;

(2) in paragraph (17), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(18) the term 'Energy Saving debenture' means a deferred interest debenture that—

"(A) is issued at a discount;

"(B) has a 5-year maturity or a 10-year maturity;

"(C) requires no interest payment or annual charge for the first 5 years;

"(D) is restricted to Energy Saving qualified investments; and

"(E) is issued at no cost (as defined in section 502 of the Credit Reform Act of 1990) with respect to purchasing and guaranteeing the debenture; and

"(19) the term 'Energy Saving qualified investment' means investment in a small business concern that is primarily engaged in researching, manufacturing, developing, or providing products, goods, or services that reduce the use or consumption of non-renewable energy resources.".

SEC. 1206. INVESTMENTS IN ENERGY SAVING SMALL BUSINESSES.

(a) MAXIMUM LEVERAGE.—Section 303(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 303(b)(2)) is amended by adding at the end the following:

"(D) INVESTMENTS IN ENERGY SAVING SMALL BUSINESSES.—

"(i) IN GENERAL.—Subject to clause (ii), in calculating the outstanding leverage of a company for purposes of subparagraph (A), the Administrator shall exclude the amount of the cost basis of any Energy Saving qualified investment in a smaller enterprise made in the first fiscal year after the date of enactment of this subparagraph or any fiscal year thereafter by a company licensed in the applicable fiscal year.

"(ii) LIMITATIONS.—

"(I) AMOUNT OF EXCLUSION.—The amount excluded under clause (i) for a company shall not exceed 33 percent of the private capital of that company.

"(II) MAXIMUM INVESTMENT.—A company shall not make an Energy Saving qualified investment in any one entity in an amount equal to more than 20 percent of the private capital of that company.

"(III) OTHER TERMS.—The exclusion of amounts under clause (i) shall be subject to such terms as the Administrator may impose to ensure that there is no cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) with respect to purchasing or guaranteeing any debenture involved.".

(b) MAXIMUM AGGREGATE AMOUNT OF LEVERAGE.—Section 303(b)(4) of the Small Business Investment Act of 1958 (15 U.S.C. 303(b)(4)) is amended by adding at the end the following:

"(E) INVESTMENTS IN ENERGY SAVING SMALL BUSINESSES.—

"(i) IN GENERAL.—Subject to clause (ii), in calculating the aggregate outstanding leverage of a company for purposes of subparagraph (A), the Administrator shall exclude the amount of the cost basis of any Energy Saving qualified investment in a smaller enterprise made in the first fiscal year after the date of enactment of this subparagraph or any fiscal year thereafter by a company licensed in the applicable fiscal year.

"(ii) LIMITATIONS.—

"(I) AMOUNT OF EXCLUSION.—The amount excluded under clause (i) for a company shall not exceed 33 percent of the private capital of that company.

"(II) MAXIMUM INVESTMENT.—A company shall not make an Energy Saving qualified investment in any one entity in an amount equal to more than 20 percent of the private capital of that company.

"(III) OTHER TERMS.—The exclusion of amounts under clause (i) shall be subject to such terms as the Administrator may impose to ensure that there is no cost (as that term is defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) with respect to purchasing or guaranteeing any debenture involved.".

SEC. 1207. RENEWABLE FUEL CAPITAL INVESTMENT COMPANY.

Title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.) is amended by adding at the end the following:

"PART C—RENEWABLE FUEL CAPITAL INVESTMENT PILOT PROGRAM

"SEC. 381. DEFINITIONS.

"In this part:

"(1) OPERATIONAL ASSISTANCE.—The term 'operational assistance' means management, marketing, and other technical assistance that assists a small business concern with business development.

"(2) PARTICIPATION AGREEMENT.—The term 'participation agreement' means an agreement, between the Administrator and a company granted final approval under section 384(e), that—

"(A) details the operating plan and investment criteria of the company; and

"(B) requires the company to make investments in smaller enterprises primarily engaged in researching, manufacturing, developing, producing, or bringing to market goods, products, or services that generate or support the production of renewable energy.

"(3) RENEWABLE ENERGY.—The term 'renewable energy' means energy derived from resources that are regenerative or that cannot be depleted, including solar, wind, ethanol, and biodiesel fuels.

"(4) RENEWABLE FUEL CAPITAL INVESTMENT COMPANY.—The term 'Renewable Fuel Capital Investment company' means a company—

"(A) that—

"(i) has been granted final approval by the Administrator under section 384(e); and

"(ii) has entered into a participation agreement with the Administrator; or

"(B) that has received conditional approval under section 384(c).

"(5) STATE.—The term 'State' means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States.

"(6) VENTURE CAPITAL.—The term 'venture capital' means capital in the form of equity capital investments, as that term is defined in section 303(g)(4).

"SEC. 382. PURPOSES.

"The purposes of the Renewable Fuel Capital Investment Program established under this part are—

"(1) to promote the research, development, manufacture, production, and bringing to market of goods, products, or services that generate or support the production of renewable energy by encouraging venture capital investments in smaller enterprises primarily engaged such activities; and

"(2) to establish a venture capital program, with the mission of addressing the unmet equity investment needs of smaller enterprises engaged in researching, developing, manufacturing, producing, and bringing to market goods, products, or services that generate or support the production of renewable energy, to be administered by the Administrator—

"(A) to enter into participation agreements with Renewable Fuel Capital Investment companies;

"(B) to guarantee debentures of Renewable Fuel Capital Investment companies to enable each such company to make venture capital investments in smaller enterprises engaged in the research, development, manufacture, production, and bringing to market of goods, products, or services that generate or support the production of renewable energy; and

"(C) to make grants to Renewable Fuel Investment Capital companies, and to other entities, for the purpose of providing operational assistance to smaller enterprises financed, or expected to be financed, by such companies.

"SEC. 383. ESTABLISHMENT.

"The Administrator shall establish a Renewable Fuel Capital Investment Program, under which the Administrator may—

"(1) enter into participation agreements for the purposes described in section 382; and

"(2) guarantee the debentures issued by Renewable Fuel Capital Investment companies as provided in section 385.

"SEC. 384. SELECTION OF RENEWABLE FUEL CAPITAL INVESTMENT COMPANIES.

"(a) ELIGIBILITY.—A company is eligible to apply to be designated as a Renewable Fuel Capital Investment company if the company—

"(1) is a newly formed for-profit entity or a newly formed for-profit subsidiary of an existing entity;

"(2) has a management team with experience in alternative energy financing or relevant venture capital financing; and

"(3) has a primary objective of investment in smaller enterprises that research, manufacture, develop, produce, or bring to market goods, products, or services that generate or support the production of renewable energy.

"(b) APPLICATION.—A company desiring to be designated as a Renewable Fuel Capital Investment company shall submit an application to the Administrator that includes—

"(1) a business plan describing how the company intends to make successful venture capital investments in smaller enterprises primarily engaged in the research, manufacture, development, production, or bringing to market of goods, products, or services that generate or support the production of renewable energy;

"(2) information regarding the relevant venture capital qualifications and general reputation of the management of the company;

"(3) a description of how the company intends to seek to address the unmet capital needs of the smaller enterprises served;

"(4) a proposal describing how the company intends to use the grant funds provided under this part to provide operational assistance to smaller enterprises financed by the company, including information regarding whether the company has employees with appropriate professional licenses or will contract with another entity when the services of such an individual are necessary;

"(5) with respect to binding commitments to be made to the company under this part, an estimate of the ratio of cash to in-kind contributions;

"(6) a description of whether and to what extent the company meets the criteria under subsection (c)(2) and the objectives of the program established under this part;

"(7) information regarding the management and financial strength of any parent firm, affiliated firm, or any other firm essential to the success of the business plan of the company; and

"(8) such other information as the Administrator may require.

"(c) CONDITIONAL APPROVAL.—

"(1) IN GENERAL.—From among companies submitting applications under subsection (b), the Administrator shall conditionally approve companies to operate as Renewable Fuel Capital Investment companies.

"(2) SELECTION CRITERIA.—In conditionally approving companies under paragraph (1), the Administrator shall consider—

"(A) the likelihood that the company will meet the goal of its business plan;

"(B) the experience and background of the management team of the company;

"(C) the need for venture capital investments in the geographic areas in which the company intends to invest;

"(D) the extent to which the company will concentrate its activities on serving the geographic areas in which it intends to invest;

"(E) the likelihood that the company will be able to satisfy the conditions under subsection (d);

"(F) the extent to which the activities proposed by the company will expand economic opportunities in the geographic areas in which the company intends to invest;

"(G) the strength of the proposal by the company to provide operational assistance under this part as the proposal relates to the ability of the company to meet applicable cash requirements and properly use in-kind contributions, including the use of resources for the services of licensed professionals, when necessary, whether provided by employees or contractors; and

"(H) any other factor determined appropriate by the Administrator.

"(3) NATIONWIDE DISTRIBUTION.—From among companies submitting applications under subsection (b), the Administrator shall consider the selection criteria under paragraph (2) and shall, to the maximum extent practicable, approve at least one company from each geographic region of the Administration.

"(d) REQUIREMENTS TO BE MET FOR FINAL APPROVAL.—

"(1) IN GENERAL.—The Administrator shall grant each conditionally approved company 2 years to satisfy the requirements of this subsection.

"(2) CAPITAL REQUIREMENT.—Each conditionally approved company shall raise not less than $3,000,000 of private capital or binding capital commitments from 1 or more investors (which shall not be departments or agencies of the Federal Government) who meet criteria established by the Administrator.

"(3) NONADMINISTRATION RESOURCES FOR OPERATIONAL ASSISTANCE.—

"(A) IN GENERAL.—In order to provide operational assistance to smaller enterprises expected to be financed by the company, each conditionally approved company shall have binding commitments (for contribution in cash or in-kind)—

"(i) from sources other than the Administration that meet criteria established by the Administrator; and

"(ii) payable or available over a multiyear period determined appropriate by the Administrator (not to exceed 10 years).

"(B) EXCEPTION.—The Administrator may, in the discretion of the Administrator and based upon a showing of special circumstances and good cause, consider an applicant to have satisfied the requirements of subparagraph (A) if the applicant has—

"(i) a viable plan that reasonably projects the capacity of the applicant to raise the amount (in cash or in-kind) required under subparagraph (A); and

"(ii) binding commitments in an amount equal to not less than 20 percent of the total amount required under paragraph (A).

"(C) LIMITATION.—The total amount of a in-kind contributions by a company shall be not more than 50 percent of the total contributions by a company.

"(e) FINAL APPROVAL; DESIGNATION.—The Administrator shall, with respect to each applicant conditionally approved under subsection (c)—

"(1) grant final approval to the applicant to operate as a Renewable Fuel Capital Investment company under this part and designate the applicant as such a company, if the applicant—

"(A) satisfies the requirements of subsection (d) on or before the expiration of the time period described in that subsection; and

"(B) enters into a participation agreement with the Administrator; or

"(2) if the applicant fails to satisfy the requirements of subsection (d) on or before the expiration of the time period described in paragraph (1) of that subsection, revoke the conditional approval granted under that subsection.

"SEC. 385. DEBENTURES.

"(a) IN GENERAL.—The Administrator may guarantee the timely payment of principal and interest, as scheduled, on debentures issued by any Renewable Fuel Capital Investment company.

"(b) TERMS AND CONDITIONS.—The Administrator may make guarantees under this section on such terms and conditions as it determines appropriate, except that—

"(1) the term of any debenture guaranteed under this section shall not exceed 15 years; and

"(2) a debenture guaranteed under this section—

"(A) shall carry no front-end or annual fees;

"(B) shall be issued at a discount;

"(C) shall require no interest payments during the 5-year period beginning on the date the debenture is issued;

"(D) shall be prepayable without penalty after the end of the 1-year period beginning on the date the debenture is issued; and

"(E) shall require semiannual interest payments after the period described in subparagraph (C).

"(c) FULL FAITH AND CREDIT OF THE UNITED STATES.—The full faith and credit of the United States is pledged to pay all amounts that may be required to be paid under any guarantee under this part.

"(d) MAXIMUM GUARANTEE.—

"(1) IN GENERAL.—Under this section, the Administrator may guarantee the debentures issued by a Renewable Fuel Capital Investment company only to the extent that the total face amount of outstanding guaranteed debentures of such company does not exceed 150 percent of the private capital of the company, as determined by the Administrator.

"(2) TREATMENT OF CERTAIN FEDERAL FUNDS.—For the purposes of paragraph (1), private capital shall include capital that is considered to be Federal funds, if such capital is contributed by an investor other than a department or agency of the Federal Government.

"SEC. 386. ISSUANCE AND GUARANTEE OF TRUST CERTIFICATES.

"(a) ISSUANCE.—The Administrator may issue trust certificates representing ownership of all or a fractional part of debentures issued by a Renewable Fuel Capital Investment company and guaranteed by the Administrator under this part, if such certificates are based on and backed by a trust or pool approved by the Administrator and composed solely of guaranteed debentures.

"(b) GUARANTEE.—

"(1) IN GENERAL.—The Administrator may, under such terms and conditions as it determines appropriate, guarantee the timely payment of the principal of and interest on trust certificates issued by the Administrator or its agents for purposes of this section.

"(2) LIMITATION.—Each guarantee under this subsection shall be limited to the extent of principal and interest on the guaranteed debentures that compose the trust or pool.

"(3) PREPAYMENT OR DEFAULT.—If a debenture in a trust or pool is prepaid, or in the event of default of such a debenture, the guarantee of timely payment of principal and interest on the trust certificates shall be reduced in proportion to the amount of principal and interest such prepaid debenture represents in the trust or pool. Interest on prepaid or defaulted debentures shall accrue and be guaranteed by the Administrator only through the date of payment of the guarantee. At any time during its term, a trust certificate may be called for redemption due to prepayment or default of all debentures.

"(c) FULL FAITH AND CREDIT OF THE UNITED STATES.—The full faith and credit of the United States is pledged to pay all amounts that may be required to be paid under any guarantee of a trust certificate issued by the Administrator or its agents under this section.

"(d) FEES.—The Administrator shall not collect a fee for any guarantee of a trust certificate under this section, but any agent of the Administrator may collect a fee approved by the Administrator for the functions described in subsection (f)(2).

"(e) SUBROGATION AND OWNERSHIP RIGHTS.—

"(1) SUBROGATION.—If the Administrator pays a claim under a guarantee issued under this section, it shall be subrogated fully to the rights satisfied by such payment.

"(2) OWNERSHIP RIGHTS.—No Federal, State, or local law shall preclude or limit the exercise by the Administrator of its ownership rights in the debentures residing in a trust or pool against which trust certificates are issued under this section.

"(f) MANAGEMENT AND ADMINISTRATION.—

"(1) REGISTRATION.—The Administrator may provide for a central registration of all trust certificates issued under this section.

"(2) CONTRACTING OF FUNCTIONS.—

"(A) IN GENERAL.—The Administrator may contract with an agent or agents to carry out on behalf of the Administrator the pooling and the central registration functions provided for in this section, including, not withstanding any other provision of law—

"(i) maintenance, on behalf of and under the direction of the Administrator, of such commercial bank accounts or investments in obligations of the United States as may be necessary to facilitate the creation of trusts or pools backed by debentures guaranteed under this part; and

"(ii) the issuance of trust certificates to facilitate the creation of such trusts or pools.

"(B) FIDELITY BOND OR INSURANCE REQUIREMENT.—Any agent performing functions on behalf of the Administrator under this paragraph shall provide a fidelity bond or insurance in such amounts as the Administrator determines to be necessary to fully protect the interests of the United States.

"(3) REGULATION OF BROKERS AND DEALERS.—The Administrator may regulate brokers and dealers in trust certificates issued under this section.

"(4) ELECTRONIC REGISTRATION.—Nothing in this subsection may be construed to prohibit the use of a book-entry or other electronic form of registration for trust certificates issued under this section.

"SEC. 387. FEES.

"(a) IN GENERAL.—Except as provided in section 386(d), the Administrator may charge such fees as it determines appropriate with respect to any guarantee or grant issued under this part, in an amount established annually by the Administrator, as necessary to reduce to zero the cost (as defined in section 502 of the Federal Credit Reform Act of 1990) to the Administration of purchasing and guaranteeing debentures under this part, which amounts shall be paid to and retained by the Administration.

"(b) OFFSET.—The Administrator may, as provided by section 388, offset fees charged and collected under subsection (a).

"SEC. 388. FEE CONTRIBUTION.

"(a) IN GENERAL.—To the extent that amounts are made available to the Administrator for the purpose of fee contributions, the Administrator shall contribute to fees paid by the Renewable Fuel Capital Investment companies under section 387.

"(b) ANNUAL ADJUSTMENT.—Each fee contribution under subsection (a) shall be effective for 1 fiscal year and shall be adjusted as necessary for each fiscal year thereafter to ensure that amounts under subsection (a) are fully used. The fee contribution for a fiscal year shall be based on the outstanding commitments made and the guarantees and grants that the Administrator projects will be made during that fiscal year, given the program level authorized by law for that fiscal year and any other factors that the Administrator determines appropriate.

"SEC. 389. OPERATIONAL ASSISTANCE GRANTS.

"(a) IN GENERAL.—

"(1) AUTHORITY.—The Administrator may make grants to Renewable Fuel Capital Investment companies to provide operational assistance to smaller enterprises financed, or expected to be financed, by such companies or other entities.

"(2) TERMS.—A grant under this subsection shall be made over a multiyear period not to exceed 10 years, under such other terms as the Administrator may require.

"(3) GRANT AMOUNT.—The amount of a grant made under this subsection to a Renewable Fuel Capital Investment company shall be equal to the lesser of—

"(A) 10 percent of the resources (in cash or in kind) raised by the company under section 384(d)(2); or

"(B) $1,000,000.

"(4) PRO RATA REDUCTIONS.—If the amount made available to carry out this section is insufficient for the Administrator to provide grants in the amounts provided for in paragraph (3), the Administrator shall make pro rata reductions in the amounts otherwise payable to each company and entity under such paragraph.

"(5) GRANTS TO CONDITIONALLY APPROVED COMPANIES.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), upon the request of a company conditionally approved under section 384(c), the Administrator shall make a grant to the company under this subsection.

"(B) REPAYMENT BY COMPANIES NOT APPROVED.—If a company receives a grant under this paragraph and does not enter into a participation agreement for final approval, the company shall, subject to controlling Federal law, repay the amount of the grant to the Administrator.

"(C) DEDUCTION OF GRANT TO APPROVED COMPANY.—If a company receives a grant under this paragraph and receives final approval under section 384(e), the Administrator shall deduct the amount of the grant from the total grant amount the company receives for operational assistance.

"(D) AMOUNT OF GRANT.—No company may receive a grant of more than $100,000 under this paragraph.

"(b) SUPPLEMENTAL GRANTS.—

"(1) IN GENERAL.—The Administrator may make supplemental grants to Renewable Fuel Capital Investment companies and to other entities, as authorized by this part, under such terms as the Administrator may require, to provide additional operational assistance to smaller enterprises financed, or expected to be financed, by the companies.

"(2) MATCHING REQUIREMENT.—The Administrator may require, as a condition of any supplemental grant made under this subsection, that the company or entity receiving the grant provide from resources (in a cash or in kind), other then those provided by the Administrator, a matching contribution equal to the amount of the supplemental grant.

"(c) LIMITATION.—None of the assistance made available under this section may be used for any overhead or general and administrative expense of a Renewable Fuel Capital Investment company.

"SEC. 390. BANK PARTICIPATION.

"(a) IN GENERAL.—Except as provided in subsection (b), any national bank, any member bank of the Federal Reserve System, and (to the extent permitted under applicable State law) any insured bank that is not a member of such system, may invest in any Renewable Fuel Capital Investment company, or in any entity established to invest solely in Renewable Fuel Capital Investment companies.

"(b) LIMITATION.—No bank described in subsection (a) may make investments described in such subsection that are greater than 5 percent of the capital and surplus of the bank.

"SEC. 391. FEDERAL FINANCING BANK.

"Notwithstanding section 318, the Federal Financing Bank may acquire a debenture issued by a Renewable Fuel Capital Investment company under this part.

"SEC. 392. REPORTING REQUIREMENT.

"Each Renewable Fuel Capital Investment company that participates in the program established under this part shall provide to the Administrator such information as the Administrator may require, including—

"(1) information related to the measurement criteria that the company proposed in its program application; and

"(2) in each case in which the company makes, under this part, an investment in, or a loan or a grant to, a business that is not primarily engaged in the research, development, manufacture, or bringing to market or renewable energy sources, a report on the nature, origin, and revenues of the business in which investments are made.

"SEC. 393. EXAMINATIONS.

"(a) IN GENERAL.—Each Renewable Fuel Capital Investment company that participates in the program established under this part shall be subject to examinations made at the direction of the Investment Division of the Administration in accordance with this section.

"(b) ASSISTANCE OF PRIVATE SECTOR ENTITIES.—Examinations under this section may be conducted with the assistance of a private sector entity that has both the qualifications and the expertise necessary to conduct such examinations.

"(c) COSTS.—

"(1) ASSESSMENT.—

"(A) IN GENERAL.—The Administrator may assess the cost of examinations under this section, including compensation of the examiners, against the company examined.

"(B) PAYMENT.—Any company against which the Administrator assesses costs under this paragraph shall pay such costs.

"(2) DEPOSIT OF FUNDS.—Funds collected under this section shall be deposited in the account for salaries and expenses of the Administration.

"SEC. 394. MISCELLANEOUS.

"To the extent such procedures are not inconsistent with the requirements of this part, the Administrator may take such action as set forth in sections 309, 311, 312, and 314 and an officer, director, employee, agent, or other participant in the management or conduct of the affairs of a Renewable Fuel Capital Investment company shall be subject to the requirements of such sections.

"SEC. 395. REMOVAL OR SUSPENSION OF DIRECTORS OR OFFICERS.

"Using the procedures for removing or suspending a director or an officer of a licensee set forth in section 313 (to the extent such procedures are not inconsistent with the requirements of this part), the Administrator may remove or suspend any director or officer of any Renewable Fuel Capital Investment company.

"SEC. 396. REGULATIONS.

"The Administrator may issue such regulations as the Administrator determines necessary to carry out the provisions of this part in accordance with its purposes.

"SEC. 397. AUTHORIZATIONS OF APPROPRIATIONS.

"(a) IN GENERAL.—Subject to the availability of appropriations, the Administrator is authorized to make $15,000,000 in operational assistance grants under section 389 for each of fiscal years 2008 and 2009.

"(b) FUNDS COLLECTED FOR EXAMINATIONS.—Funds deposited under section 393(c)(2) are authorized to be appropriated only for the costs of examinations under section 393 and for the costs of other oversight activities with respect to the program established under this part.

"SEC. 398. TERMINATION.

"The program under this part shall terminate at the end of the second full fiscal year after the date that the Administrator establishes the program under this part.".

SEC. 1208. STUDY AND REPORT.

The Administrator of the Small Business Administration shall conduct a study of the Renewable Fuel Capital Investment Program under part C of title III of the Small Business Investment Act of 1958, as added by this Act. Not later than 3 years after the date of enactment of this Act, the Administrator shall complete the study under this section and submit to Congress a report regarding the results of the study.

TITLE XIII—SMART GRID

SEC. 1301. STATEMENT OF POLICY ON MODERNIZATION OF ELECTRICITY GRID.

It is the policy of the United States to support the modernization of the Nation's electricity transmission and distribution system to maintain a reliable and secure electricity infrastructure that can meet future demand growth and to achieve each of the following, which together characterize a Smart Grid:

(1) Increased use of digital information and controls technology to improve reliability, security, and efficiency of the electric grid.

(2) Dynamic optimization of grid operations and resources, with full cyber-security.

(3) Deployment and integration of distributed resources and generation, including renewable resources.

(4) Development and incorporation of demand response, demand-side resources, and energy-efficiency resources.

(5) Deployment of "smart" technologies (real-time, automated, interactive technologies that optimize the physical operation of appliances and consumer devices) for metering, communications concerning grid operations and status, and distribution automation.

(6) Integration of "smart" appliances and consumer devices.

(7) Deployment and integration of advanced electricity storage and peak-shaving technologies, including plug-in electric and hybrid electric vehicles, and thermal-storage air conditioning.

(8) Provision to consumers of timely information and control options.

(9) Development of standards for communication and interoperability of appliances and equipment connected to the electric grid, including the infrastructure serving the grid.

(10) Identification and lowering of unreasonable or unnecessary barriers to adoption of smart grid technologies, practices, and services.

SEC. 1302. SMART GRID SYSTEM REPORT.

The Secretary, acting through the Assistant Secretary of the Office of Electricity Delivery and Energy Reliability (referred to in this section as the "OEDER") and through the Smart Grid Task Force established in section 1303, shall, after consulting with any interested individual or entity as appropriate, no later than one year after enactment, and every two years thereafter, report to Congress concerning the status of smart grid deployments nationwide and any regulatory or government barriers to continued deployment. The report shall provide the current status and prospects of smart grid development, including information on technology penetration, communications network capabilities, costs, and obstacles. It may include recommendations for State and Federal policies or actions helpful to facilitate the transition to a smart grid. To the extent appropriate, it should take a regional perspective. In preparing this report, the Secretary shall solicit advice and contributions from the Smart Grid Advisory Committee created in section 1303; from other involved Federal agencies including but not limited to the Federal Energy Regulatory Commission ("Commission"), the National Institute of Standards and Technology ("Institute"), and the Department of Homeland Security; and from other stakeholder groups not already represented on the Smart Grid Advisory Committee.

SEC. 1303. SMART GRID ADVISORY COMMITTEE AND SMART GRID TASK FORCE.

(a) SMART GRID ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Secretary shall establish, within 90 days of enactment of this Part, a Smart Grid Advisory Committee (either as an independent entity or as a designated subpart of a larger advisory committee on electricity matters). The Smart Grid Advisory Committee shall include eight or more members appointed by the Secretary who have sufficient experience and expertise to represent the full range of smart grid technologies and services, to represent both private and non-Federal public sector stakeholders. One member shall be appointed by the Secretary to Chair the Smart Grid Advisory Committee.

(2) MISSION.—The mission of the Smart Grid Advisory Committee shall be to advise the Secretary, the Assistant Secretary, and other relevant Federal officials concerning the development of smart grid technologies, the progress of a national transition to the use of smart-grid technologies and services, the evolution of widely-accepted technical and practical standards and protocols to allow interoperability and inter-communication among smart-grid capable devices, and the optimum means of using Federal incentive authority to encourage such progress.

(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Smart Grid Advisory Committee.

(b) SMART GRID TASK FORCE.—

(1) ESTABLISHMENT.—The Assistant Secretary of the Office of Electricity Delivery and Energy

Reliability shall establish, within 90 days of enactment of this Part, a Smart Grid Task Force composed of designated employees from the various divisions of that office who have responsibilities related to the transition to smart-grid technologies and practices. The Assistant Secretary or his designee shall be identified as the Director of the Smart Grid Task Force. The Chairman of the Federal Energy Regulatory Commission and the Director of the National Institute of Standards and Technology shall each designate at least one employee to participate on the Smart Grid Task Force. Other members may come from other agencies at the invitation of the Assistant Secretary or the nomination of the head of such other agency. The Smart Grid Task Force shall, without disrupting the work of the Divisions or Offices from which its members are drawn, provide an identifiable Federal entity to embody the Federal role in the national transition toward development and use of smart grid technologies.

(2) MISSION.—The mission of the Smart Grid Task Force shall be to insure awareness, coordination and integration of the diverse activities of the Office and elsewhere in the Federal government related to smart-grid technologies and practices, including but not limited to: smart grid research and development; development of widely accepted smart-grid standards and protocols; the relationship of smart-grid technologies and practices to electric utility regulation; the relationship of smart-grid technologies and practices to infrastructure development, system reliability and security; and the relationship of smart-grid technologies and practices to other facets of electricity supply, demand, transmission, distribution, and policy. The Smart Grid Task Force shall collaborate with the Smart Grid Advisory Committee and other Federal agencies and offices. The Smart Grid Task Force shall meet at the call of its Director as necessary to accomplish its mission.

(c) AUTHORIZATION.—There are authorized to be appropriated for the purposes of this section such sums as are necessary to the Secretary to support the operations of the Smart Grid Advisory Committee and Smart Grid Task Force for each of fiscal years 2008 through 2020.

SEC. 1304. SMART GRID TECHNOLOGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) POWER GRID DIGITAL INFORMATION TECHNOLOGY.—The Secretary, in consultation with the Federal Energy Regulatory Commission and other appropriate agencies, electric utilities, the States, and other stakeholders, shall carry out a program—

(1) to develop advanced techniques for measuring peak load reductions and energy-efficiency savings from smart metering, demand response, distributed generation, and electricity storage systems;

(2) to investigate means for demand response, distributed generation, and storage to provide ancillary services;

(3) to conduct research to advance the use of wide-area measurement and control networks, including data mining, visualization, advanced computing, and secure and dependable communications in a highly-distributed environment;

(4) to test new reliability technologies, including those concerning communications network capabilities, in a grid control room environment against a representative set of local outage and wide area blackout scenarios;

(5) to identify communications network capacity needed to implement advanced technologies.

(6) to investigate the feasibility of a transition to time-of-use and real-time electricity pricing;

(7) to develop algorithms for use in electric transmission system software applications;

(8) to promote the use of underutilized electricity generation capacity in any substitution of electricity for liquid fuels in the transportation system of the United States; and

(9) in consultation with the Federal Energy Regulatory Commission, to propose interconnection protocols to enable electric utilities to access electricity stored in vehicles to help meet peak demand loads.

(b) SMART GRID REGIONAL DEMONSTRATION INITIATIVE.—

(1) IN GENERAL.—The Secretary shall establish a smart grid regional demonstration initiative (referred to in this subsection as the "Initiative") composed of demonstration projects specifically focused on advanced technologies for use in power grid sensing, communications, analysis, and power flow control. The Secretary shall seek to leverage existing smart grid deployments.

(2) GOALS.—The goals of the Initiative shall be—

(A) to demonstrate the potential benefits of concentrated investments in advanced grid technologies on a regional grid;

(B) to facilitate the commercial transition from the current power transmission and distribution system technologies to advanced technologies;

(C) to facilitate the integration of advanced technologies in existing electric networks to improve system performance, power flow control, and reliability;

(D) to demonstrate protocols and standards that allow for the measurement and validation of the energy savings and fossil fuel emission reductions associated with the installation and use of energy efficiency and demand response technologies and practices; and

(E) to investigate differences in each region and regulatory environment regarding best practices in implementing smart grid technologies.

(3) DEMONSTRATION PROJECTS.—

(A) IN GENERAL.—In carrying out the initiative, the Secretary shall carry out smart grid demonstration projects in up to 5 electricity control areas, including rural areas and at least 1 area in which the majority of generation and transmission assets are controlled by a tax-exempt entity.

(B) COOPERATION.—A demonstration project under subparagraph (A) shall be carried out in cooperation with the electric utility that owns the grid facilities in the electricity control area in which the demonstration project is carried out.

(C) FEDERAL SHARE OF COST OF TECHNOLOGY INVESTMENTS.—The Secretary shall provide to an electric utility described in subparagraph (B) financial assistance for use in paying an amount equal to not more than 50 percent of the cost of qualifying advanced grid technology investments made by the electric utility to carry out a demonstration project.

(D) INELIGIBILITY FOR GRANTS.—No person or entity participating in any demonstration project conducted under this subsection shall be eligible for grants under section 1306 for otherwise qualifying investments made as part of that demonstration project.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated—

(1) to carry out subsection (a), such sums as are necessary for each of fiscal years 2008 through 2012; and

(2) to carry out subsection (b), $100,000,000 for each of fiscal years 2008 through 2012.

SEC. 1305. SMART GRID INTEROPERABILITY FRAMEWORK.

(a) INTEROPERABILITY FRAMEWORK.—The Director of the National Institute of Standards and Technology shall have primary responsibility to coordinate the development of a framework that includes protocols and model standards for information management to achieve interoperability of smart grid devices and systems. Such protocols and standards shall further align policy, business, and technology approaches in a manner that would enable all electric resources, including demand-side resources, to contribute to an efficient, reliable electricity network. In developing such protocols and standards—

(1) the Director shall seek input and cooperation from the Commission, OEDER and its Smart Grid Task Force, the Smart Grid Advisory Committee, other relevant Federal and State agencies; and

(2) the Director shall also solicit input and cooperation from private entities interested in such protocols and standards, including but not limited to the Gridwise Architecture Council, the International Electrical and Electronics Engineers, the National Electric Reliability Organization recognized by the Federal Energy Regulatory Commission, and National Electrical Manufacturer's Association.

(b) SCOPE OF FRAMEWORK.—The framework developed under subsection (a) shall be flexible, uniform and technology neutral, including but not limited to technologies for managing smart grid information, and designed—

(1) to accommodate traditional, centralized generation and transmission resources and consumer distributed resources, including distributed generation, renewable generation, energy storage, energy efficiency, and demand response and enabling devices and systems;

(2) to be flexible to incorporate—

(A) regional and organizational differences; and

(B) technological innovations;

(3) to consider the use of voluntary uniform standards for certain classes of mass-produced electric appliances and equipment for homes and businesses that enable customers, at their election and consistent with applicable State and Federal laws, and are manufactured with the ability to respond to electric grid emergencies and demand response signals by curtailing all, or a portion of, the elecirical power consumed by the appliances or equipment in response to an emergency or demand response signal, including through—

(A) load reduction to reduce total electrical demand;

(B) adjustment of load to provide grid ancillary services; and

(C) in the event of a reliability crisis that threatens an outage, short-term load shedding to help preserve the stability of the grid; and

(4) such voluntary standards should incorporate appropriate manufacturer lead time.

(c) TIMING OF FRAMEWORK DEVELOPMENT.—The Institute shall begin work pursuant to this section within 60 days of enactment. The Institute shall provide and publish an initial report on progress toward recommended or consensus standards and protocols within one year after enactment, further reports at such times as developments warrant in the judgment of the Institute, and a final report when the Institute determines that the work is completed or that a Federal role is no longer necessary.

(d) STANDARDS FOR INTEROPERABILITY IN FEDERAL JURISDICTION.—At any time after the Institute's work has led to sufficient consensus in the Commission's judgment, the Commission shall institute a rulemaking proceeding to adopt such standards and protocols as may be necessary to insure smart-grid functionality and interoperability in interstate transmission of electric power, and regional and wholesale electricity markets.

(e) AUTHORIZATION.—There are authorized to be appropriated for the purposes of this section $5,000,000 to the Institute to support the activities required by this subsection for each of fiscal years 2008 through 2012.

SEC. 1306. FEDERAL MATCHING FUND FOR SMART GRID INVESTMENT COSTS.

(a) MATCHING FUND.—The Secretary shall establish a Smart Grid Investment Matching Grant Program to provide reimbursement of one-fifth (20 percent) of qualifying Smart Grid investments.

(b) QUALIFYING INVESTMENTS.—Qualifying Smart Grid investments may include any of the following made on or after the date of enactment of this Act:

(1) In the case of appliances covered for purposes of establishing energy conservation standards under part B of title III of the Energy Policy and Conservation Act of 1975 (42 U.S.C. 6291 et seq.), the documented expenditures incurred by a manufacturer of such appliances associated with purchasing or designing, creating the ability to manufacture, and manufacturing and installing for one calendar year, internal devices that allow the appliance to engage in Smart Grid functions.

(2) In the case of specialized electricity-using equipment, including motors and drivers, installed in industrial or commercial applications, the documented expenditures incurred by its owner or its manufacturer of installing devices or modifying that equipment to engage in Smart Grid functions.

(3) In the case of transmission and distribution equipment fitted with monitoring and communications devices to enable smart grid functions, the documented expenditures incurred by the electric utility to purchase and install such monitoring and communications devices.

(4) In the case of metering devices, sensors, control devices, and other devices integrated with and attached to an electric utility system or retail distributor or marketer of electricity that are capable of engaging in Smart Grid functions, the documented expenditures incurred by the electric utility, distributor, or marketer and its customers to purchase and install such devices.

(5) In the case of software that enables devices or computers to engage in Smart Grid functions, the documented purchase costs of the software.

(6) In the case of entities that operate or coordinate operations of regional electric grids, the documented expenditures for purchasing and installing such equipment that allows Smart Grid functions to operate and be combined or coordinated among multiple electric utilities and between that region and other regions.

(7) In the case of persons or entities other than electric utilities owning and operating a distributed electricity generator, the documented expenditures of enabling that generator to be monitored, controlled, or otherwise integrated into grid operations and electricity flows on the grid utilizing Smart Grid functions.

(8) In the case of electric or hybrid-electric vehicles, the documented expenses for devices that allow the vehicle to engage in Smart Grid functions (but not the costs of electricity storage for the vehicle).

(9) The documented expenditures related to purchasing and implementing Smart Grid functions in such other cases as the Secretary shall identify. In making such grants, the Secretary shall seek to reward innovation and early adaptation, even if success is not complete, rather than deployment of proven and commercially viable technologies.

(c) INVESTMENTS NOT INCLUDED.—Qualifying Smart Grid investments do not include any of the following:

(1) Investments or expenditures for Smart Grid technologies, devices, or equipment that are eligible for specific tax credits or deductions under the Internal Revenue Code, as amended.

(2) Expenditures for electricity generation, transmission, or distribution infrastructure or equipment not directly related to enabling Smart Grid functions.

(3) After the final date for State consideration of the Smart Grid Information Standard under section 1307 (paragraph (17) of section 111(d) of the Public Utility Regulatory Policies Act of 1978), an investment that is not in compliance with such standard.

(4) After the development and publication by the Institute of protocols and model standards for interoperability of smart grid devices and technologies, an investment that fails to incorporate any of such protocols or model standards.

(5) Expenditures for physical interconnection of generators or other devices to the grid except those that are directly related to enabling Smart Grid functions.

(6) Expenditures for ongoing salaries, benefits, or personnel costs not incurred in the initial installation, training, or start up of smart grid functions.

(7) Expenditures for travel, lodging, meals or other personal costs.

(8) Ongoing or routine operation, billing, customer relations, security, and maintenance expenditures.

(9) Such other expenditures that the Secretary determines not to be Qualifying Smart Grid Investments by reason of the lack of the ability to perform Smart Grid functions or lack of direct relationship to Smart Grid functions.

(d) SMART GRID FUNCTIONS.—The term "smart grid functions" means any of the following:

(1) The ability to develop, store, send and receive digital information concerning electricity use, costs, prices, time of use, nature of use, storage, or other information relevant to device, grid, or utility operations, to or from or by means of the electric utility system, through one or a combination of devices and technologies.

(2) The ability to develop, store, send and receive digital information concerning electricity use, costs, prices, time of use, nature of use, storage, or other information relevant to device, grid, or utility operations to or from a computer or other control device.

(3) The ability to measure or monitor electricity use as a function of time of day, power quality characteristics such as voltage level, current, cycles per second, or source or type of generation and to store, synthesize or report that information by digital means.

(4) The ability to sense and localize disruptions or changes in power flows on the grid and communicate such information instantaneously and automatically for purposes of enabling automatic protective responses to sustain reliability and security of grid operations.

(5) The ability to detect, prevent, communicate with regard to, respond to, or recover from system security threats, including cyber-security threats and terrorism, using digital information, media, and devices.

(6) The ability of any appliance or machine to respond to such signals, measurements, or communications automatically or in a manner programmed by its owner or operator without independent human intervention.

(7) The ability to use digital information to operate functionalities on the electric utility grid that were previously electro-mechanical or manual.

(8) The ability to use digital controls to manage and modify electricity demand, enable congestion management, assist in voltage control, provide operating reserves, and provide frequency regulation.

(9) Such other functions as the Secretary may identify as being necessary or useful to the operation of a Smart Grid.

(e) The Secretary shall—

(1) establish and publish in the Federal Register, within one year after the enactment of this Act procedures by which applicants who have made qualifying Smart Grid investments can seek and obtain reimbursement of one-fifth of their documented expenditures;

(2) establish procedures to ensure that there is no duplication or multiple reimbursement for the same investment or costs, that the reimbursement goes to the party making the actual expenditures for Qualifying Smart Grid Investments, and that the grants made have significant effect in encouraging and facilitating the development of a smart grid;

(3) maintain public records of reimbursements made, recipients, and qualifying Smart Grid investments which have received reimbursements;

(4) establish procedures to provide, in cases deemed by the Secretary to be warranted, advance payment of moneys up to the full amount of the projected eventual reimbursement, to creditworthy applicants whose ability to make Qualifying Smart Grid Investments may be hindered by lack of initial capital, in lieu of any later reimbursement for which that applicant qualifies, and subject to full return of the advance payment in the event that the Qualifying Smart Grid investment is not made; and

(5) have and exercise the discretion to deny grants for investments that do not qualify in the reasonable judgment of the Secretary.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as are necessary for the administration of this section and the grants to be made pursuant to this section for fiscal years 2008 through 2012.

SEC. 1307. STATE CONSIDERATION OF SMART GRID.

(a) Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

"(16) CONSIDERATION OF SMART GRID INVESTMENTS.—

"(A) IN GENERAL.—Each State shall consider requiring that, prior to undertaking investments in nonadvanced grid technologies, an electric utility of the State demonstrate to the State that the electric utility considered an investment in a qualified smart grid system based on appropriate factors, including—

"(i) total costs;

"(ii) cost-effectiveness;

"(iii) improved reliability;

"(iv) security;

"(v) system performance; and

"(vi) societal benefit.

"(B) RATE RECOVERY.—Each State shall consider authorizing each electric utility of the State to recover from ratepayers any capital, operating expenditure, or other costs of the electric utility relating to the deployment of a qualified smart grid system, including a reasonable rate of return on the capital expenditures of the electric utility for the deployment of the qualified smart grid system.

"(C) OBSOLETE EQUIPMENT.—Each State shall consider authorizing any electric utility or other party of the State to deploy a qualified smart grid system to recover in a timely manner the remaining book-value costs of any equipment rendered obsolete by the deployment of the qualified smart grid system, based on the remaining depreciable life of the obsolete equipment.

"(17) SMART GRID INFORMATION.—

"(A) STANDARD.—All electricity purchasers shall be provided direct access, in written or electronic machine-readable form as appropriate, to information from their electricity provider as provided in subparagraph (B).

"(B) INFORMATION.—Information provided under this section, to the extent practicable, shall include:

"(i) PRICES.—Purchasers and other interested persons shall be provided with information on—

"(I) time-based electricity prices in the wholesale electricity market; and

"(II) time-based electricity retail prices or rates that are available to the purchasers.

"(ii) USAGE.—Purchasers shall be provided with the number of electricity units, expressed in kwh, purchased by them.

"(iii) INTERVALS AND PROJECTIONS.—Updates of information on prices and usage shall be offered on not less than a daily basis, shall include hourly price and use information, where available, and shall include a day-ahead projection of such price information to the extent available.

"(iv) SOURCES.—Purchasers and other interested persons shall be provided annually with written information on the sources of the power provided by the utility, to the extent it can be determined, by type of generation, including greenhouse gas emissions associated with each type of generation, for intervals during which such information is available on a cost-effective basis.

"(C) ACCESS.—Purchasers shall be able to access their own information at any time through the internet and on other means of communication elected by that utility for Smart Grid applications. Other interested persons shall be able to access information not specific to any purchaser through the Internet. Information specific to any purchaser shall be provided solely to that purchaser.".

(b) COMPLIANCE.—

(1) TIME LIMITATIONS.—Section 112(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C, 2622(b)) is amended by adding the following at the end thereof:

"(6)(A) Not later than 1 year after the enactment of this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority) and each nonregulated utility shall commence the consideration referred to in section 111, or set a hearing date for consideration, with respect to the standards established by paragraphs (17) through (18) of section 111(d).

"(B) Not later than 2 years after the date of the enactment of the this paragraph, each State regulatory authority (with respect to each electric utility for which it has ratemaking authority), and each nonregulated electric utility, shall complete the consideration, and shall make the determination, referred to in section 111 with respect to each standard established by paragraphs (17) through (18) of section 111(d).".

(2) FAILURE TO COMPLY.—Section 112(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(c)) is amended by adding the following at the end:

"In the case of the standards established by paragraphs (16) through (19) of section 111(d), the reference contained in this subsection to the date of enactment of this Act shall be deemed to be a reference to the date of enactment of such paragraphs.".

(3) PRIOR STATE ACTIONS.—Section 112(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2622(d)) is amended by inserting "and paragraphs (17) through (18)" before "of section 111(d)".

SEC. 1308. STUDY OF THE EFFECT OF PRIVATE WIRE LAWS ON THE DEVELOPMENT OF COMBINED HEAT AND POWER FACILITIES.

(a) STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the States and other appropriate entities, shall conduct a study of the laws (including regulations) affecting the siting of privately owned electric distribution wires on and across public rights-of-way.

(2) REQUIREMENTS.—The study under paragraph (1) shall include—

(A) an evaluation of—

(i) the purposes of the laws; and

(ii) the effect the laws have on the development of combined heat and power facilities;

(B) a determination of whether a change in the laws would have any operating, reliability, cost, or other impacts on electric utilities and the customers of the electric utilities; and

(C) an assessment of—

(i) whether privately owned electric distribution wires would result in duplicative facilities; and

(ii) whether duplicative facilities are necessary or desirable.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study conducted under subsection (a).

SEC. 1309. DOE STUDY OF SECURITY ATTRIBUTES OF SMART GRID SYSTEMS.

(a) DOE STUDY.—The Secretary shall, within 18 months after the date of enactment of this Act, submit a report to Congress that provides a quantitative assessment and determination of the existing and potential impacts of the deployment of Smart Grid systems on improving the security of the Nation's electricity infrastructure and operating capability. The report shall include but not be limited to specific recommendations on each of the following:

(1) How smart grid systems can help in making the Nation's electricity system less vulnerable to disruptions due to intentional acts against the system.

(2) How smart grid systems can help in restoring the integrity of the Nation's electricity system subsequent to disruptions.

(3) How smart grid systems can facilitate nationwide, interoperable emergency communications and control of the Nation's electricity system during times of localized, regional, or nationwide emergency.

(4) What risks must be taken into account that smart grid systems may, if not carefully created and managed, create vulnerability to security threats of any sort, and how such risks may be mitigated.

(b) CONSULTATION.—The Secretary shall consult with other Federal agencies in the development of the report under this section, including but not limited to the Secretary of Homeland Security, the Federal Energy Regulatory Commission, and the Electric Reliability Organization certified by the Commission under section 215(c) of the Federal Power Act (16 U.S.C. 824o) as added by section 1211 of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 941).

TITLE XIV—POOL AND SPA SAFETY

SEC. 1401. SHORT TITLE.

This title may be cited as the "Virginia Graeme Baker Pool and Spa Safety Act".

SEC. 1402. FINDINGS.

Congress finds the following:

(1) Of injury-related deaths, drowning is the second leading cause of death in children aged 1 to 14 in the United States.

(2) In 2004, 761 children aged 14 and under died as a result of unintentional drowning.

(3) Adult supervision at all aquatic venues is a critical safety factor in preventing children from drowning.

(4) Research studies show that the installation and proper use of barriers or fencing, as well as additional layers of protection, could substantially reduce the number of childhood residential swimming pool drownings and near drownings.

SEC. 1403. DEFINITIONS.

In this title:

(1) ASME/ANSI.—The term "ASME/ANSI" as applied to a safety standard means such a standard that is accredited by the American National Standards Institute and published by the American Society of Mechanical Engineers.

(2) BARRIER.—The term "barrier" includes a natural or constructed topographical feature that prevents unpermitted access by children to a swimming pool, and, with respect to a hot tub, a lockable cover.

(3) COMMISSION.—The term "Commission" means the Consumer Product Safety Commission.

(4) MAIN DRAIN.—The term "main drain" means a submerged suction outlet typically located at the bottom of a pool or spa to conduct water to a re-circulating pump.

(5) SAFETY VACUUM RELEASE SYSTEM.—The term "safety vacuum release system" means a vacuum release system capable of providing vacuum release at a suction outlet caused by a high vacuum occurrence due to a suction outlet flow blockage.

(6) SWIMMING POOL; SPA.—The term "swimming pool" or "spa" means any outdoor or indoor structure intended for swimming or recreational bathing, including in-ground and above-ground structures, and includes hot tubs, spas, portable spas, and non-portable wading pools.

(7) UNBLOCKABLE DRAIN.—The term "unblockable drain" means a drain of any size and shape that a human body cannot sufficiently block to create a suction entrapment hazard.

SEC. 1404. FEDERAL SWIMMING POOL AND SPA DRAIN COVER STANDARD.

(a) CONSUMER PRODUCT SAFETY RULE.—The requirements described in subsection (b) shall be treated as a consumer product safety rule issued by the Consumer Product Safety Commission under the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

(b) DRAIN COVER STANDARD.—Effective 1 year after the date of enactment of this title, each swimming pool or spa drain cover manufactured, distributed, or entered into commerce in the United States shall conform to the entrapment protection standards of the ASME/ANSI A112.19.8 performance standard, or any successor standard regulating such swimming pool or drain cover.

(c) PUBLIC POOLS.—

(1) REQUIRED EQUIPMENT.—

(A) IN GENERAL.—Beginning 1 year after the date of enactment of this title—

(i) each public pool and spa in the United States shall be equipped with anti-entrapment devices or systems that comply with the ASME/ANSI A112.19.8 performance standard, or any successor standard; and

(ii) each public pool and spa in the United States with a single main drain other than an unblockable drain shall be equipped, at a minimum, with 1 or more of the following devices or systems designed to prevent entrapment by pool or spa drains that meets the requirements of subparagraph (B):

(I) SAFETY VACUUM RELEASE SYSTEM.—A safety vacuum release system which ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected, that has been tested by an independent third party and found to conform to ASME/ANSI standard A112.19.17 or ASTM standard F2387.

(II) SUCTION-LIMITING VENT SYSTEM.—A suction-limiting vent system with a tamper-resistant atmospheric opening.

(III) GRAVITY DRAINAGE SYSTEM.—A gravity drainage system that utilizes a collector tank.

(IV) AUTOMATIC PUMP SHUT-OFF SYSTEM.—An automatic pump shut-off system.

(V) DRAIN DISABLEMENT.—A device or system that disables the drain.

(VI) OTHER SYSTEMS.—Any other system determined by the Commission to be equally effective as, or better than, the systems described in subclauses (I) through (V) of this clause at preventing or eliminating the risk of injury or death associated with pool drainage systems.

(B) APPLICABLE STANDARDS.—Any device or system described in subparagraph (A)(ii) shall meet the requirements of any ASME/ANSI or

ASTM performance standard if there is such a standard for such a device or system, or any applicable consumer product safety standard.

(2) PUBLIC POOL AND SPA DEFINED.—In this subsection, the term "public pool and spa" means a swimming pool or spa that is—

(A) open to the public generally, whether for a fee or free of charge;

(B) open exclusively to—

(i) members of an organization and their guests;

(ii) residents of a multi-unit apartment building, apartment complex, residential real estate development, or other multi-family residential area (other than a municipality, township, or other local government jurisdiction); or

(iii) patrons of a hotel or other public accommodations facility; or

(C) operated by the Federal Government (or by a concessionaire on behalf of the Federal Government) for the benefit of members of the Armed Forces and their dependents or employees of any department or agency and their dependents.

(3) ENFORCEMENT.—Violation of paragraph (1) shall be considered to be a violation of section 19(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2068(a)(1)) and may also be enforced under section 17 of that Act (15 U.S.C. 2066).

SEC. 1405. STATE SWIMMING POOL SAFETY GRANT PROGRAM.

(a) IN GENERAL.—Subject to the availability of appropriations authorized by subsection (e), the Commission shall establish a grant program to provide assistance to eligible States.

(b) ELIGIBILITY.—To be eligible for a grant under the program, a State shall—

(1) demonstrate to the satisfaction of the Commission that it has a State statute, or that, after the date of enactment of this title, it has enacted a statute, or amended an existing statute, and provides for the enforcement of, a law that—

(A) except as provided in section 1406(a)(1)(A)(i), applies to all swimming pools in the State; and

(B) meets the minimum State law requirements of section 1406; and

(2) submit an application to the Commission at such time, in such form, and containing such additional information as the Commission may require.

(c) AMOUNT OF GRANT.—The Commission shall determine the amount of a grant awarded under this title, and shall consider—

(1) the population and relative enforcement needs of each qualifying State; and

(2) allocation of grant funds in a manner designed to provide the maximum benefit from the program in terms of protecting children from drowning or entrapment, and, in making that allocation, shall give priority to States that have not received a grant under this title in a preceding fiscal year.

(d) USE OF GRANT FUNDS.—A State receiving a grant under this section shall use—

(1) at least 50 percent of amounts made available to hire and train enforcement personnel for implementation and enforcement of standards under the State swimming pool and spa safety law; and

(2) the remainder—

(A) to educate pool construction and installation companies and pool service companies about the standards;

(B) to educate pool owners, pool operators, and other members of the public about the standards under the swimming pool and spa safety law and about the prevention of drowning or entrapment of children using swimming pools and spas; and

(C) to defray administrative costs associated with such training and education programs.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for each of fiscal years 2009 and 2010 $2,000,000 to carry out this section, such sums to remain available until expended. Any amounts appropriated pursuant to this subsection that remain unexpended and unobligated at the end of fiscal year 2010 shall be retained by the Commission and credited to the appropriations account that funds enforcement of the Consumer Product Safety Act.

SEC. 1406. MINIMUM STATE LAW REQUIREMENTS.

(a) IN GENERAL.—

(1) SAFETY STANDARDS.—A State meets the minimum State law requirements of this section if—

(A) the State requires by statute—

(i) the enclosure of all outdoor residential pools and spas by barriers to entry that will effectively prevent small children from gaining unsupervised and unfettered access to the pool or spa;

(ii) that all pools and spas be equipped with devices and systems designed to prevent entrapment by pool or spa drains;

(iii) that pools and spas built more than 1 year after the date of the enactment of such statute have—

(I) more than 1 drain;

(II) 1 or more unblockable drains; or

(III) no main drain;

(iv) every swimming pool and spa that has a main drain, other than an unblockable drain, be equipped with a drain cover that meets the consumer product safety standard established by section 1404; and

(v) that periodic notification is provided to owners of residential swimming pools or spas about compliance with the entrapment protection standards of the ASME/ANSI A112.19.8 performance standard, or any successor standard; and

(B) the State meets such additional State law requirements for pools and spas as the Commission may establish after public notice and a 30-day public comment period.

(2) NO LIABILITY INFERENCE ASSOCIATED WITH STATE NOTIFICATION REQUIREMENT.—The minimum State law notification requirement under paragraph (1)(A)(v) shall not be construed to imply any liability on the part of a State related to that requirement.

(3) USE OF MINIMUM STATE LAW REQUIREMENTS.—The Commission—

(A) shall use the minimum State law requirements under paragraph (1) solely for the purpose of determining the eligibility of a State for a grant under section 1405 of this Act; and

(B) may not enforce any requirement under paragraph (1) except for the purpose of determining the eligibility of a State for a grant under section 1405 of this Act.

(4) REQUIREMENTS TO REFLECT NATIONAL PERFORMANCE STANDARDS AND COMMISSION GUIDELINES.—In establishing minimum State law requirements under paragraph (1), the Commission shall—

(A) consider current or revised national performance standards on pool and spa barrier protection and entrapment prevention; and

(B) ensure that any such requirements are consistent with the guidelines contained in the Commission's publication 362, entitled "Safety Barrier Guidelines for Home Pools", the Commission's publication entitled "Guidelines for Entrapment Hazards: Making Pools and Spas Safer", and any other pool safety guidelines established by the Commission.

(b) STANDARDS.—Nothing in this section prevents the Commission from promulgating standards regulating pool and spa safety or from relying on an applicable national performance standard.

(c) BASIC ACCESS-RELATED SAFETY DEVICES AND EQUIPMENT REQUIREMENTS TO BE CONSIDERED.—In establishing minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall consider the following requirements:

(1) COVERS.—A safety pool cover.

(2) GATES.—A gate with direct access to the swimming pool or spa that is equipped with a self-closing, self-latching device.

(3) DOORS.—Any door with direct access to the swimming pool or spa that is equipped with an audible alert device or alarm which sounds when the door is opened.

(4) POOL ALARM.—A device designed to provide rapid detection of an entry into the water of a swimming pool or spa.

(d) ENTRAPMENT, ENTANGLEMENT, AND EVISCERATION PREVENTION STANDARDS TO BE REQUIRED.—

(1) IN GENERAL.—In establishing additional minimum State law requirements for swimming pools and spas under subsection (a)(1), the Commission shall require, at a minimum, 1 or more of the following (except for pools constructed without a single main drain):

(A) SAFETY VACUUM RELEASE SYSTEM.—A safety vacuum release system which ceases operation of the pump, reverses the circulation flow, or otherwise provides a vacuum release at a suction outlet when a blockage is detected, that has been tested by an independent third party and found to conform to ASME/ANSI standard A112.19.17 or ASTM standard F2387, or any successor standard.

(B) SUCTION-LIMITING VENT SYSTEM.—A suction-limiting vent system with a tamper-resistant atmospheric opening.

(C) GRAVITY DRAINAGE SYSTEM.—A gravity drainage system that utilizes a collector tank.

(D) AUTOMATIC PUMP SHUT-OFF SYSTEM.—An automatic pump shut-off system.

(E) DRAIN DISABLEMENT.—A device or system that disables the drain.

(F) OTHER SYSTEMS.—Any other system determined by the Commission to be equally effective as, or better than, the systems described in subparagraphs (A) through (E) of this paragraph at preventing or eliminating the risk of injury or death associated with pool drainage systems.

(2) APPLICABLE STANDARDS.—Any device or system described in subparagraphs (B) through (E) of paragraph (1) shall meet the requirements of any ASME/ANSI or ASTM performance standard if there is such a standard for such a device or system, or any applicable consumer product safety standard.

SEC. 1407. EDUCATION PROGRAM.

(a) IN GENERAL.—The Commission shall establish and carry out an education program to inform the public of methods to prevent drowning and entrapment in swimming pools and spas. In carrying out the program, the Commission shall develop—

(1) educational materials designed for pool manufacturers, pool service companies, and pool supply retail outlets;

(2) educational materials designed for pool owners and operators; and

(3) a national media campaign to promote awareness of pool and spa safety.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission for each of the fiscal years 2008 through 2012 $5,000,000 to carry out the education program authorized by subsection (a).

SEC. 1408. CPSC REPORT.

Not later than 1 year after the last day of each fiscal year for which grants are made under section 1405, the Commission shall submit to Congress a report evaluating the implementation of the grant program authorized by that section.

TITLE XV—REVENUE PROVISIONS

SEC. 1500. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal *of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.*

SEC. 1501. EXTENSION OF ADDITIONAL 0.2 PERCENT FUTA SURTAX.

(a) IN GENERAL.—Section 3301 (relating to rate of tax) is amended—

(1) by striking "2007" in paragraph (1) and inserting "2008", and

(2) by striking "2008" in paragraph (2) and inserting "2009".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to wages paid after December 31, 2007.

SEC. 1502. 7-YEAR AMORTIZATION OF GEOLOGICAL AND GEOPHYSICAL EXPENDITURES FOR CERTAIN MAJOR INTEGRATED OIL COMPANIES.

(a) IN GENERAL.—Subparagraph (A) of section 167(h)(5) (relating to special rule for major integrated oil companies) is amended by striking "5-year" and inserting "7-year".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act.

TITLE XVI—EFFECTIVE DATE

SEC. 1601. EFFECTIVE DATE.

This Act and the amendments made by this Act take effect on the date that is 1 day after the date of enactment of this Act.

MOTION OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Speaker, pursuant to House Resolution 877, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Dingell moves that the House concur in the Senate amendment to the House amendment to the Senate amendment to the text of H.R. 6.

The SPEAKER pro tempore. Pursuant to House Resolution 877, the gentleman from Michigan (Mr. DINGELL) and the gentleman from Texas (Mr. BARTON) each will control 30 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to insert extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

□ 1200

Mr. DINGELL. Mr. Speaker, at this time, I yield 1 minute to my friend, the distinguished majority leader of the House, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, this is a historic day for the House of Representatives; it's a historic day for the Dean of the House; it's a historic day for the leadership of this House; and it will be, I think, viewed as a very important day for America and our energy independence and for our effort to keep our environment sustainable.

I want to thank and congratulate the chairman of the Energy and Commerce Committee. I said this when we last considered the bill on this floor; no Member of this body has focused more on energy and energy policy, energy independence, throughout the years than has the chairman of the Energy and Commerce Committee, Mr. DINGELL.

Save for his singular focus on ensuring the health of all Americans and their availability of affordable health care, quality health care, his focus on energy and energy independence and efficient use of energy has been unmatched, and I congratulate him for that.

As he said when this bill passed out of the House, it wasn't the perfect bill. There are many of us in this House who would have hoped that the Senate would not have removed some of the items that were in this bill when it came from the House.

Having said that, Mr. Speaker, this landmark bipartisan legislation, the Energy Independence and Security Act, represents a vital turning point for our Nation and a historic accomplishment for this Congress.

Today, we set a new direction for this country in the area of energy policy. Our Nation's energy policy is inextricably linked to our national security, our economic security, and our environmental well-being.

And, I have long believed that we must summon our national will, resources and ingenuity to make significant gains in technology, conservation, vehicle efficiency, and the use of alternative fuels in order to end our reliance on foreign oil and other important sources of energy. To that extent, this bill was and remains a vital national security interest.

With this legislation, we will move toward real energy independence that results in a stronger economy, more jobs, and healthier communities. The Chairs and ranking members that worked tirelessly to produce this bill are also to be congratulated.

Under the leadership of Chairman DINGELL, as I have said, this bill includes historic fuel economy, renewable fuels, and energy efficiency provisions.

The increase in the fuel efficiency of vehicles to 35 miles per gallon by 2020 is the first in a generation, and is supported by environmentalists and the automobile industry, in no small part because of the work of Chairman DINGELL.

Furthermore, it will result in $22 billion in net annual consumer savings by 2020 and reduce greenhouse gases in an amount equal to taking off the road 28 million of today's average cars and trucks.

Among other things, this bill will reduce our reliance on foreign oil by investing in the production and infrastructure needed to deploy homegrown biofuels. It provides incentives for plug-in hybrid cars. And it includes landmark energy efficiency provisions that will save consumers and businesses at least $300 billion through 2030.

Let no one be mistaken, this bill, while comprehensive, does not represent the totality of our energy policy. There is still much more to do, and we will be about that business.

For example, we should take up legislation to establish a renewable portfolio standard and extend the production tax credit, and do so promptly. We also should continue to work across the aisle and with the Senate to reach further consensus on issues such as the use of renewables, the development of new technologies, and the fiscally responsible extension of needed energy tax provisions.

Mr. Speaker, when we started this session, we started it on a historic note and swore in the first woman Speaker in the history of America, in the history of this House of over 200 years. As she was sworn in, we had literally scores of children who surrounded the Speaker. And she intoned that this would be the "children's Congress," it would be the "children's Congress," and it would look to the future, not the past. And this bill looks to the future of energy use, of energy efficiency, of energy security, and of the health of this tiny globe on which all of us survive and hopefully thrive.

Mr. Speaker, this legislation is a historic turning point in America's energy policy. And I urge all of my colleagues on both sides of the aisle, for our children, for our future, for our security, vote for this historic piece of legislation.

I thank the gentleman for yielding me the time.

Mr. BARTON of Texas. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker and Members of the House, it's interesting how different people can see the same set of circumstances and come to totally different conclusions.

In the last Congress, we passed the Energy Policy Act of 2005 on a bipartisan basis. There were open markups in the House and the Senate. There was an open conference committee that was televised in some cases. We had, I believe, a majority of the Democrats vote for that bill on the House floor, a majority of the Democrats in the Senate, and obviously almost all the Republicans in both bodies. It was the most comprehensive energy bill to be signed into law in probably the last 30 or 40 years.

Many of the things in that bill are going to be undone if and when this bill passes and the President signs it, which he is expected to do so. I understand the consequences of elections. I understand there is a new majority. I do not understand how what made sense 2 years ago doesn't make sense today.

Let's take the issue of fuel economy standards. If there is a crown jewel in this bill, it apparently is that we're going to raise CAFE standards significantly for the first time in 30 years. On the surface, that may appear to be a good thing, but let me point out a few things.

There are over 350 models of automobiles and trucks that are currently available for sale to the American public. There are only eight vehicles that get 35 miles to the gallon. They are the Honda Fit, the Honda Civic, the Honda Civic Hybrid, the Toyota Yaris, both manual and automatic, Toyota Corolla, Toyota Camry Hybrid, and the Toyota Prius. That's it.

Now, let's look at the top eight selling vehicles that the American public have bought so far this year. Number one is the Ford F-series pickup. Number two is the Chevrolet Silverado pickup. Number three is the Toyota Camry, not the Camry Hybrid. Number four is the Dodge Ram pickup. Number five is the Honda Accord. Number six is the Toyota Corolla. Number seven is the Honda Civic. Number eight is the Nissan Altima. Only two or three of those get 35 miles to the gallon.

I will stipulate, as smart as our engineers in Detroit are, it is going to be very, very difficult, if not impossible, for the Ford F-series pickups, the Chevy Silverado and the Dodge Ram pickup to get 35 miles to the gallon by the year 2020.

There are vehicles that meet the standard. Some of those make the top list of sales, but three of the top four do not. I will stipulate by setting the standard at 35 miles to the gallon, will we improve fuel economy? Yes, we will. Will we reach the holy grail of 35 miles per gallon on a fleet average by 2020? If I had to guess, I would bet we'll be back on this floor within the next 10 years providing for an extension of that because I think it's going to be technologically very difficult, if not impossible. And I think economically it's not going to be possible at all.

What the bill before us is is a mandatory conservation bill. Now, conservation in and of itself is a good thing. I won't deny that. But conservation without some supply is a bad thing, and that's what this bill is. We're preempting State and local building codes with Federal building standards for so-called "green buildings." We're mandating 35 billion gallons of alternative fuels that right now the technology simply doesn't exist. Hopefully our engineers and scientists can make that happen, but what if they don't?

We are also basically just changing the way that we operate in a market economy for energy in this country to the government knows the best and the government is going to tell the American people what's best for them, whether the American people like it or not. I think that's a mistake, Mr. Speaker. And for that reason, I would hope we vote against the bill.

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, the legislation before us today takes measurable and concrete steps to reduce energy consumption and greenhouse gas emissions. Most importantly, it is a piece of legislation that will be signed into law by the President. And as such, it represents a glimmer of hope that we will be able to get beyond the gridlock that has afflicted us for far too long in far too many areas.

Despite the birth pains of this legislation, and there have been many, it is a good bill. Is it a perfect bill? No. But it is good enough to be supported by the Members. More has to be done, and we will do it. This is, then, a good bill. Its core is a series of requirements that will improve energy efficiency of almost every product and tool and appliance that is used in the United States from light bulbs to light trucks. We are requiring a 40 percent increase in the fuel economy of our motor vehicles, and we are doing it in a way that gives manufacturers the flexibility they need to get the job done while preserving American jobs.

Congress is establishing specific numbers and targets, including new categories of vehicles, in a comprehensive approach to fuel efficiency. Along with the efficiency standards for homes, appliances and lighting, we will be removing from the atmosphere 10 billion tons or more of carbon dioxide from the atmosphere by 2030. That is the equivalent of taking all cars, trucks and planes off the road and out of the skies for 5 years.

This legislation is not the final word on energy security or climate change. We will be needing to do more, and we will. To be specific, I believe that it is possible for us to craft renewable energy requirements for electrical utilities, something which was dropped in the final stages of the bill because of the imperfections of the Senate's work, and a low carbon fuel standard. These are matters we will be addressing next year as we craft comprehensive climate change legislation on which the Committee on Energy and Commerce is now working. But that takes nothing away from today's achievement, which represents solid accomplishment and an essential downpayment towards reducing our dependence on foreign sources of oil and reducing greenhouse emissions.

Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Rockwall, Texas, Mr. RALPH HALL.

Mr. HALL of Texas. Mr. Speaker, I rise today, of course, in opposition to the Senate amendment to H.R. 6. And as I've said before on many occasions, I think our colleagues on the other side of the aisle have really missed an opportunity to pass energy legislation that would actually do something to produce and enhance supplies of domestic sources of energy.

The bill before us today does absolutely nothing. It doesn't produce a barrel of oil. And I'm from an energy State. Ten of our States are energy States. I don't see how anybody from energy States can vote for a bill that calls itself an energy bill that doesn't produce any energy.

It's really a sad day. But it's not sad for people my age and the people of the average age of this body here. It's sad for those juniors and seniors in high school and those in early college, those that might be called on to go overseas and take energy away from someone when we have plenty right here at home which we could be mining.

It's sad that we're not hitting ANWR. It's sad that we're depending on Saudi Arabia for 40 percent of our energy and 20 percent from other Arab nations when they don't like us and we don't like them and we don't trust them.

This is a bill that will put our children on troop ships to go somewhere to take oil or gas or energy away from countries when we don't have to. We have plenty right here in this country. But we're turning our backs on the young people of this Nation, and we ought to be ashamed for it.

This is a lousy bill. It's a bad energy bill. It should be defeated. It won't be defeated. But I certainly ask everybody to vote against it.

☐ 1215

Mr. DINGELL. Mr. Speaker, before I yield to my good friend, the next speaker, I want to say a word of gratitude and praise for our distinguished majority leader who leads us so well. Mr. HOYER is an outstanding Member of this body, and I express my personal gratitude, affection and respect for him.

At this time I yield 3 minutes to the distinguished chairman of the subcommittee, Mr. BOUCHER, who has worked so hard and so diligently on this legislation.

Mr. BOUCHER. I thank the gentleman from Michigan for yielding.

Mr. Speaker, I rise in support of the Senate amendment now pending before the House, and I urge its approval by the House. We are poised today to make a landmark advance in national energy policy. By 2020, vehicle fuel economy will increase by 40 percent, reaching 35 miles per gallon when averaging together cars and light trucks.

I want to commend Chairman DINGELL of our Energy and Commerce Committee and the outstanding committee staff who have worked so long and hard in order to bring this advance before the House today in the form of legislation that has a bipartisan base of support and that, in fact, will be signed by the President.

Under our energy efficiency provisions, future greenhouse gas emissions will be lessened by 10 billion tons over the next two decades. In the year 2030 alone, our efficiency provisions will reduce CO_2 emissions by an amount equal to the annual emissions of all of the cars and trucks on America's highways today and the grounding of all airplanes now flying in the United States for a total of 5 years.

We make more than 40 separate energy efficiency improvements. They set new standards for lighting many multiples beyond today's requirements. They set higher standards for future models of an array of consumer products from refrigerators to freezers to dishwashers to clothes washers to residential boilers, electric motors and electric fans. They create a process to capture much of the heat that is wasted today in America's industrial operations, enabling us to generate potentially as much as 60 gigawatts of electricity from that wasted industrial heat; and that could be done without emitting any carbon dioxide beyond what is emitted today.

The bill that we bring to the House creates a Federal support policy in support of a smart grid and electricity demand response leading to the day when homeowners can save money by consuming more electricity at times of lower demand when prices are less and then not consuming electricity during the high peak hours when electricity is considerably more costly. We promote plug-in hybrids and advanced auto batteries to bring closer the day when most transportation in the United States will be electrically powered.

The bill requires a major increase in the use of biofuels, enhancing our energy security and further reducing greenhouse gas emissions.

The measure is a landmark energy achievement, and I strongly encourage its adoption.

Mr. Speaker, I want to commend the Speaker of the House, Ms. PELOSI, who from the day that she took office as our Speaker has strongly encouraged this energy advance. I don't think it would have happened without her strong leadership. And I again want to thank the chairman of the Energy and Commerce Committee for all of the work he has done and the landmark achievements that this bill represents.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. Mr. Speaker, I spent 25 years in the retail car business, so I know a little bit about cars and fuel economy. I support this bill because it is an effective compromise that will move us towards less dependence on foreign oil while still allowing manufacturers to build cars and trucks that people will want to buy.

This bill clearly represents Congress's intent for fuel economy standards to be regulated through NHTSA, the National Highway Traffic Safety Administration. Other agencies, like the EPA, may also stake a claim for fuel economy standards. If they do, it would clearly make no sense for them to establish a different standard than the one being authorized by Congress today. The President said so in an executive order in May, and Congress is saying so today.

Anything any other agency may do must be consistent and harmonized with this act. There can and should be only one national fuel economy standard, and this is it. With this standard, consumers can look forward in the future to cars and trucks with the room and performance that they want, but with the fuel economy and alternative fuels that we need.

Mr. DINGELL. Mr. Speaker, I want to yield the gentleman 30 seconds.

Mr. CAMPBELL of California. Thank you, Mr. Chairman.

Mr. DINGELL. I just want to say a word of gratitude to the gentleman from California for the fine work he has done on this matter and how much the country owes him for his labors on this.

I also want to say a word of praise for both Mr. HILL and Mr. TERRY who have done a superb job in working for a better piece of legislation.

I want the gentleman to be aware of my personal gratitude and appreciation. I think the country also will have reason to thank the gentleman.

Mr. CAMPBELL of California. I thank the chairman very much for those comments. And as I said, I think what we have reached here is an effective compromise. People will be able to buy cars and trucks if they want. But we will also be moving fuel economy forward.

Mr. DINGELL. Mr. Speaker, I yield 3 minutes to the distinguished gentleman, my good friend from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the chairman for yielding me this time, and I want to join with my colleagues in thanking him so much for all of his leadership on this legislation, his knowledge of the subject matter, and his ability to work out the intricacies in what may be the longest-standing battle in the Congress, and that is on fuel economies. But he has put together a standard that will work for the consumers, it will for the environment, it will work for the auto industry, and it will work for the people who work in that industry.

And, Mr. DINGELL, I want to thank you for that. I also want to join in thanking the Speaker of the House of Representatives for making this her most important priority for this legislation, to give us an opportunity, this Congress and the American public, to break with the past, to break with the stranglehold of the old way of thinking both about our transportation sector and about our energy sector, to introduce into that sector the competition of alternative energy sources, of renewable energy sources, of efficient automobiles that will change America dramatically.

Whereas, we know, with this legislation, many have said it, by 2030 it will save almost 4 million barrels a day. That is almost the equivalent of the output of this entire Nation. You can keep thinking that you can produce your way out of this problem, but it has shown that we can't. We continue to become more and more reliant on questionable sources of energy, and yet this legislation itself will produce, just the automobile standards will produce half of what we import from the Persian Gulf. This changes that dramatically. You can find oil in conservation. You can find oil in Detroit. Or you can find it in the Persian Gulf. We chose to go in the smart direction, to think about conservation, not only its impact on energy, but on the environment and on the pocketbook of the American public.

Four million barrels of oil a day saved by 2030, five times the output of the Alaska pipeline today, five times. It is like finding money in the street and oil in the street. It doesn't mean we won't continue to produce, but it means we are going to be very smart about oil production in this country and about the use of energy on behalf of this Nation.

I also wanted to mention that we address the jobs that are going to be created by this commitment to renewables, this commitment to alternative energy sources, whether it is in nuclear, whether it is in coal, whether it is in the automobile industry or in the renewables sources, and that was the green jobs bill to provide training and expertise for people in solar panel manufacturing, construction work, and renewable energy and initiatives. Those are very important. Those were reported out of the Committee on Education and Labor and were championed by Congresswoman HILDA SOLIS and by Congressman JOHN TIERNEY on that legislation.

This legislation has a potential to create millions of new jobs in new industries of the future in every geographical sector of America, not just confined to the old centers of manufacturing, but all across this country for new high-skilled jobs for the future.

Mr. BARTON of Texas. I would like to yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. I'm not opposed to CAFE. I'm not opposed to fuel efficiency. I'm not opposed to biofuels. But, folks, you are overselling them. We have an energy crisis today, not 5 years from now. OPEC told us last week no more oil, get used to $90 to $100 oil. Today it is $92. Today we have the highest home heating costs ever, the highest diesel costs ever, the highest gasoline costs ever. The poor and middle class of this country are struggling to heat their homes and afford to drive.

Under this bill, foreign dependence will not decrease. It is currently at 66 percent, and for the last 10 years, for the last 10 years, 2 percent a year, dependence, 2 percent a year, folks, it is going to continue for the next 5 because this doesn't produce energy for 5. If this continues, 76 percent of our energy will be foreign dependent.

The gentlemen from Massachusetts and California stated we will save 4 million barrels a day with CAFE and biofuels today combined. Not now. Not in 5 years, but by 2030. That is 23 years. Our increase in energy need from population growth alone will be greater than that. We grew 5 billion barrel a day in the last 25 years in need for oil. This will have no impact for 5 years. Can Americans afford no relief for 5 years? $90 to $100 oil can sink the economy of this country. Every recession has been energy related. This country is on the verge of going into a recession because of energy prices. As we conserve and become more efficient, we must have more energy also, produce the Outer Continental Shelf, Alaska, and the Midwest and lessen our foreign dependence, increase nuclear production of electricity, implement clean coal technology, stimulate the production of fuel and gas from coal.

Our growing need for affordable energy is growing faster than the savings in this bill. America expects more of us. They don't want to wait 5 years: high home heating costs, high driving costs, the chance of their job going abroad. We are going to lose a million or two jobs in this country because we have the highest energy prices in the world. Our natural gas prices are higher than everybody, and clean, green natural gas, which you oppose producing, is the best fuel for America's future to get us by this difficult stage we are in.

Ladies and gentlemen, we need policy that will bring energy to Americans so they can afford to live their lives, so they can maintain the manufacturing and processing jobs, so we can afford to move our goods across this country.

We are in an energy crisis, folks. This bill does not resolve a crisis. It has futuristic things in it. But we are not going to resolve the energy crisis in America. People in America expect more of us, and we should be delivering more.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Speaker, today is a historic day for America. This legislation blazes a trail by putting small businesses at the forefront of solving our energy problems. It is clear there is no greater obstacle to our long-term economic growth than the rising costs of energy.

With this bill, we are not only addressing this challenge today, but also for future generations, and leading the effort will be this Nation's entrepreneurs. This legislation will enable small farmers to produce more clean energy. Small businesses already make up 85 percent of the renewable fuels industry, and this ensures they remain viable in a global economy. The establishment of the Renewable Fuels Capital Investment Company will only increase the number of small firms involved in producing ethanol and biodiesel.

Small manufacturers are also expected to expand their efforts in improving energy conservation. With greater access to capital for developing clean technologies, these firms can use these resources to innovate and create designs to enhance efficiency. When people talk about a green economy and green collar jobs, they talk about small businesses.

Mr. Speaker, these reforms sustain and expand the efforts of small businesses in adding stability to our energy markets. This will be accomplished by reducing energy usage, encouraging conservation and limiting greenhouse gas emissions. The bill before us shows that meeting the needs of our environment doesn't mean we cannot meet the needs of our economy.

In short, Mr. Speaker, I commend the leadership on this important bill, support its immediate passage, and urge the President to sign this into law.

□ 1230

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to a member of the Energy and Commerce Committee, the gentlewoman from Nashville, Tennessee, Congresswoman BLACKBURN.

Mrs. BLACKBURN. I thank our ranking member from Texas.

I find it so interesting, Mr. Speaker, that so many of our colleagues refer to this as a historic day. I think, in some regards, it certainly is. Certainly the New York Times regards it as a historic day, and I quote from the New York Times this morning where they say, and I am quoting, "This is one of the most ambitious dictates ever issued to American business."

Now, Mr. Speaker, I think that that happens, because in this 805 pages, the 16 titles of this bill, we don't do anything to produce energy, and this is not a bill that is focused on energy independence. But what it does do is pick winners and losers, Mr. Speaker, and that is something that the American people and American business are going to realize very, very quickly.

Now, I also find it interesting, and I think it is historic from another point of view. What has happened to the price of gas at the pump since the majority took control in January? Since that time, it has gone up by over 33 percent, and we know that our families are feeling it more. In January, an average mom in Tennessee's Seventh Congressional District that I have the honor to represent paid about $34 to fill up her 15-gallon tank. Today, she is paying $45. Moving us toward energy independence should be a goal for this Congress, and it is unfortunate, and maybe it could be termed historic, that this is a piece of legislation in 805 pages that is not going to do that.

So we are seeing those prices increase. That mom is going to spend an extra $528 this year in order to fill up that pump. So what we should be doing is focusing on how we best move this Nation to energy independence, how we best achieve that goal, and how we best represent our constituents.

Mr. DINGELL. Mr. Speaker, at this time I yield 2 minutes to the distinguished gentleman from Minnesota, the chairman of the Agriculture Committee, my good friend, Mr. PETERSON.

Mr. PETERSON of Minnesota. I thank the gentleman.

First of all, I want to rise to commend Chairman DINGELL for the outstanding work that he did on this legislation. He, once again, produced a good bill that can be signed, as he always does. I also want to commend the Speaker, the rest of our leadership; the Speaker, especially, for her focus, or we wouldn't probably be here today.

As chairman of the Ag Committee, the most important part of this bill is the renewable fuel standard. I want to thank the chairman for putting a 9-billion-gallon standard in for next year on ethanol. We have gotten to the point of 7 billion gallons of production right now. The RFS is 5 billion. In order to keep this industry going, we need this 9-billion RFS next year. So this is going to get us back on track.

We have a 36-billion-gallon number in the overall bill. What this RFS does with the 9 billion for ethanol, and 500 million, up to a billion for biodiesel, it will set the stage for the next generation of ethanol, which is going to be cellulosic, and for new feedstocks for biodiesel.

So when you take this bill and put it together with what we have put in the farm bill, this is going to set the stage for us to be able to produce at least 30 percent of our fuel from agriculture down the road. We are not going to be the total solution to this problem, though we are going to be a big part of the solution, and we are excited about being involved in this process and making this happen.

So this is a historic day. This is going to be a tremendous boost for us in agriculture. We just want to thank the chairman and all the members that worked on this. It's a good piece of legislation, and I encourage my colleagues to support it.

Mr. BARTON of Texas. Mr. Speaker, I would like to yield 3 minutes to the distinguished gentleman from the great State of Alaska, former chairman of the Transportation Committee and the Natural Resources Committee, Mr. YOUNG.

Mr. YOUNG of Alaska. My friends, it's not very hard to understand why our country is facing an energy crisis; in fact, it's very simple. America needs more oil, gas, coal, nuclear and hydropower. We need more wind power. But Congress has refused to unlock these resources. This bill does nothing to release those resources allowed to provide us with the energy. It concentrates on corn, switchgrass, and a few hybrid cars.

My friends, oil, gas, coal, nuclear and hydropower are the backbone of this country. They supply more than 90 percent of our energy needs to fuel the world's number one economy. I would add that developing them does not raise the price of food, such as corn. There's no shortage of these energy resources in America. There is a shortage of the will to develop them. In fact, the majority leadership of this body, the last two Democrat Presidents and their allies in the environmental movement have created a false energy shortage through their constant attempts to lock up homegrown energy.

Let me give you a few examples. They want to ban all offshore oil and gas development. They oppose U.S. oil production of North America's largest onshore prospect. They stopped oil and shale development in the omnibus spending bill. They opposed coal, and even applauded when President Clinton locked up millions of tons of clean fuel in Utah. They want the tens of trillions of cubic feet of clean-burning natural gas in the Rocky Mountains locked up forever. They oppose nuclear power plants; they, being the majority party. They oppose hydroelectric power. They even want to tear down nonpolluting hydroelectric dams in the Northwest.

They want to impose high taxes on the use of energy, driving energy prices paid by your constituents to even higher than they are today. They even oppose using biomass of overgrown, unhealthy forests as a renewable fuel supply. In particular, the biofuel mandate in this bill is a direction to burn down forests and close more mills in the West.

More than half of Alaska's Federal land, and we have enormous potential for a biofuels industry; this bill stops all of that. This bill will hold Alaska to the highest standards. Alaskans would be forced to purchase the most efficient, read the most expensive, appliances. The residents of the wealthy district in San Francisco have money to buy the most efficient, expensive furnaces and air conditioners, and I would bet most of them are inclined to spend their money on them. Many Alaskans, however, cannot afford to spend the extra $200, $300, $400 for the most efficient furnaces. Under this bill, they will have to. In a survey of 100 Alaskan communities, the average price of gas is $5 a gallon.

The majority leader is playing Russian roulette with the economy. This year, every bill we've passed concerning energy is another bullet in the chamber of a gun staring point-blank at America's head, and by my count, it's already fully loaded.

This is a bad bill. It's a charade. It's a disgrace for this body to vote "yes" for this bill. I am urging us to vote "no."

Mr. DINGELL. Mr. Speaker, at this time I yield 2 minutes to the distinguished gentleman from California, the chairman of the Committee on Government Reform, my friend, Mr. WAXMAN.

Mr. WAXMAN. Mr. Speaker, I rise in support of this legislation. It's a good bill as far as it goes. It's not the best bill. I know we always hear statements extolling legislation as if it were the best thing since sliced bread. The bill has some very positive features. It will give Americans more fuel-efficient automobiles. That could save families $700 to $1,000 a year, money that won't be going to the Middle East.

The legislation will give Americans more efficient appliances and consumer goods, saving us hundreds of billions of dollars on electricity bills over the next few decades. In the House Oversight Committee, we reported out a provision in this bill that will dramatically improve the efficiency of new and renovated Federal buildings and reduce greenhouse gas emissions associated with energy use.

But this bill did not keep the provision adopted in the House for renewable energy, renewable energy that would have moved us away from burning fossil fuels like natural gas and coal for our electricity. That was taken out of the House bill, and then the Senate put in a provision that would have enormous loan guarantees for nuclear power and the coal industry. So when you look at the balance of what we are doing for renewables, it is minuscule compared to what we are putting in for loan guarantees for nuclear and coal. Now, that is not in this bill, but it is in the omnibus bill, and I am very disappointed in that provision.

I am disappointed that we didn't go further in a lot of other areas, but we are going to have to fight for those in the next year. At this point, I urge my colleagues to support this legislation. I guess it is the best we could do, and it has got some good features in it. On that basis, I will vote for the legislation and urge my colleagues to vote for it as well.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to another distinguished member of the committee, the winning pitcher of the Republican baseball team, the gentleman from Illinois (Mr. SHIMKUS).

Mr. SHIMKUS. Mr. Speaker, legislation is like making sausage. When HENRY WAXMAN and JOHN SHIMKUS come to the floor on an energy bill that we grudgingly will support, that is probably newsworthy in itself.

A couple of things. First, congratulations to Mattoon, Illinois, that has been named as the FutureGen site for the next generation of coal-fired clean emissions plants. I want to put that on the record.

The benefit of this bill is the tax increase is out of this bill. That is a plus. That is less cost to the American consumer. The RFS is out of this bill. That is a plus for the consumer. The RFS was unable to be met and would have been costly to the consumer. The RFS could have been better. It could have been an alternative fuel standard which brought in coal-to-liquid technologies that I have talked numerous times on the floor about, taking coal, using fossil fuels, turning it into clean-burning liquid fuels. That is a fight we will have to bring to the floor another time. And the CAFE language is an acceptable compromise that industry supports.

The world will continue to demand more energy, not less. We have to focus on more supply. That supply comes from coal. It comes from natural gas. It will come from nuclear power. While this bill doesn't measure up to the demands that we need in the future, it is an acceptable start.

With that, I will support the bill, but continue to come to the floor talking about the importance of bringing coal, nuclear and natural gas portfolios to the energy debate; coal-to-liquid technologies, which takes a natural resource; a U.S. refinery to fuel our war machines of the future, whether that is aviation fuel, whether that is diesel fuel; clean-burning technologies that are available today. The majority is going to have to wise up and know there has to be more supply in the energy debate.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland, a member of the committee, my friend Mr. WYNN.

Mr. WYNN. Mr. Speaker, let me begin by saying that I rise in strong support of this measure. I want to thank our chairman, Mr. DINGELL, for his excellent work in what was obviously a long and contentious process. I want to particularly note the work of the subcommittee chairman, Mr. BOUCHER, the gentleman from Virginia. He did an excellent job moving us through this process.

This bill does several very good things. The underlying philosophy, though, is simply this: We all want energy independence. We all want to reduce global warming. But the fundamental thing we have to do here in America is change the way we live. We have to conserve and we have to save, and this bill puts us on the right road to accomplish those two goals.

First, the bill addresses the question of fuel efficiency with a compromise that most people can live with, and that is significant because we drive a lot of cars in this country, and it is important that we get the best fuel economy that we can get.

We also do some very simple things, such as address the question of energy-efficient light bulbs. Everybody uses light bulbs, and we can do better. This bill moves us in that direction and encourages the development of more energy-efficient lighting.

Also, in the course of the hearings conducted by the subcommittee chairman, Mr. BOUCHER, we heard the National Conference of Mayors say that we need a partnership. If we are serious about energy efficiency and all these lofty goals, it is not just a Federal problem. It is a Federal, State and local problem, and they urged us to include a block grant program to help States and cities and counties participate in the issue of energy efficiency.

That language is in this bill. It is called the Energy Efficiency Block Grant Program. It is authorized to the tune of $10 billion. It will allow cities to develop comprehensive programs; towns and counties to develop programs to create energy efficiency, such as programs for homeowners, weatherization programs for seniors, a planning guide for green buildings and more efficiency in planning, traffic flow improvements. All these things could be done through this block grant program.

The bill is good. It leads us in the right direction. I urge its adoption.

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Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the Great State of Enchantment, Mr. PEARCE of New Mexico.

Mr. PEARCE. Mr. Speaker, once again we are here to vote on the majority's newest No Energy Act, and I stand in opposition to that when America is facing the highest energy costs ever. We are here today with a bill that mandates plenty, but has no new energy.

We are told that today is a turning point, and it absolutely is a turning point. Last night in that first turning point we took 2 trillion barrels of American oil off the market. Instead of closing off American jobs, we should be working to encourage American energy companies to expand their operations building U.S. jobs and cutting back on the money we send to the Middle East.

It is a turning point today if you need the muscle of an SUV or strong pickup. You just aren't going to have that if you are a rancher or maybe in the oil and gas industry or something in the mining industry. It is a turning point for biomass, because we in the West have many Federal lands, but we are restricted from taking off biomass from those Federal lands by this bill today. It is a turning point for conservation, because if you own a 20-room house, 10,000-room mansion like Al Gore does, you might be able to afford the new conservation techniques that are implied and required in this bill. If you are making $25,000 a year, in New Mexico, you probably can't afford that replacement furnace.

Our economy needs an expanded domestic energy supply. We need more clean domestic natural gas; we need to open our lands to renewable energy development, we need to utilize our domestic oil reserves; and we need to develop nuclear energy. And this bill is silent about nuclear energy. We need to make energy more affordable by making the supply greater.

Our largest competitor, China, has made that choice. They are building one new coal plant each week for the next 10 years. We are trying to stop those plants here. It is the most affordable of energy. China has doubled their domestic natural gas supply since 2000. How different would our economy be? This is a bad bill. We should turn this bill down and do what is right for the country.

Mr. DINGELL. Mr. Speaker, at this time I yield to the distinguished member from New Hampshire, the Honorable Ms. SHEA-PORTER, 2 minutes. She is a valuable Member of the body, and we are glad to hear from her.

Ms. SHEA-PORTER. I thank all those who worked so hard to produce this bill.

Last year, the class of 2006 listened as Americans spoke out demanding that we change direction in our energy policy. Americans, regardless of their political affiliation, understood that America was in an energy crisis, that we were too dependent on foreign oil, that we were unable to carry the message of conservation across this land, and that we had very poor gas mileage at a time when the technology has been in existence for many years. So Americans asked Congress to make this change, and we were sent to Washington to do that. And I am standing here today so proud to say that this is the day that we are going to answer Americans' concerns.

We have now passed a bill, or will be passing a bill, that is not one that has everything that we wanted in it, obviously, but we have the direction and we have the energy and we have the resources and we have the plan.

We are increasing the gas mileage. For the first time in over 30 years we are finally increasing our gas mileage. We are reducing our oil dependence on foreign nations. We have been forced to talk to foreign nations for our oil. That is the wrong approach in this country and an unnecessary approach. We are increasing biofuels, which will be our future, and we are growing jobs. This is critical for our economy right now. We are expecting that there will be 3 million new jobs across America because of our green incentive here.

We are increasing our energy efficiency, and we are also convincing the younger generation that conservation is our future, and that our generation is listening to their generation and protecting future Americans. I urge my colleagues to recognize what we have done here and to support every effort of the legislation, and I thank those who brought this to the floor.

Mr. BARTON of Texas. I yield 3 minutes to the distinguished ranking member of the Energy and Air Quality Subcommittee, Mr. UPTON, of the Wolverine State of Michigan.

Mr. UPTON. Mr. Speaker, Mr. WAXMAN lamented on the floor a few minutes ago than this was the best that we could do. I am sorry that I don't agree with that.

By the year 2030, our energy needs are going to grow by more than 50 percent, and none of us, none of us here, none of us in the country are happy with the energy prices or our reliance on foreign oil, and all of us realize that we have to do a lot more. Just because this is the last day or two of the session, to bring up a bill to just say that we tackled the energy issue, I don't think is good enough.

This process was pretty much closed. There were few amendments that were allowed in the process. We had no conference. I can remember serving on the 2005 energy bill conference with Mr. DINGELL and Mr. BARTON, my chairman then, and together we collectively passed bipartisan legislation that we were indeed proud of. But this legislation is not as good as we can do. It is not comprehensive. It doesn't deal with coal, which provides nearly 50 percent of this Nation's energy. It doesn't deal with nuclear power, which today provides 20 percent of our Nation's needs. We know that we are going to need to build probably about another two dozen nuclear facilities by the year 2030 to maintain 20 percent. It does nothing on nuclear.

RPS, the renewable portfolio standard, I think many of us can support that. Maybe not the amendment that passed here in the House that the Senate rejected, but there is room for a compromise here. We can do things on wind and solar. We didn't even have the opportunity on this floor or in committee to really come up with a respectable RPS amendment. Coal-to-liquid, there is a bipartisan bill out there that is led by Mr. BOUCHER and Mr. SHIMKUS, I am a cosponsor, that deals with carbon sequestration. Again, it is not part of this bill.

Mileage standards. No, it is not a perfect provision. We can all support increasing mileage standards. But, again, we missed the opportunity to work together to get a bill that in fact could move this country forward. Biofuels, we have a biofuel mandate here, but we don't have the technology. How are we going to complete the action on this? How wise is that? Mr. Speaker, this bill is, frankly, incomplete.

Now, I am the new ranking member on the Energy and Air Quality Subcommittee, and I would like to think that in the days ahead, the weeks and months ahead, after this bill in the early new year, that Mr. Boucher, my chairman in my subcommittee, Mr. Dingell, the chairman of the full committee, and Mr. Barton, my great friend and former chairman and now ranking member, can in fact sit down together so that we can work on a comprehensive bill that deals with all of these different issues that we can then bring back on the House floor and bring back a bill that every one of us here can be proud of that will take a giant leap in the right direction, rather than taking a baby step here or there and somehow saying we have passed it, we have got a Band-Aid, it is now done.

Mr. Speaker, we can all do better than this, and I am sorry that this bill is coming to the floor in the shape that it is in.

Mr. DINGELL. Mr. Speaker, at this time I yield to the distinguished gentlewoman from Texas (Ms. Jackson-Lee) for the purpose of a unanimous consent request.

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman. I, because of my representation of the energy capital of the world, Houston, Texas, support this particular legislation, for it makes a new statement about energy.

Mr. Speaker, first and foremost, I think it is imperative that we all agree on the vital importance of America achieving energy independence in the 21st century. We must end our addiction to foreign sources of oil, most of which are found in regions of the world which are unstable and in some cases, opposed to our interests. Accordingly, there is no issue more integral to our economic and national security than energy independence.

The Energy Independence and Security Act is important and multifaceted legislation which will make substantial strides toward energy independence for our Nation, while also encouraging the development of innovative new technologies, creating new jobs, reducing carbon emissions, protecting consumers, shifting production to clean and renewable energy, and modernizing our energy infrastructure.

I would like to begin by commending the Speaker of the House, Ms. Pelosi, for her leadership in introducing this legislation and bringing it to the floor. The bill we have before us today builds upon the New Energy Independence, National Security, and Consumer Protection Act, of which I was a supporter, which passed last summer. This new piece of legislation represents Democrats' commitment to bring a comprehensive new direction to the people of the United States, a new direction which must ensure America's energy independence as well as an America conscious of and working to combat global climate change.

In addition to being from the energy capital of the world, for the past 12 years I have been the chair of the Energy Braintrust of the Congressional Black Caucus. During this time, I have hosted a variety of energy Braintrusts designed to bring in all of the relevant players ranging from environmentalists to producers of energy from a variety of sectors including coal, electric, natural gas, nuclear, oil, and alternative energy sources as well as energy producers from West Africa. My Energy Braintrusts were designed to be a call of action to all of the sectors who comprise the American and international energy industry, to the African American community, and to the Nation as a whole.

Energy is the lifeblood of every economy, especially ours. Producing more of it leads to more good jobs, cheaper goods, lower fuel prices, and greater economic and national security. Bringing together thoughtful yet disparate voices to engage each other on the issue of energy independence has resulted in the beginning of a transformative dialectic which can ultimately result in reforming our energy industry to the extent that we as a nation achieve energy security and energy independence.

Because I represent the city of Houston, the energy capital of the world, I realize that many oil and gas companies provide many jobs for many of my constituents and serve a valuable need. The energy industry in Houston exemplifies the stakeholders who must be instrumental in devising a pragmatic strategy for resolving our national energy crisis. That is why it is crucial that while seeking solutions to secure more energy independence within this country, we must strike a balance that will still support an environment for continued growth in the oil and gas industry, which I might add, creates millions of jobs across the entire country.

We have many more miles to go before we achieve energy independence. Consequently, I am willing, able, and eager to continue working with Houston's and our Nation's energy industry to ensure that we are moving expeditiously on the path to crafting an environmentally sound and economically viable energy policy. Furthermore, I think it is imperative that we involve small, minority and women owned, and independent energy companies in this process because they represent some of the hard working Americans and Houstonians who are on the forefront of energy efficient strategies to achieving energy independence.

This unprecedented piece of legislation contains numerous important provisions. Specifically, it contains provisions that will require that new cars and trucks increase their fuel economy standards to 35 miles per gallon by the year 2020. This provision alone is estimated to save American families $700 to $1,000 a year at the gas pump. Congress has not increased the fuel economy standards since 1975, illuminating the historical new direction this Congress is taking to ensure America's energy security and independence.

Furthermore, this important legislation encourages and promotes the use of renewable forms of energy produced right here in the United States. Not only does it require that 15 percent of our electricity come from renewable sources, but it also provides incentives in the form of tax credits for those American's who are conscious of their energy production and consumption. With America's leading energy producers as an integral part of the solution to our current foreign energy dependence, we will be able to move forward to a new period in which America will be secure in its domestic energy supply.

According to the U.S. Minerals Management Service, MMS, America's deep seas on the Outer Continental Shelf, OCS, contain 420 trillion cubic feet of natural gas, the U.S. consumes 23 TCF per year, and 86 billion barrels of oil, the U.S. imports 4.5 billion per year. Even with all these energy resources, the U.S. sends more than $300 billion, and countless American jobs, overseas every year for energy we can create at home. I believe that we should mandate environmentally safe and efficient exploration techniques in the gulf coast which energy companies have demonstrated a willingness and capacity to utilize. By ensuring access to increasing sources of energy in an environmentally conscious way, I believe we can decrease our dependence on foreign oil.

This bill also contains a crucial international component. Global climate change is a truly global problem. It is real; it is imminent; and it is our responsibility to work with the rest of the international community to develop a coordinated global response to this potentially devastating phenomenon. Because this legislation contains an unprecedented fuel efficiency standard as well as a renewable electricity standard in conjunction with a myriad of energy efficiency provisions, it will significantly reduce the carbon dioxide emissions of the United States that lead to climate change.

Furthermore, I support innovative solutions to our national energy crisis, such as my legislation which alleviates our dependence on foreign oil and fossil fuels by utilizing loan guarantees to promote the development of traditional and cellulosic ethanol technology. This legislation significantly strengthens and extends existing renewable energy tax credits, including solar, wind, biomass, geothermal, hydro, landfill gas, and trash combustion. Furthermore, it will bolster research on geothermal, solar, and marine renewable energy, providing us with the information we need to move forward in the trajectory of clean, renewable, and domestically produced energy.

The Energy Information Administration estimates that the United States imports nearly 60 percent of the oil it consumes. The world's greatest petroleum reserves reside in regions of high geopolitical risk, including 57 percent of which are in the Persian Gulf.

Replacing oil imports with domestic alternatives such as traditional and cellulosic ethanol can not only help reduce the $180 billion that oil contributes to our annual trade deficit, it can end our addiction to foreign oil. According to the Department of Agriculture, biomass can displace 30 percent of our Nation's petroleum consumption.

Along with traditional production of ethanol from corn, cellulosic ethanol can be produced domestically from a variety of feedstocks, including switchgrass, corn stalks, and municipal solid wastes, which are available throughout our Nation. Cellulosic ethanol also relies on its own byproducts to fuel the refining process, yielding a positive energy balance. Whereas the potential production of traditional corn-based ethanol is about 10 billion gallons per year, the potential production of cellulosic ethanol is estimated to be 60 billion gallons per year.

In addition to ensuring access to more abundant sources of energy, replacing petroleum use with ethanol will help reduce US carbon emissions, which are otherwise expected to increase by 80 percent by 2025. Cellulosic ethanol can also reduce greenhouse gas emissions by 87 percent. Thus, transitioning from foreign oil to ethanol will protect our environment from dangerous carbon and greenhouse gas emissions. With its commitment to American biofuels, this legislation calls for a significant increase in the Renewable Fuels Standard. It encourages the diversification of American energy crops thus ensuring that biodiesel and cellulosic sources are key components in America's drive to become energy independent.

This legislation goes further than any previous attempt at securing America's energy security by providing incentives and rewards for the population for their use and production of renewable energy. It will also help the American family in its production of over 3 million green jobs over the next 10 years as well as increasing the loan limits that will help small businesses develop energy efficient technologies and purchases.

Mr. Speaker, this comprehensive legislation addresses the full range of concerns raised by global climate change. It offers wide-ranging solutions to the serious problems we, as a nation and as an international community, face. It demonstrates the ongoing commitment of this Democratic Congress to address these important issues, and to provide tangible and beneficial solutions.

I am proud that through our efforts at compromise, this legislation reflects an improvement from H.R. 2776, the Renewable Energy and Energy Conservation Tax Act of 2007, which we passed in August. However, I am concerned that this legislation still contains provisions repealing tax incentives for oil and gas companies which may have a negative effect on access to important sources of energy. In particular, I am concerned that the domestic manufacturing deduction could discourage new domestic oil and natural gas investment by making these investments comparatively less competitive than competing foreign investments. Moving forward, I think it would be prudent for this Congress to consider linking an increase on taxes with an increase in access to domestic exploration of available sources of energy, such as the gulf coast.

I urge my colleagues to be balanced and prudent in their approach in addressing our energy needs. By investing in renewable energy and increasing access to potential sources of energy, I believe we can be partners with responsible members of America's energy producing community in our collective goal of reaching energy independence.

Mr. DINGELL. Mr. Speaker, I yield to the distinguished gentleman from Indiana (Mr. HILL), who has provided such extraordinary leadership in the consideration of this legislation, 2 minutes.

Mr. HILL. Mr. Speaker, there is an old saying that says, in order to travel a thousand miles you have got to take the first step. And this is the first step that we are taking on a long road to energy independence.

This is such an important issue, energy independence, and there are almost too many people to thank for putting this first step together. But I want to begin by thanking the environmental groups and the automobile industry for coming together on a compromise on CAFE standards. For the first time in 32 years, we are actually increasing the fuel efficiencies that car manufacturers must adhere to in terms of making a car that travels on better fuel efficiencies. That standard has been raised to 35 miles per gallon. And this is a very tough standard to attain, but one that the automobile industry says that they can do.

As I said, for the first time in 32 years we have these new standards in place, and I think that is a major, major accomplishment.

In order to travel the other thousand miles, we have got a lot more things to do and we have time to do it to make us energy independent. But I would like to take the opportunity to thank the chairman of the Energy and Commerce Committee, who comes from automobile land in Michigan, for stepping forth and making sure that these new standards were to become law. Nothing short of big compliments to him for stepping up to the plate and making sure that we move forward on these new standards.

This is a new day. This is a good energy bill, one that we are going to pass today. These new CAFE standards are something that we should all be proud of, and I would again like to thank my coauthor on the bill that I introduced, Lee Terry from the great State of Nebraska, for helping us move this piece of legislation forward.

Mr. BARTON of Texas. Mr. Speaker, I yield 2 minutes to one of the leading experts in the Congress on the theory of peak oil, Mr. BARTLETT of Maryland.

Mr. BARTLETT of Maryland. We have about 1 trillion barrels of recoverable known reserves. The undiscovered reserves are going to be a relatively small fraction of that. If we could pump those undiscovered reserves tomorrow, what would we do the day after tomorrow? And there will be a day after tomorrow.

I have 10 kids, 16 grandkids and two great grandkids. We are leaving them a horrendous debt, although not with my votes. Wouldn't it be nice to leave them a little oil? I am not anxious to find and exploit these undiscovered reserves.

I really would like to vote for this bill, because we desperately need an energy bill. The world, and particularly the United States, faces a real challenge on energy in the future. I cannot vote for this bill primarily because of the corn ethanol mandate.

A recent article in The Economist noted that our use of corn for ethanol doubled the price of corn about 1 year ago. Farmers then moved lands that would have been in soybeans and wheat to corn. We have now further increased the cost of corn, and we have increased the cost of soybeans and wheat the world around. One of the members of the United Nations said that what we have done is a crime against humanity. And the effect we have had on gasoline use has been absolutely trifling. The National Academy of Sciences says if we converted all of our corn to ethanol and discounted for fossil fuel input, it would displace 2.4 percent of our gasoline.

Mr. Speaker, this really represents one of those times, as the old farmer says, that the juice ain't worth the squeezing. We can do better.

Mr. DINGELL. Mr. Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Speaker, could I inquire as to how much time remains on each side.

The SPEAKER pro tempore. The gentleman from Texas has 6½ minutes remaining; the gentleman from Michigan has 8½ minutes.

Mr. BARTON of Texas. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from the Sunshine State of Florida (Mr. STEARNS).

Mr. STEARNS. I thank the distinguished ranking member.

Mr. Speaker and my colleagues, when you look at this bill, the question you should ask: Has this been tried before and has it been successful?

Corn ethanol is not an efficient fuel, as mentioned by the previous speaker. Even if the Nation's entire corn crop was used for ethanol, it would replace only 12 percent of current gasoline use. Worse, taxpayers will pay twice for ethanol: at the pump; but, more importantly, billions of dollars for these dollars through subsidies.

When you go into the European Union, you ask, How is it working over there? Well, there is a report. October 2007 Report "Leaping Before They Looked. Lessons From Europe's Experience With the 2003 Biofuel Directive," by the Clean Air Task Force states that a 2003 European Union mandate to increase and promote the use of biofuel has exacerbated some of the very problems it was designed to solve, driving up food prices.

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So my colleagues, this makes the problem worse, driving up food prices, leading to increased deforestation in tropical countries, worsening global warming and increasing imports of bio-oils.

So this is a report from the European Union which is trying to do the same thing you are trying to suggest in this bill. It did not work there and probably won't work here in the bill.

Lastly, I would conclude that the cellulosic biofuel credits is really based on something that is totally not science driven.

So I ask my colleagues to vote "no" on this bill.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. I thank the gentleman for yielding.

Mr. Speaker, it is with great pride that I rise in strong support of H.R. 6, which will help our Nation take a major step towards energy independence. This legislation is truly historic, and I commend all of the sponsors and all who had a hand in bringing this legislation to the floor today.

Ladies and gentlemen, we cannot dig or drill our way out of our energy crisis. We need a better way. We need new strategies to develop sources of energy that will move our Nation away from our reliance on oil and gas. This legislation will benefit our environment by reducing our greenhouse gas emissions, our economy by creating new industries and jobs, and our national security by reducing our dependence on foreign oil.

I am particularly pleased that H.R. 6 includes the first significant increase in automobile fuel economy standards in a generation. We have the technology to make our vehicles more efficient, and it is past time that we do so. While I wish that the bill retained the renewable electricity standards and the tax provisions that the House passed, I will keep working with my colleagues to see those efforts someday become law in the very near future.

In closing, I commend the many people who put together this historic legislation, and I urge all of my colleagues to support it.

Mr. BARTON of Texas. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. INGLIS).

Mr. INGLIS of South Carolina. Mr. Speaker, I thank the gentleman for yielding, especially since I am going to speak in favor of the bill. And the reason I am going to speak in favor of the bill and vote for it is because I think it is the beginning of a commitment to doing something about our energy dependence on foreign fuels.

Recently, I had the opportunity to be in Brazil. In the 1970s, Brazil made a commitment to move away from their dependence on imported oil and they developed ethanol from sugarcane. We don't have sugarcane, but we have something else that is in this bill. We have hydrogen, lots of it. In fact, it is the world's most common element.

So within this bill is the H Prize, which rewards entrepreneurs and inventors who can come up with a well-to-wheels transformation toward the hydrogen economy with a $10 million prize, hopefully augmented by $40 million worth of private money. This is patterned after the Ansari X Prize which incentivized entrepreneurial space flight.

So what we would hope to accomplish with the H Prize, which House Members have voted twice in favor of with over 400 votes both times, is to break through to hydrogen. I support the bill.

Mr. DINGELL. Mr. Speaker, I yield to the gentleman from Texas (Mr. LAMPSON) 2 minutes.

Mr. LAMPSON. I thank the chairman for allowing me to come in and weigh in on this important measure. I am proud today to vote for this comprehensive energy package which includes two bills that I introduced related to enhancing biofuels and also industrial efficiency research and development.

Diversifying our energy supplies will help our Nation lead the way toward greater energy independence. However, we must commit to even more research and development in order to remain the world leader that we have been. We are competing with China and Japan and Russia and many other nations to find new resources and technologies. As we grow our technologies, we grow the availability of resources that we are trying to seek and use. And if we don't rededicate our Nation's know-how and might to the pursuit of science and technologies, I believe we will relegate ourselves to second-class status in the world.

While this bill will not bring down energy prices overnight, it is an important step in the right direction. Estimates show that these provisions will save Americans more than $400 billion and reduce energy consumption by at least 7 percent by 2030. We can achieve that and more.

Our Nation has reached a critical point, and the time is now for us to lead the way toward cleaner fuel, increased efficiency standards, and much-needed research and development. When we lead, we prosper. Passing this bill is a start. Making it better next year and the year after will ensure our leadership in the world. We can and we absolutely must achieve these significant goals by passing this bill. I encourage support for H.R. 6.

Mr. BARTON of Texas. Mr. Speaker, I only have myself to close, perhaps one other speaker who is in the cloakroom, so I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, we have no remaining speakers save my strong desire to yield the remainder of our time to our distinguished Speaker who will close for our side, but I want to say a nice word about my good friend, the gentleman from Texas. He is a valuable Member of the body and a great friend of mine and it is always a pleasure to work with him, even when we are on opposite sides.

If he would proceed to close, then I would yield to our Speaker for our closing remarks.

Mr. BARTON of Texas. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we don't get elected to come to Congress and be against things. As the chairman of the Energy Committee in the last Congress, I was honored to chair the conference committee which passed the most comprehensive energy bill to become law in the last 20 to 30 years, so it is with a heavy heart that I come to the floor today to oppose this particular energy bill.

I don't oppose it out of spite and I don't oppose it because there is a different majority; I oppose it because of what is in it and what is not in it. Let's talk about what's not in it.

There is nothing in it for coal to liquids. There is nothing in it for the domestic oil and gas industry. There is very little in it for the nuclear industry. So for all of the conventional energy sources that fuel this great Nation, this is basically a no-energy bill.

We are not a have-not Nation in terms of energy. We have the ability, if we wish to, to be close to self-sufficient in energy production for our own consumption in this Nation.

Hypothetically, this bill may do something to reduce the amount of oil that we import, but only hypothetically. We use about 12 million barrels of oil per day that is converted to gasoline, and my guess is, in the year 2020, we are going to use more than 12 million barrels of oil a day to convert to gasoline and diesel fuel. So while it will certainly save some energy, because of the growth, I would argue that we will probably end up using as much imported oil as we do today.

What this bill really is is a recipe for recession. Why do I say that? The cost of fuel is going to go up if this bill does what it is supposed to do, and that is going to be an incentive for recession. The cost of building our homes is going to go up because of all of the new building code restrictions for so-called green buildings in this bill. The cost of electricity is going to go up. The cost of manufacturing our automobiles and our trucks is going to go up.

In 1966, my father's Ford Fairlane 500 got 17 miles to the gallon. It cost about $4,000 in 1966 dollars. That equivalent vehicle today would cost, in the order of magnitude, $25,000. The vehicles that are going to be made to meet this 35-mile-per-gallon standard in the year 2020 are probably going to cost, in order of magnitude, $10,000 to $15,000 more than they do today. That is a recipe for recession.

The cost of appliances is going to go up because of all of the new efficiency standards we are putting in for appliances. And even the cost of light bulbs is going to go up. The light bulbs that light this Chamber right now will be illegal when this bill becomes completely implemented. The incandescent light bulb that you can get for 90 cents or 50 cents at Wal-Mart is going to be outlawed. You will have to pay $8 to $10 for these new fancy light bulbs. That is a cause for recession.

So what happens when all of these costs go up, Mr. Speaker? Jobs go down. Jobs in our real estate and home construction building are going to go down. Jobs in manufacturing are going to go down. Jobs in our automobile assembly industry are going to go down. Jobs in retail sales are going to go down. Costs are going to go up and jobs are going to go down.

And the shame of it is that we could have passed an energy bill in this Congress that we could have all voted for. We could have put some of the things that are in this bill. We are not opposed to some increase in CAFE. We could have had an agreement on CAFE that balanced an increase in supply perhaps by drilling in ANWR so we get more oil production domestically, we get some energy conservation domestically. That is a doable deal. We could have done a coal-to-liquids title in this bill. Vote "no" on the bill.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. DINGELL. Mr. Speaker, I yield to my good friend. I don't agree with what he is saying, but I love him dearly and I think even though he is making a bad speech, I want him to have another minute. So I yield him, at this time, 1 additional minute.

Mr. BARTON of Texas. I do thank my good friend, the chairman of the Energy and Commerce Committee. We disagree on some policies, but we don't disagree on our love for the institution and the love for democracy.

In closing, Mr. Speaker, let me simply say, as I have already said, this is not a have-not Nation, but the energy bill before us today is acting as if we are a have-not Nation.

We can use the domestic resources. We can produce more energy, and yes, we can conserve energy. We can lead the world as we have led the world in the post-World War II era, but this bill is, in my opinion, a recipe for recession, and I would strongly urge a "no" vote. And I thank my good friend from Michigan for yielding me the additional time.

Mr. DINGELL. Mr. Speaker, with appropriate thanks to her and with great respect for her and appreciation of her extraordinary leadership in this very difficult matter, it is with a great deal of pleasure that I yield to our distinguished Speaker the balance of our time on this side.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Michigan, the chairman of the Energy and Commerce Committee, for his kind words and for his tremendous leadership.

Because of his leadership and that of 10 other Members, Chairs of our committees of jurisdiction, working in a bipartisan way, we are able to bring earth-shattering change in terms of energy policy to the floor of the House. Here we are today. Here we are today to pass a bill that passed in the Senate 88–6; 88–6, very strong bipartisan support for this legislation.

Today in the House, we have the opportunity to give that same kind of validation and legitimacy to a new direction in energy security for America. It is about our national security. Admiral McGinn, when he spoke recently, said that our dependence on foreign oil presents a clear and present danger to our country. It is a matter of our national economy.

Congresswoman VELÁZQUEZ, Chair of the Small Business Committee, and Congressman GEORGE MILLER, with the Green Jobs Initiatives, can show a new way to build a new economy involving many more people and the new technologies that will be unleashed because of this legislation.

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It's about protecting our environment. Congressman RAHALL, Chairman RAHALL and his Natural Resources Committee provided great leadership, as did the Chair of the Government Reform Committee, Mr. WAXMAN, who has long been a supporter of energy security and energy independence.

The list goes on: Mr. OBERSTAR, the greening of the Capitol and the Federal buildings across the country and what that will save, and many more initiatives that he has presented.

The chairman of the Ways and Means Committee provided the way to pay for it. That was rejected in the Senate, but we will revisit that issue in a manner that I think will receive strong bipartisan support.

The chairman of our select committee, Mr. MARKEY, did an excellent job in keeping this issue alive, as he has worked on it for many, many years.

What other Chairs? I'm looking around the room at our Chairs. I'll talk about them as we go along.

Mr. BART GORDON, Chair of the Science and Technology Committee, is really in the forefront. So much of this bill comes out of his committee.

Mr. Speaker, the work that was done by the distinguished chairman of the Energy and Commerce Committee, Mr. DINGELL, is breaking ground. It's groundbreaking in terms of what it will do in savings to the consumer, what it is doing in terms of protecting the environment, and, again, what it is doing to provide a new direction. And it does so in a way that breaks ground but does not leave it broken. It takes us to a new place, and I thank him for that leadership. It's a tremendous addition to this legislation.

And the United States Senate, two of their major provisions, renewable fuel portfolio, and the CAFE, were leadership issues, and I'm glad that we were able to work out those, reconcile the differences between the House and the Senate, again with the leadership of Mr. DINGELL.

I think of us as being in a place where we're looking at the horizon, whether we're on a ship, or wherever we are, looking at a horizon. And this legislation takes us closer to that horizon. But as with all horizons, they keep getting farther away. But they lead us and reaching for it takes us to a whole new world. And that's what this legislation does.

My colleagues in this Chamber, our guests. Am I allowed to address them, Mr. Speaker? You are present at a moment of change, of real change, of rejecting the past, respecting the values of the past, but rejecting the insistence that we stay in the past and go into the future. This is about a choice between yesterday and tomorrow.

And while I would have liked to have had the full package that passed here with overwhelming bipartisan support in the House, I salute this bill for what it does do and respect it for that, rather than judge it for what it does not, because we have plenty of time, interest, knowledge, know-how and bipartisanship to move forward to make even more change.

It's, as I said, a national security issue. It's an economic issue, an environmental issue and therefore a health issue. It is an energy issue, and it is a moral issue. It's a moral issue, and that's why we worked closely with the evangelical and faith-based communities, with scientists and faith-based, with business and environmentalists, with our friends in labor who support this legislation, to preserve God's beautiful legacy to us. It is His gift to us, and we have a moral responsibility to preserve it.

We have to think about our consumers every single day. That's who we represent. They are our bosses, and their well-being is our mission, to protect their well-being.

This legislation will save the average driver who goes up to the pump and has the shock that consumers are having, this legislation alone will save the average driver between $700 and $1,000 per year. It adds up to $22 billion in net annual consumer savings in the year 2020.

In order to reduce the price at the pump, the increasing of the fuel efficiency standards to 35 miles per gallon is historic. It's the first time in 32 years that this has happened.

So whether we're thinking as consumers and very personally about what this means in the lives of our constituents as they see their energy costs go up at the pump or in heating their homes at this Christmas season, or we're thinking of our national defense and our national economy, this is as personal as each and every one of our consumers. It is as global as the planet, and the opportunity provided to take us to a new horizon, to see a new world, a new era of possibility is here with us today. I hope, as a Christmas present to our constituents and, especially to the children, because it's about their future, that we would have very, very strong bipartisan support for this legislation. In the Senate, as I said, 88-6, a beautiful vote. I hope that we can replicate that in the House.

In any event, this great opportunity for us would not have been possible without the leadership of you, Mr. Chairman, so many of our chairmen, including the gentleman in the Chair, working from the Appropriations Committee, Mr. OBEY, and so many others of us.

As I salute our chairmen for the intellect, the institutional memory, the legislative know-how that they brought to this process, I also want to give a special thank you to our freshman class. They came to this Congress to make change. They know how essential protecting our planet is. They know the concerns of their constituents. They're fresh out of the trenches, dealing with them. And without that freshman class, if I may call them freshmen, we would not have had the success that we have had today.

So this has been a collaboration on both sides of the aisle, from our most senior Members to our newest Members of Congress, to invigorate us, to encourage us to make the change that we're making today. I'm absolutely delighted about it. I can't wait until we join with the President of the United States when he signs this legislation into law and takes a step forward into the future.

Mr. TERRY. Mr. Speaker, I rise today to thank Chairman DINGELL, BARON HILL, JOHN CAMPBELL and others for their assistance in negotiating the landmark fuel economy provisions in this bill. Without the hard work of these Members, we would not have been able to reform our Nation's fuel economy standards in a manner that increases fuel economy by 40 percent while preserving jobs and vehicle choice. The Hill-Terry fuel economy reforms will reduce overall gasoline consumption and its attendant carbon emissions, goals that Members of both parties support.

This bill also has strong energy efficiency provisions, which like the Hill-Terry fuel economy reforms, will reduce demand for energy in the long term. While I support and will vote for the bill for these reasons, I am extremely disappointed this bill does nothing to address the supply side of energy. By not addressing the supply side of energy security, this bill is woefully deficient in preparing America for a future in which our energy supply must grow to continue supporting our domestic manufacturing base, as well as a future and present where other nations are locked in an ongoing competition around the world to secure energy resources for the future.

Mr. Speaker, I am proud that the Hill-Terry fuel economy reforms will help reduce the amount of gasoline our Nation imports. I am also proud of the increased renewable fuels standard, which will encourage more production of ethanol and biodiesel to further reduce demand for foreign imports. But these provisions coupled with energy efficiency measures are not enough.

To truly address the energy challenges our Nation will face in the future, we must embrace every available technology at our disposal. Given the majority's concern for carbon emissions, I am surprised they oppose further development of our Nation's nuclear power industry. Nuclear power is cheap, produces no emissions, generates good jobs and is a net benefit to the communities in which plants are located.

Additionally, the bill ignores America's greatest natural resource: coal. It is no understatement that Illinois is the Saudi Arabia of coal. Combined with coal resources in other States, our Nation has enough coal to supply all of America's energy needs for in excess of 150 years. Yet the bill contains no provisions to promote the use of coal.

I realize that when most Americans think of coal plants, images of black smoke emerging from dirty stacks come to mind. That is the coal industry of yesterday. Today's coal industry has been moving towards using cleaner coal, which produces less sulfur and nitrogen, and scientists around the world are developing technologies to make coal even cleaner and to reduce its carbon emissions. Technologies currently being researched and improved that accomplish these goals are carbon capture and sequestration, CCS, and Integrated Gasification Combined Cycles, IGCC. CCS captures carbon emissions at the source and then either pumps it deep underground where it is capped, or pumps it into partially depleted oilfields to force the oil closer to the surface and make domestic oil recovery cheaper, thus also increasing our domestic oil supply.

Coal can also be used to produce motor and aviation fuel through coal-to-liquids technology, which this bill does nothing to support. This technology is based on the Fischer-Tropes process developed early in the 20th century. South Africa derives over 30 percent of its energy needs from Fischer-Tropes produced fuels. Using the Fischer-Tropes process, America could be well on the way to producing motor and aviation fuel with fewer emissions than are produced by a typical gasoline refinery.

Opponents of using coal for any reason will say that these technologies are not fully developed or cost-effective enough for our Nation to adopt them.

Ironically, many of these are the same people who support the Hill-Terry fuel economy reforms even though meeting these new standards will require industry to increase investment in and development of new technologies to meet the 35 mpg by 2020 goal set out by this energy bill. If the U.S. auto industry can do this in 12 years, there is no reason that similar technology can't be developed in the same timeframe by utility and coal companies. And best of all, opening new CTL refineries will create jobs both in the new refineries, and in associated industries.

Finally, just this week there were news reports that an American chemical company is moving some production overseas due to the difference in energy costs here compared with costs in their new host nation. By not increasing our domestic energy supply, our Nation is essentially asking U.S. companies to leave our shores and eliminate American jobs.

I encourage our distinguished Chairman, JOHN DINGELL, to work with Speaker PELOSI and the Democrat Leadership to enact a second energy bill this Congress, which focuses on increasing the supply of U.S. energy in order to protect our national manufacturing base and maintain good-paying U.S. jobs.

Mr. LIPINSKI. Mr. Speaker, today is a historic day, as America takes a big step forward in combating global climate change and breaking the grip that "Big Oil" companies and OPEC have on our Nation. That is why I am pleased to rise in support of H.R. 6, the Energy Independence and Security Act of 2007—a bill that will put us on a path to energy independence, while creating millions of new jobs and addressing climate change.

America has always been at the forefront of technological breakthroughs. We have responded to great challenges, perhaps most famously President John F. Kennedy's challenge to land a man on the moon before the end of the 1960s. I am confident that this legislation will provide America with the momentum it needs to move our country into a new energy economy.

Unfortunately, I am disappointed that the other body was unable to retain the House-passed language to repeal tax breaks for the oil and gas industry. Especially at a time of record high gas prices and record high corporate profits, this excessively prosperous industry should be paying its fair share. This revenue is needed to fund clean, renewable energies like wind, solar, and geothermal, as well as other important advanced technologies like plug-in electric vehicles, which will speed our path to energy independence. I will continue this fight against "Big Oil" and work to break the death grip that they have on American consumers. And I will continue to push for billions of dollars in tax incentives to jumpstart our cutting-edge renewable energy industries.

I am also not happy with the removal of the Renewable Electricity Standard from the final bill. This provision, which would have required utilities to generate 15 percent of electricity from renewable sources by 2020, would have gone a very long way in reducing America's addiction to fossil fuels. With most States already pursuing renewable electricity portfolios, including an Illinois mandate of 25 percent by 2025, I will work to make sure Congress addresses this issue soon.

As vice-chairman of the Science and Technology Committee, I am pleased to have played an important role in not only getting this bill passed, but also in contributing two important provisions. The H-Prize Act of 2007, a bill I introduced with Representative INGLIS of South Carolina, establishes over $50 million in competitively awarded cash prizes to spur innovations that advance the use of hydrogen as a fuel for transportation. While hydrogen-fueled cars already exist, there are significant technical and economic barriers that must still be overcome before we can put a hydrogen car in every American garage. The H-Prize will help expand the possibilities of hydrogen research, promoting people not normally involved in federal research and development to explore one of the greatest challenges facing us today. And when these advances are made, hydrogen can fill critical energy needs beyond transportation. Hydrogen will also be used to provide heat and generate electricity. The future possibilities for this energy source are huge. And most importantly, hydrogen will be a clean, domestic energy source, producing no emissions besides water.

I am also very happy about the inclusion of the BRIGHT (Bulb Replacement In Government with High-Efficiency Technology) Energy Savings Act, which I introduced and shepherded through the Transportation and Infrastructure Committee. This provision requires the federal government—the Nation's largest energy consumer—to use high-efficiency light bulbs in 1,800 civilian office buildings. This change will significantly reduce energy consumption—about 75 percent savings for each of more than 3 million bulbs—saving tens of millions of taxpayer dollars, in addition to saving energy and cutting down on the emissions of greenhouse gases.

Mr. Speaker, I ask my colleagues to join me in supporting this groundbreaking legislation. This is not a perfect bill, and I will work to make sure we revisit this issue, especially the repeal of the taxes on "Big Oil." But this is a great step forward for America and for our environment. I am confident that one day we will look back on this bill as that catalyst that led to a better, cleaner, more secure America and world.

Mr. UDALL of Colorado. Mr. Speaker, I will vote for this legislation, though I am deeply disappointed that it does not include several key provisions from the bill that the House passed earlier this month.

The earlier version was an excellent energy bill that combined provisions developed by several different House Committees, as well as provisions from a Senate-passed bill, designed to start putting our country on a path toward energy independence, increased national security and economic growth, and addressing global warming.

The Senate lacked the votes to even consider that energy bill, so it was then stripped of the Renewable Electricity Standard that I championed in the House along with Representatives TOM UDALL and TODD PLATTS.

The House's adoption of that amendment earlier this year, and its retention in the most recent House-passed version, was a high point for those of us working for positive change that will benefit rural communities, save consumers money, reduce air pollution, and increase reliability and energy security.

But, to make matters even worse, even after that provision was dropped, for lack of just one more vote in the Senate, what remained of the House bill had to be further deformed.

So, for lack of just one more Senate vote, the bill we are considering today does not extend important tax credits for renewable energy production, such as the extension of the Production Tax Credit for solar and wind energy and other renewable technologies. The PTC in particular has been critical in promoting the creation of a renewable energy industry, and I will work to win an extension of this key tax credit before the current credit expires at the end of 2008.

And dropped with the tax credits were the House-passed provisions dealing with the Secure Rural Schools and Payments-in-Lieu-of-Taxes (PILT) program. Both would have been good for the Nation and particularly for Colorado because so many of our counties include large Federal land areas and therefore would have benefited directly from that part of the House-passed bill.

I strongly supported all those provisions, and I intend to continue working to win their enactment either on their own or as part of some other measure.

I regret that for the time being Congress is not able to do all that should be done to move us toward greater energy independence, which means greater national security, in ways that will lower energy costs, help our economy, and reduce the carbon emissions that contribute to climate change.

Nonetheless, with all its shortcomings, the bill the Senate has sent us will accomplish some worthwhile things and deserves to be passed.

Notably, it includes the first revision in decades of the fuel-consumption standards for automobiles. This step is long overdue and will result in increasing the efficiency of all vehicles to 35 miles per gallon by 2020.

I am also glad to note that it retains a provision on carbon capture and storage based upon a bill that I authored (H.R. 1933). Coal and other fossil fuels have been and will continue to be an important energy source for our country, but coal-burning power plants are also a major source of greenhouse gas emissions and other pollutants. The carbon capture and storage research, development, and demonstration program authorized in this bill will help us tackle this challenge while keeping our economy healthy and strong. It will authorize the Department of Energy to conduct demonstration projects for both carbon dioxide capture and carbon dioxide injection and storage. Not only will this research program help us develop this technology and make it more-economical, but it will also help us understand the implications of storing large amounts of carbon dioxide underground.

In addition, this bill will encourage manufacturers to build more efficient appliances, strengthen the energy efficiency of the Federal Government, and help businesses create energy-efficient workplaces.

And it will increase the Renewable Fuels Standard (RFS), which sets annual requirements for the amount of renewable fuels produced and used in motor vehicles. The new RFS has specific requirements for the use of biodiesel and cellulosic sources to ensure that these ethanol sources also advance along with corn-based ethanol. Furthermore, the bill includes critical environmental safeguards to ensure that the growth of homegrown fuels helps to reduce carbon emissions.

Additionally, the bill will create an Energy Efficiency and Renewable Energy Worker Training Program to train Americans for good "green" jobs—such as in solar panel manufacturing and green building construction—that will be created by new renewable-energy and energy-efficiency initiatives. This will provide training opportunities to our veterans, to those displaced by national energy and environmental policy and economic globalization, to individuals seeking pathways out of poverty, to young people at risk and to workers already in the energy field who need to update their skills.

Mr. Speaker, I am disappointed with this legislation because it came so close to being so much better. But, the bottom line is that even so it is much needed and long overdue and deserves to pass today so it can go to the president to be signed into law. I urge its approval.

Mr. MARKEY. Mr. Speaker, over the past 7 years, I have labored to increase the fuel economy standards of our cars and light truck fleets, and am gratified that the day has finally come where the fruits of my labor will be realized. Over 7 years, there are countless individuals, Members of Congress, environmental, consumer, and religious organizations who have labored alongside me—these people are too numerous to mention. I thank all of them for their important contributions. But I would also like to thank several in particular.

First, former Congressman Sherwood Boehlert, R–NY, who for six years was my partner in the House, advocating tirelessly, often against the wishes of his party's leadership, to move this issue forward. Second, Dan Becker, an environmental consultant, who has made raising fuel economy standards his life's work and who worked with my office in the trenches back when the trenches were a very lonely place to be! Finally, Securing America's Future Energy and the Energy Security Leadership Council, who brought together retired military officials and corporate CEOs to highlight the national and economic security dangers associated with our growing dependence on imported oil, and who played a critical role in developing more widespread support for these provisions.

As the principal House proponent of the fuel economy Title in this legislation, I also wish to briefly discuss several of its provisions in order to more fully explain the statutory language and to provide context for what we are accomplishing with this historic energy bill.

Section 3 of the bill states: "Except to the extent expressly provided in this Act, or in an amendment made by this Act, nothing in this Act or an amendment made by this act supersedes, limits the authority or responsibility conferred by, or authorizes any violation of any provision of law (including a regulation), including any energy or environmental law or regulation."

The laws and regulations referred to in section 3 include, but are not limited to, the Clean Air Act and any regulations promulgated under Clean Air Act authority. It is the intent of Congress to fully preserve existing federal and State authority under the Clean Air Act.

In addition, Congress does not intend, by including provisions in Title I of the bill that reform and alter the authority of the Secretary of Transportation to increase fuel economy standards for passenger automobiles, non-passenger automobiles, work trucks, and medium and heavy duty trucks, to in any way supersede or limit the authority and/or responsibility conferred by sections 177, 202, and 209 of the Clean Air Act. For section 202 of the Clean Air Act, this includes but is not limited to the authority and responsibility affirmed by the Supreme Court's April 2, 2007 decision in *Massachusetts* v. *EPA*, No. 05–1120. For sections 177 and 209 of the Clean Air Act, this includes but is not limited to the authority affirmed by the September 12, 2007 decision of the U.S. District Court for the District of Vermont in *Green Mountain Chrysler Dodge Jeep et al.* v. *Crombie et al.*, No. 2:05–cv–302, and the December 11, 2007 decision of the United States District Court for the Eastern District of California in *Central Valley Chrysler-Jeep, Inc. et al.* v. *Goldstone, et al.*, No. 1:04–cv–06663–AWIGSA.

Although Senators LEVIN, INOUYE and FEINSTEIN, in a December 13, 2007 colloquy, agreed that it was the "intent of this bill that any regulations issued by the Environmental Protection Agency be consistent with the direction of Congress in this legislation and regulations issued by the Department of Transportation to implement this legislation," in fact this legislation includes no statutory requirement that would compel the Environmental Protection Agency to adopt regulations that are consistent with those promulgated by the Department of Transportation. I would also note that in a subsequent colloquy, Senator INOUYE stated that "the DOT and the EPA have separate missions that should be executed fully and responsibly," and Senator FEINSTEIN stated that "Importantly, the separate authority and responsibility of the U.S. Environmental Protection Agency to regulate vehicle greenhouse gas emissions under the Clean Air Act is in no manner affected by this legislation as plainly provided for in Section 3 of the bill addressing the relationship of H.R. 6 to other laws."

Title I of the bill addresses CAFE standards. Section 102(a) would require that the fleet of new passenger and non-passenger vehicles made for sale in model year 2020 reach a fleet-wide fuel economy average of at least 35 miles per gallon, regardless of shifts in the market or any other consideration. While fuel economy standards for each of model years 2011–2019 are expected to be the maximum feasible standard, this section does not allow the Department of Transportation, DOT, to set a fleet-wide average of lower than 35 miles per gallon for model year 2020 under any circumstances. In addition, if the maximum feasible level for model year 2020 is higher than 35 miles per gallon due to technological progress and/or other factors, Congress intends to require DOT to set standards at the maximum feasible level.

It is also the intent of this section to require DOT to set interim standards between 2011 and 2019 to make rapid and consistent annual progress towards achieving the 35 mpg minimum by 2020. In asking for "ratable" progress, the intent of Congress is to seek relatively consistent proportional increases in fuel economy standards each year, such that no single year through 2020 should experience a significantly higher increase than the previous year.

Section 104 addresses credit trading among and within automakers' vehicle fleets and is intended to increase flexibility for automakers, but it is the intent of Congress that any trading not in any way reduce the oil savings achieved by the standards set for any year under this title.

Section 105 is intended to provide added information for consumers, but is not intended to in any way interfere with or diminish EPA labeling authority. Congress intends that DOT work closely with EPA in fulfilling the requirements of this section.

Section 106 is intended to clarify that Title I does not impact fuel economy standards or the standard-setting process for vehicles manufactured before model year 2011. This section is not intended to codify, or otherwise support or reject, any standards applying before model year 2011 , and is not intended to reverse, supersede, overrule, or in any way limit the November 15, 2007 decision of the U.S. Court of Appeals for the Ninth Circuit in *Center for Biological Diversity* v. *National Highway Traffic Safety Administration*, No. 06–71891.

Section 109 makes modifications to the cap on the credits allowed to manufacturers making dual-fuel vehicles to ensure that the dual-fuel vehicle credit program is phased out and is fully and permanently eliminated by 2020 and thereafter.

I urge the Secretary to pay careful heed to the intent and spirit of these provisions in carrying out the provisions of this Title, so that we achieve this legislation's goals of increasing the fuel efficiency of our cars, SUVs, and other vehicles.

Mr. STARK. Mr. Speaker, I rise today in strong support of increasing fuel efficiency and taking the first steps toward ending our costly addiction to fossil fuels.

The Energy Independence and Security Act, H.R. 6, will provide much needed increases in energy efficiency and investments in clean energy and green buildings. Most importantly, for the first time in a generation, this bill will raise the fuel economy, CAFE, standards for new cars and trucks. By increasing CAFE to 35 miles per gallon by 2020 this bill will reduce oil consumption by 1.1 million barrels a day in 2020. This is the equivalent of taking 28 million vehicles off the road. Although I believe we can and should get to 35 mpg faster, this bill represents real progress in our efforts to combat global warming and achieve energy independence.

It is no secret that our addiction to oil and coal is having increasingly dire consequences for our Nation and the planet. The price of oil hovers near $100 a barrel. An endless war continues to rage in Iraq while the President continues his saber rattling in the direction of Iran. The specter of catastrophic global warming becomes more real each day. The time to take action is now and this legislation is a good starting point, but we must do more. I agree with the numerous economists and environmentalists who think an aggressive carbon tax is the only sure way to make the reductions in greenhouse gas emissions that are needed to reduce global warming. A carbon tax must be part of the conversation as we move forward with comprehensive global warming legislation.

This bill is not perfect. Republican obstructionists in the Senate have stripped provisions to mandate production of electricity from renewable sources like wind, solar, and biomass. They also demanded that giant oil companies maintain their preferential tax status. I am also troubled that we are continuing to subsidize and ratchet up production of corn-based ethanol, which will do little to ease global warming, but drives up food prices and contributes to water pollution. I hope that the environmental safeguards contained in the Renewable Fuel Standard—which mandates production of 36 billion gallons of biofuels by 2022—will quickly push production away from corn ethanol and toward advanced cellulosic fuels. In the meantime, we have a responsibility to protect families hit by rising food prices.

Despite these shortcomings, this legislation represents real progress for both consumers and the environment. I urge all of my colleagues to embrace this new direction in energy policy and vote "yes." We must realize that this bill is only the beginning and that more fundamental changes are needed if we are serious about addressing global warming and energy independence.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of what I hope and expect will be the final version of this year's energy bill. While less comprehensive than the legislation passed by the House, it is nevertheless an historic accomplishment and worthy of this chamber's support.

For the first time in thirty-two years, we are increasing the corporate average fuel economy, CAFE, standard for cars and trucks to 35 miles per gallon by 2020. This single step will create 150,000 jobs, save consumers $22 billion at the pump and slash our nation's oil consumption by 1.1 million barrels a day—about half what we currently import from the Persian Gulf. Additionally, and importantly, this improved standard is the greenhouse gas equivalent of taking 28 million cars and trucks off the road.

To further reduce our dependence on foreign oil, this package includes a Renewable Fuels Standard, RFS, that expands our nation's domestic biofuel production to 36 billion gallons by 2022. I am especially pleased that this RFS includes a substantial requirement for advanced biofuels from a variety of different feedstocks, as well as robust environmental protections necessary to safeguard vital ecosystems like the Chesapeake Bay.

Finally, this legislation achieves meaningful efficiency improvements across the economy, makes government a part of the energy solution, and accelerates our research and development efforts into the clean, renewable energy technologies of the future.

As a sponsor of the Renewable Electricity Standard, RES, and a member of the Ways and Means Committee, I am disappointed that the House-passed RES and tax provisions have been stripped from this bill. Nevertheless, we can be justifiably proud of what we are accomplishing today—and I will continue to work with my colleagues on both sides of the aisle until the rest of the job is done.

Mr. CONYERS. Mr. Speaker, I rise in strong support of the Energy Independence and Security Act of 2007. This agreement with the Senate builds on the New Direction for Energy Independence, National Security, and Consumer Protection Act passed this summer. The ambitious legislation before us today, which includes wide-ranging solutions from 10

House committees, invests in the future of America and puts our Nation on a path toward energy independence. It will strengthen national security, lower energy costs, grow our economy, create new jobs, and begin to reduce the threat of global warming.

The Energy Independence and Security Act includes several provisions that will strengthen our national security by decreasing our dependence on foreign oil. All told, this legislation will slash U.S. oil consumption by over 4 million barrels per day by 2030—more than twice our current daily imports from the Persian Gulf. I want to applaud Speaker PELOSI and Chairman DINGELL for reaching an agreement on fuel economy standards that is supported by both environmentalists and the automobile industry. This bill will raise CAFE standards for new cars and trucks to 35 miles per gallon by 2020—the first increase in 32 years. It ensures that this fuel economy standard will be reached, while offering flexibility to automakers and ensuring that we keep American manufacturing jobs and continue domestic production of smaller vehicles.

Today's legislation puts us on a path to reducing global warming. It reduces greenhouse gas emissions by up to 24 percent of the total amount the U.S. needs to cut by 2030 to help save the planet. The bill increases the efficiency of buildings, homes, appliances, and lighting. It also makes a historic commitment to American homegrown renewable energy that reduces greenhouse gas emissions.

The bill before us today will also lower energy costs and create new American jobs. Increased vehicle fuel efficiency will save American families $700 to $1,000 a year at the pump, producing $22 billion in net annual savings for consumers in 2020. The building, appliance, and lighting efficiency provisions will save consumers $400 billion through 2030. In addition, by expanding American-grown biofuels to 36 billion gallons in 2022 and supporting cutting-edge energy research, the bill will help create hundreds of thousands of new jobs. It also provides job training that will prepare workers for 3 million new "green" jobs over 10 years.

For too long, our country has lagged behind the rest of the industrialized world in recognizing and taking action to address the climate change crisis. Global warming endangers all of us, but threatens to have the most devastating impact on the poorest and the most vulnerable. Our Nation is the richest in the world and one of the largest contributors to global warming, yet, until today, it has not made any substantial efforts towards addressing the problem. I am proud to join with my colleagues as we at long last put America on the path to becoming part of the solution.

Mr. DOOLITTLE. Mr. Speaker. I am deeply disappointed that the final version of H.R. 6, passed today by the House, did not contain a reauthorization of the Secure Rural Schools and Community Self-Determination Act, which compensates counties for the large amounts of land the Federal Government took from them to create the National Forest System. This loss of land weakened the counties' tax bases, leaving them without adequate funding to provide basic public services such as schools and roads. The county payments authorized under the act fulfill a promise the Federal Government made when the land was seized. As the first session of the 110th Congress draws to a close, leaving these payments to expire, that promise is once again being broken, and the basic public infrastructures of our rural counties are left to suffer.

In California, State law requires that layoff notices be issued to teachers and administrators by March 15 if the proper resources are not available in their budgets. Once layoff notices are issued, schools begin to experience adverse effects of the funding shortage even if the money is eventually recovered, which was the case this year. This means Congress will have a very short time to act in the new year, and I will continue to be a strong advocate for passing legislation that fulfills our commitment to rural counties. This language should have remained in the energy bill currently before Congress, and its omission is the primary reason for my opposition to the bill.

In addition to the harm that is caused by failing to provide county payments in this bill, I am concerned that the bill excludes biomass from Federal lands as an alternative source of fuel. Much of my district is owned by the United States Forest Service, and these areas are prone to wildfires due to the large buildup of forest fuels. I have encouraged the removal of these materials, which serves the duel purpose of providing energy produced at nearby biomass plants and making our forests less prone to catastrophic wildfires. By exempting biomass from Federal lands as a source of alternative energy, H.R. 6 misses an opportunity to exploit a large source of alternative fuels while leaving our forests vulnerable to great harm from potential wildfires.

It is imperative that Congress pass legislation to reauthorize the Secure Rural Schools and Community Self-Determination Act before school boards meet in February to discuss where cuts must be made. Furthermore, we must encourage development of alternative fuels such as biomass which are abundant and carry with them additional benefits. H.R. 6 misses an opportunity to accomplish both those goals.

Ms. DELAURO. Mr. Speaker, while today's Consolidated Appropriations bill falls far short, the Democratic Congress has made sure it is far better than the President's budget request for fiscal year 2008. We have made very real changes to the administration's original budget proposal, and made real responsible investment in new domestic priorities that are long overdue.

Despite absurd limitations imposed by the administration and from Republican obstructionists in Congress, we have fought to meet our obligations as a Nation and a congress. Getting our work done when we are supposed to, and getting the big things right. Yet, while we worked to find common ground, the administration played political games.

Still, as chair of the FDA Agriculture Subcommittee I am proud of the bill we put together under tremendous constraints:

Reinvesting in rural America—restoring $44 million for rural business enterprise and opportunity grants, $119 million over the President's request for critical water and waste programs to ensure rural areas have access to clean water, and $20.3 million for community facility grants to help rural areas build day care centers and police and fire stations.

Protecting public health, increasing FDA funding by $145 million over 2007; $56 million for FDA food safety activities, with $28 million withheld until July 1 pending the submission of a comprehensive food safety plan by the FDA. A $21 million increase for drug safety and $6 million more for the FDA's Office of Generic Drugs.

It has $633 million above the President's request for the WIC nutrition program; and $472 million above for bio-energy and renewable energy R&D, including loans and grants in rural areas.

Mr. Speaker, this is about meeting our commitment to the American people. And, although at a much lower level, this bill finally funds our domestic priorities: from rural development to local law enforcement, Pell grants to No Child Left Behind. A new direction with new priorities for our Nation—the American people demand nothing less.

Mr. SHAYS. Mr. Speaker, I strongly support the reauthorization of the Terrorism Risk Insurance Act. As an original co-sponsor of this legislation, I am grateful for all of the hard work that went into bringing this bill to the floor today.

After the September 11, 2001 terrorist attacks, many businesses were no longer able to purchase insurance to protect against property losses that might occur in any future terrorist attacks and most reinsurers have yet to return to the marketplace because of the difficulty of being able to predict the frequency, size and scope of future terrorist attacks.

The backstop TRIA providesprotects those who buy insurance, and allows our economy to continue functioning normally in the face of the terrorist threat.

In my view, the bill's coverage of acts of domestic terrorism is a prudent step. However, I am disappointed we did not take this opportunity to make further reforms to the program such as the inclusion of reinsurance for group life insurers, who face the same challenges as property, casualty or other insurers. Failure to include I group life has placed these insurers in a difficult position of exiting from the market or choosing to remain in the marketplace without reinsurance.

The bottom line is, this is a good bill worthy of our support. It will bring some certainty to the insurance markets and help protect our economy. We need to pass this bill.

Mr. DAVIS of Virginia. Mr. Speaker, I rise to support the Renewable Fuels, Consumer Protection, and Energy Efficiency Act of 2007. It is an initial step towards a new energy policy. Some will say this bill goes too far, others will claim it does not go far enough. While opportunities to overhaul our energy policy were missed, this bill does include a starting point for true reform.

Any attempt to transform the direction of our energy policy must include an increase in CAFE standards. Increasing fuel efficiency is something I have fought many years for. We have the technology to do it, we have the will to do it and now, with this bill, we have made the commitment to do it. This provision is the cornerstone for revamping our energy policy. It not only addresses our reliance on imported oil, but will also help stem the creation of green house gasses.

I agree with the inclusion of a Renewable Fuels Standard; however, as we have learned over the past few years, the manner in which it is executed raises its own set of questions. Our current thirst is for corn based ethanol. Of 5 billion gallons of biofuels produced domestically last year, 4.9 billion were derived from corn. Placing a limit on the amount of corn ethanol eligible to be applied in meeting the RFS is a necessary step. Yet, I have doubts as to whether that limit is too high and whether more should be done to ensure the development of other biofuels. Also, most studies give corn based ethanol an energy balance of 1.2. Would it not be a better long term policy to shift our focus towards a more efficient source of biofuel?

Finally, I am concerned about the effects this mandate could have on the Chesapeake Bay. The Chesapeake Bay Task Force and I have worked tirelessly to clean up this troubled waterway. Spurred on by government subsidies, farmers in the watershed have been drastically increasing their corn acreage. Due to the intrinsic nature of corn farming, any increase will heavily impact the health of the watershed and could undo many of the great achievements we have made in the past few years.

Fifty years from now our energy makeup should be fundamentally different. At that point we should no longer be relying on fossil fuels to drive our economy. Yet, the fact remains we must rely on them today. Neither the technology nor the infrastructure exists to do otherwise. In the intervening years we must not only develop a green energy sector, but we must also shift from foreign sources of energy to domestic ones. Therefore, we must not hinder the development of our oil and natural gas fields. I am pleased this bill discarded the troublesome tax package that would have been a disincentive on domestic production.

Mr. Speaker, contrary to what its champions claim, this bill does not fundamentally change our Nation's energy policy. While I will vote for this bill, I look forward to working with my colleagues to finish the job that has been left undone.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of the Energy Independence and Security Act. I'll let some of the numbers stand on their own:

This historic legislation will increase vehicle fuel standards to 35 miles per gallon in 2020, the first such increase in over 30 years. In 2020, these fuel standards will give consumers in my State of New York an estimated $894 million in annual net consumer savings. The bill is also expected to save consumers across the country $400 billion through 2030 by energy efficiencies in buildings, appliances and lighting. Additionally, according to analysis by the Union of Concerned Scientists, provisions in the bill will support the creation of nearly 150,000 jobs, nationwide—a full 8,200 in New York alone. Finally, by 2030, the legislation will cut greenhouse gas emissions by 24 percent.

All these numbers—increased efficiencies, savings, and jobs and reduced global warming—and many more add up to the new direction this Congress is taking in energy policy. I thank the Speaker and all my colleagues for their hard work on this challenging legislation.

Mr. GOODLATTE. Mr. Speaker, I rise today in opposition to this reckless energy policy, which will do absolutely nothing to make us energy independent, or lower energy costs. This bill sets us on a dangerous path and ties our hands in a regulatory mess to ensure that we cannot produce domestic energy.

Like my colleagues, I believe we should find solutions to address the growing demand for energy. The biggest concern facing the farmers and ranchers of this country is increased input costs from higher fuel prices and fertilizer. The U.S. fertilizer industry relies upon natural gas as the fundamental feedstock for the production of nitrogen fertilizer. The rest of the U.S. farm sector also depends on significant amounts of natural gas for food processing, irrigation, crop drying, heating farm buildings and homes, the production of crop protection chemicals, and, let's not forget, ethanol biofuel production. In addition to the farm sector, the forest products industry relies more on natural gas than any other fossil fuel, and energy amounts to the third largest manufacturing cost for the industry.

Unbelievably, this legislation contains no new energy supplies in it and does nothing to relieve the burdens of increased costs on producers who provide the food and fiber for American consumers. It seems that the majority's plan to move toward energy independence includes limiting domestic energy production and imposing new government mandates that will prove to be costly and burdensome to the American people.

This legislation would dramatically expand the Renewable Fuels Standard RFS, by increasing it to 36 billion gallons by 2022. This initiative is extremely ambitious and could be achieved by tapping all sectors of agriculture including plant and wood waste, vegetable oil, and animal fat and waste which would result in the production of 21 billion gallons of cellulosic ethanol. While I am in favor of finding new markets for agriculture products, what good is finding new markets for agriculture commodities when the cost of production is too much for our farmers and ranchers?

We should develop a policy that is technology neutral and allows the market to develop new sources of renewable energy. The RFS provisions create an unrealistic mandate for advanced biofuels technology that doesn't yet exist and creates hurdles for the development of second generation biofuels by placing restrictions on alternative fuels, renewable fuel plant production, and, most important, limits the harvesting of our homegrown feedstocks. These restrictions will undoubtedly lead to a consumer tax to help bridge the gap in production that will occur if this policy is put into place.

Even with the advancement of cellulosic ethanol, the expansion of the RFS would still require 15 billion gallons of renewable fuel to come from the only current commercially available option: grain ethanol.

Last year, 20 percent of the U.S. corn crop was used for ethanol production and that amount is expected to rise significantly over the next few years. With feed stocks meeting most of our renewable fuel initiatives, the livestock sector is facing significantly higher feed costs. Corn and soybeans' most valuable market has always been, and will continue to be, the livestock producers. We must ensure that there are not unintended economic distortions to either grain or livestock producers as a result of these sectors prospering from other markets.

The benefits of reduced reliance on foreign energy sources, stable energy prices, and new markets for agricultural products should not be replaced with a risk of adding even more increased input costs for livestock producers and creating even higher food prices for consumers.

In addition to the above mentioned concerns, I'm also deeply disappointed that the Renewable Fuels Standard would essentially shut out one of the largest potential sources of feedstock for renewable fuel, forest biomass. In total, forests have the potential to sustainably produce 370 million tons of biomass for energy every year. This is approximately two and one-half times the amount of forest biomass we currently consume in traditional forest products. This amount of forest biomass could produce 24 billion gallons of ethanol per year, according to very conservative estimates. This could supplement, not replace, existing forest products markets.

Unfortunately, H.R. 6 would not allow forest biomass grown on public lands to be used to meet the Renewable Fuel Standard, unless the biomass was removed near buildings, public infrastructure, or areas people inhabit regularly. This greatly reduces the opportunity for any substantial market in the energy sector for the byproducts of hazardous fuels reduction. These markets could help lower the costs of reducing wildfire risks and improving forest health on public lands. With the restrictions in H.R. 6, very little of these byproducts could be used to meet the Standard. Currently, we have serious issues in our public forests, with over 90 million acres at risk of wildfire, insects, and diseases. H.R. 6 would do nothing to help address these concerns.

Additionally, H.R. 6 stipulates that, with respect to private forests, only forest biomass removed from "tree plantations" or biomass that is considered slash or brush can be used to meet the renewable fuel standard. It would also exclude any biomass taken from old growth forests, forests in the later stages of development, or forests that are considered "ecological communities" as defined by State Natural Heritage Programs.

With these restrictions, this Renewable Fuels Standard discourages efforts to reduce wildfire risk, control insects and disease in forests, improve forest health and wildlife habitat, and create market opportunities for family forest owners. There is also a tremendous opportunity to utilize existing forest products industry infrastructure to produce renewable fuels. H.R. 6 would do little to encourage that development.

A renewable fuels producer would likely look at all these restrictions on forest biomass and decide not to bother with forestry materials. If we are to come anywhere close to meeting the RFS mandates in H.R. 6, we must have a substantial amount of forest biomass as a feedstock. I'm deeply concerned that we will not be able to meet these mandates with the restrictions in H.R. 6 on the use of forest biomass.

This energy policy, set in place by the Democrat majority, exemplifies the Democrat motto through and through: Tax and spend. This bill imposes $21 billion in tax increases. The other side will tell you that these tax increases will not affect the average hardworking American, only the "big, evil oil companies." Nothing could be farther from the truth. The taxes contained in this bill will impede new domestic oil and gas production, will discourage investment in new refinery capacity, and will make it more expensive for domestic energy companies to operate in the U.S. than their foreign competitors, making the price at the pump rise even higher.

Let's make no mistake: An increased tax doesn't just hurt energy companies, it hurts every American—individual, farm, or company—that consumes energy. Increased taxes on energy companies are passed to consumers. Every American will see these increased costs on their energy bill. This body shouldn't pass legislation that further raises energy prices for consumers.

What is even more disturbing is that these increased costs will be felt by some of our Nation's most poor. On average, the Nation's working poor spends approximately 13 to 30 percent of their yearly income on energy costs. This average is already too high, and sadly this legislation will only dramatically increase the amount of money these workers will have to spend on energy costs. I have heard those on the other side of the aisle say that we must all shoulder the cost to produce clean energy. Well, the costs of the clean energy in the Renewable Portfolio Standard (RPS) alone, as estimated by just one of Virginia's many electric utilities, will increase $200 million for its retail customers. By shifting to renewable energy sources, that are not as available or as cost effective as traditional sources, we will see a rise in energy prices across the board and this will be hardest felt by working people who cannot afford to shoulder any more costs.

While this bill is said to be focused on new energy technologies, it fails to address some of our most promising domestic alternative and renewable energy supplies that could be cost effective for American consumers. Coal is one of our Nation's most abundant resources, yet the development of coal-to-liquid technologies is ignored in this bill. Furthermore, this legislation does nothing to encourage the construction of new nuclear facilities.

Proponents of this legislation will tout how green this bill is; however, if my colleagues really want to promote green energy they should encourage the production of more nuclear sites, which provide CO_2 emission-free energy. The rest of the world is far outpacing the U.S. in its commitment to clean nuclear energy. We generate only 20 percent of our energy from this clean energy, when other countries can generate about 80 percent of their electricity needs through nuclear. It is a travesty that in over 1,000 pages this legislation does not once mention or encourage the construction of clean and reliable nuclear plants. Nuclear energy is the most reliable and advanced of any renewable energy technology, and if we are serious about encouraging CO_2-free energy use, we must support nuclear energy.

This legislation does nothing to address the energy concerns of our country; and it does nothing to relieve agricultural producers of their increasing input costs. This legislation only makes the situation worse and it is the product of a flawed process that does not have bipartisan support.

This bill is a dangerous policy for our country. If we really want to make our country energy independent, this Congress must pass an energy bill that contains energy. This bill does not. I urge my colleagues to reject this awful bill, let's start over, and work to find real solutions to the energy needs of our Nation.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in support of the Energy Independence and Security Act—a major step towards securing a new, clean energy policy for America.

Last November the American people told Congress that they wanted a new direction in our Nation's energy policy. Today we have the opportunity to vote for a bill that the overwhelming majority of our constituents agree is the most significant Federal energy legislation in nearly 30 years—a bill that helps our country deal with the current energy crisis, prepare for the energy realities of the future, and address the impending climate crisis.

The Energy Independence and Security Act contains an increase in fuel economy standards for cars and trucks. Raising CAFE standards will also reduce America's dependence on foreign oil by 1.1 million gallons per day, cut emissions almost 27 million tons per year, and save Minnesota families up to $1000 every year.

The Energy Independence and Security Act sets landmark energy efficiency standards for appliances, lighting, and buildings. As a result, American consumers and companies will save billions of dollars in unnecessary energy costs, while decreasing their burden on the planet.

And the Energy Independence and Security Act makes a commitment to the fuels of the future, by replacing Middle East crude with Midwest crops.

By supporting this legislation we can make the first big step towards a more secure and more environmentally sustainable America. I urge my colleagues on both sides of the aisle to support this legislation, and to continue working to overcome the obstructionism of the President for additional, needed reforms for our country and our planet.

Mr. DINGELL. Mr. Speaker, as we are well aware, the bill before us, H.R. 6, is not the product of a formal conference, but rather the result of amendments being passed between the House and Senate as a means of resolving the differences between their respective bills. I have noted in the past, and will continue to note, that I find this manner of legislating to be unsatisfactory and unwise. Given the difficulty experienced by the Senate in going to conference on any bill this year, however, this process is the best that we can hope for under the circumstances.

One of the reasons this process is inferior to that of a formal conference is the lack of a conference report and, thus, the lack of a written legislative history detailing why certain policies were adopted and others excluded. When the House passed its version of the energy bill currently before us (H.R. 3221) on August 4, 2007, the Committee on Energy and Commerce had contributed more to this legislation than any other committee in the House of Representatives and is the Committee of primary jurisdiction over the entire legislation.

The Committee's contribution was the result of six bills that were ultimately engrossed in H.R. 3221: H.R. 3236, the Energy Efficiency Improvement Act of 2007; H.R. 3237, the Smart Grid Facilitation Act of 2007; H.R. 3238, the Renewable Fuels Infrastructure Act; H.R. 3239, to promote advanced plug-in hybrid vehicles and vehicle components; H.R. 3240, the Energy Information Availability Act; and H.R. 3241, an act dealing with energy loan guarantee amounts. With the exception of H.R. 3241 (which was dropped in its entirety), the majority of the Committee's work was preserved in the bill before us today and the committee reports filed on August 3, 2007, remain relevant.

Therefore my remarks today will deal primarily with policies adopted in the bill before us on which the House initially had no position, such as the changes in Corporate Average Fuel Economy (CAFE) found in Title I, and the Renewable Fuel Standard (RFS) found in Title II. Both policies are within the jurisdiction of the Committee on Energy and Commerce and represent a substantial change in current law.

Title I of H.R. 6, as amended by the Senate and now under consideration by the House, increases energy security and reduces emissions of greenhouse gases by improving vehicle fuel economy standards. This legislation represents a comprehensive overhaul and expansion of the Corporate Average Fuel Economy (CAFE) program, administered by the U.S. Department of Transportation, DOT. The specific objectives and targets reflect Congress's determination of the maximum feasible increases in fuel economy that would permit the development and application of technology, giving appropriate consideration to the cost of compliance.

The CAFE program, administered by DOT, had been the sole means for regulating the fuel economy and carbon dioxide emissions of new motor vehicles made for sale in the United States since the 1970s. Congress specifically prescribed how DOT should determine the maximum feasible levels for fuel economy standards under the Energy Policy and Conservation Act, carefully balancing technological feasibility, economic practicability, the effect of other regulations on fuel economy, and the need of the United States to conserve oil.

Approximately 30 years after Congress enacted the Clean Air Act to regulate air pollutants, however, the United States Supreme Court recognized the obligation of the Environmental Protection Agency, EPA, to regulate greenhouse gas emissions from new motor vehicles under that Act. Carbon dioxide is widely recognized as one of the greenhouse gases that are emitted from motor vehicles, and one way to regulate the emissions of carbon dioxide from motor vehicles is to improve the fuel economy of those vehicles. As such, there is potential for EPA's authority under the Clean Air Act to overlap and conflict with that of the Department of Transportation.

H.R. 6, as initially passed by the Senate, included a section 519 expressly addressing the ability of EPA to regulate carbon dioxide emissions from new motor vehicles and its authority to grant preemption waivers to California to regulate the same. Section 519 stated that "[n]othing in this title shall be construed to conflict with the authority provided by sections 202 and 209 of the Clean Air Act (42 U.S.C. 7521 and 7543, respectively)." The House of Representatives later amended the Senate amendments to H.R. 6 without including the Senate language in Section 519. Although the Senate further amended the House amendments to the Senate amendments of H.R. 6, the language of section 519 was not reinserted.

Subsequent to the Court's decision, but prior to consideration of this legislation, the President of the United States issued Executive Order 13432 requiring EPA and the Department of Transportation to coordinate their efforts when addressing emissions of carbon dioxide from new motor vehicles. The Supreme Court interpreted section 202(a) of the Clean Air Act as providing EPA authority to regulate greenhouse gas emissions from motor vehicles. That grant of authority provides the EPA Administrator sufficient discretion to promulgate EPA regulations that conform to corresponding regulations issued by the Secretary of Transportation under this legislation. The Secretary, however, does not have corresponding flexibility to conform her regulations to those issued by the Administrator. The Secretary of Transportation is constrained by statutory guidelines contained in this legislation and the statutes it amends.

For example, to ensure the economic practicability of the fuel economy standards it establishes, section 102 of this legislation prohibits DOT from issuing standards for more than 5 model years at a time. The Department should issue standards only for those model years for which it can obtain reasonably-developed confidential product plans from vehicle manufacturers, and it is the determination of Congress that the amount of time should not exceed 5 years. This timeframe allows for reasonable and realistic estimates of market conditions, the availability of new and developing technologies, and other considerations of technological and economical practicability. Likewise, any other regulations issued or enforced regulating emissions of carbon dioxide that affect motor vehicle fuel economy should correspond to the timeframe and relevant limits placed on the Department of Transportation by Congress under this legislation.

This legislation provides clear and comprehensive direction to the Executive Branch regarding any and all regulations and enforcement actions with respect to increased motor vehicle fuel economy standards. Pursuant to this legislation, Congress intends for any regulations issued or enforced by the Environmental Protection Agency regulating emissions of carbon dioxide from motor vehicles under the Clean Air Act that affect vehicle fuel economy, be consistent with the provisions of this legislation, the CAFE program, and any regulations issued or enforced by Department of Transportation.

Title II of H.R. 6, as amended by the Senate and now under consideration by the House, pertains to the Renewable Fuels Standard or RFS. It was first created by the Energy Policy Act of 2005 (P.L. 109–58) for both environmental and energy security reasons. Since its inception, the RFS has been administered by EPA under the authority of the Clean Air Act. The RFS has experienced initial success in helping wean the Nation from its dependence on foreign petroleum. In 2007, our passenger vehicles used approximately 6 billion gallons of ethanol, thereby burning 4 billion fewer gallons of gasoline. This is well ahead of the schedule adopted in 2005. Several factors have converged that cause us to scale the program up to the levels in the bill before us today. First, with the price of a barrel of oil hovering in the $100 range for several weeks now, the need to continue to decrease our dependence on foreign petroleum is more apparent than ever and to do so will require increased amounts of renewable fuel. Second, the need to reduce greenhouse gas emissions from the transportation sector is also more apparent, and renewable fuels hold great promise in helping meet this challenge. Conversely, several concerns have been raised with the viability of relying on corn-based ethanol as our primary renewable fuel: Making ethanol from corn competes with other uses of corn as a food commodity and food-making feedstock; requires heavier use of pesticides and fertilizers; and also requires an increasing amount of farm acreage devoted to its cultivation.

To address these competing concerns, the bill before us places an emphasis on the use of cellulosic biomass as a means of producing ethanol. Cellulosic ethanol holds great promise for the future of renewable fuels because it uses what now constitutes agricultural residue waste or low-value plant matter, and it contributes fewer greenhouse gas emissions to our atmosphere than either corn-based ethanol or conventional gasoline. The challenge with cellulosic ethanol is that it is not yet available on a commercial basis. This is a young industry that requires two things before its product can be widely deployed: (1) technological breakthroughs that will allow it to be produced on a cost effective commercial scale; and (2) the support of the Federal Government. To that end, the bill mandates the use of 16 billion gallons of cellulosic ethanol by 2022.

A dramatic expansion of alternative fuels was initially proposed by President Bush in his State of the Union address this year, and an expansion of renewable fuels was later championed by the Senate in the energy bill it passed on June 21, 2007. Both proposals, however, contained serious flaws that would have made implementation of this policy extremely difficult or failed to capture the promises of new technology.

First, both proposals would have kept the current RFS in place at EPA under the Clean Air Act and created a new, additive program under which authority is directly assigned to the President, presumably permitting delegation to an unspecified entity of the Executive Branch. This would have caused a tremendous amount of regulatory uncertainty for the obligated parties who must meet the mandates of the RFS and would have caused bureaucratic duplication of a character that often bedevils the Federal Government. The compromise bill before us properly amends the current program, and in doing so makes significant changes to the existing renewable fuel standard, many of which require EPA to modify its existing regulations. Section 210(a) and (c) of the bill govern the transition from the existing RFS program to the modified RFS program. Section 210(a) provides that the increase in the renewable fuels mandate level for 2008 goes into effect without additional rulemaking by EPA. The other statutory changes to the RFS do not go into effect until January 1, 2009, by which time EPA is required to have completed a rulemaking to amend its RFS regulations.

Second, while cellulosic ethanol holds great promise, it is not commercially available today. If we are going to formulate policy to encourage its successful deployment, we must also be prepared to fall short and in so doing, plan for a worst-case scenario. The earlier Senate-passed bill failed to do so. The compromise bill before us couples an aggressive, technology-forcing schedule for cellulosic biofuels with a "safety net" for refiners in new Clean Air Act Section 211(o)(7)(D).

On an annual basis, EPA must compare the projected domestic production for cellulosic biofuels for the following calendar year to the level set in the statute. For any calendar year in which projected domestic production is less than the mandate level set in the statute, EPA is required to revise the mandate level so that it equals projected domestic production. EPA will thus be waiving the requirement to meet the amount of the mandate set in the statute that is higher than projected domestic production. Obligated parties, such as refiners, will then have to turn in credits at the end of the year in an amount equal to the revised mandate; they will not have to turn in credits equal to the mandated level set in the statute. If EPA issues such a waiver, the bill authorizes and requires EPA to make credits available for sale pursuant to new Clean Air Act Section 211(o)(7)(D). Absent such a credit provision, artificially high prices might be charged for biofuels, which could occur in a tight market. The credit provision effectively caps the price for cellulosic biofuels if cellulosic technology is not deployed as rapidly as required by the bill.

Third, neither the President's proposal nor the Senate bill ensured that cellulosic technology would significantly assist in meeting the challenge of reducing greenhouse gas emissions from the transportation sector. One of the important potential benefits of cellulosic biofuels is that their lifecycle greenhouse gas emissions are predicted to be 80 to 110 percent lower than those of gasoline, although there is some uncertainty about the reduction level because cellulosic technology and the lifecycle greenhouse gas analytical methodology are still under development. This bill requires that cellulosic biofuels achieve at least a 60 percent reduction. Cellulosic biofuels that do not achieve at least a 60 percent reduction in lifecycle greenhouse gas emissions can get credit as advanced biofuels if they achieve at least a 50 percent reduction.

Section 210(b) of the bill before us also adds subparagraph 211(o)(12) to the Clean Air Act to clarify that nothing in subsection 211(o) or rules issued thereunder shall affect or be construed to affect the regulatory status of carbon dioxide or any other greenhouse gas, or to expand or limit regulatory authority regarding carbon dioxide or any other greenhouse gas, for purposes of other provisions of the Clean Air Act. The reference in Section

204(b) of the bill to Clean Air Act Section 211(o)(12) does not change this intent in any way, but merely ensures that Section 204(b) is not read as overriding new Clean Air Act Section 211(o)(12).

Fourth, the bill before us provides more specificity than the President's proposal or the Senate bill about what qualifies as renewable biomass. New Clean Air Act Section 211(o)(1)(I) adds some important environmental safeguards to the RFS program, including ones that will help protect certain wildlife habitats and special eco-systems.

The bill before us also contains other new provisions designed to make the program more workable. Under certain circumstances where an insufficient volume of biofuels are produced to meet the mandated levels set in the statute, new Section 211(o)(7)(F) of the Clean Air Act directs the administrator to reset the mandate levels for future years. In doing so, the administrator is to use the same criteria, standards and processes as he is required to use by new Clean Air Act Section 211(o)(2)(B)(ii) when setting mandated levels post-2022. The reference to new Clean Air Act Section 211(o)(2)(B)(ii) incorporates new Clean Air Act Section 211(o)(2)(B)(iii) and (iv). It is the intent of Congress that these criteria will ensure that, if the administrator sets the applicable volume of advanced biofuel under new Clean Air Act Section 211(o)(17)(7) for any particular year, it shall be at least the same percentage of the applicable volume of renewable fuel in the previous calendar year. When the administrator must establish mandated levels of cellulosic biofuels, new Clean Air Act Section 211(o)(2)(B)(iv) directs the administrator to set the mandate at a level that the administrator expects can be met without the use of the safety net provisions in new Clean Air Act Section 211(o)(7)(D). Nonetheless, the safety net provisions would continue to be available if needed.

Although the mandatory requirements of the RFS program are limited to transportation fuels, it is possible that renewable fuel could also replace petroleum-based fuel used for home heating or jets. Rather than expand the mandated coverage of the RFS program to include home heating oil or jet fuel, which might result in additional obligated parties or make implementation of the program more burdensome, new Clean Air Act Section 211(o)(5)(E) gives the administrator discretion to allow RFS credits to be earned for renewable fuel sold for home heating or as jet fuel.

Mr. HILL. Mr. Speaker, Congress has sent a clear message to the American people that it is time for Government to raise CAFE standards for the first time in 32 years. We have worked very hard during the past year—negotiating language to increase the statutory standards by 40 percent. It is important that the entire Federal Government follow the guidelines set forth in H.R. 6 in order to provide regulatory certainty for the domestic auto industry, including manufacturers, suppliers, and dealers.

The SPEAKER pro tempore (Mr. OBEY). All time for debate has expired.

Pursuant to House Resolution 877, the previous question is ordered.

The question is on the motion offered by the gentleman from Michigan (Mr. DINGELL).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BARTON of Texas. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 314, nays 100, not voting 19, as follows:

[Roll No. 1177]

YEAS—314

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Butterfield
Buyer
Calvert
Campbell (CA)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis, Lincoln
Davis, Tom
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Gerlach
Giffords
Gillibrand
Gonzalez
Goode
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hayes
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (FL)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Myrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Pelosi
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Platts
Pomeroy
Porter
Price (NC)
Putnam
Ramstad
Rangel
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Whitfield (KY)
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NAYS—100

Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Boehner
Boustany
Boyda (KS)
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Camp (MI)
Cannon
Cantor
Carter
Chabot
Cole (OK)
Conaway
Culberson
Davis (KY)
Davis, David
Deal (GA)
DeFazio
Doolittle
Drake
Duncan
Fallin
Feeney
Flake
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goodlatte
Granger
Hall (TX)
Hastings (WA)
Heller
Hensarling
Herger
Hoekstra
Hunter
Johnson, Sam
Jordan
Kline (MN)
Lamborn
Latta
Lewis (CA)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCotter
McCrery
McDermott
McHenry
McKeon
Mica
Miller (MI)
Musgrave
Neugebauer
Nunes
Pearce
Pence
Pitts
Poe
Price (GA)
Radanovich
Rahall
Regula
Rogers (KY)
Rogers (MI)
Rohrabacher
Royce
Ryan (WI)
Sali
Sensenbrenner
Shadegg
Stearns
Sullivan
Tancredo
Thornberry
Turner
Walberg
Weldon (FL)
Westmoreland
Wicker
Wittman (VA)
Young (AK)

NOT VOTING—19

Cubin
Davis (IL)
Fossella
Gallegly
Gilchrest
Hastings (FL)
Hooley
Jindal
Johnson, E. B.
King (IA)
Miller, Gary
Ortiz
Pastor
Paul
Pryce (OH)
Thompson (CA)
Weller
Wexler
Woolsey

☐ 1345

Mr. WILSON of South Carolina and Mr. MILLER of Florida changed their vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ELECTING MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. PUTNAM. Mr. Speaker, by direction of the House Republican Conference, I send to the desk a privileged resolution (H. Res. 885) and ask for its immediate consideration in the House.

The Clerk read the resolution, as follows:

H. RES. 885

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

COMMITTEE ON AGRICULTURE: Mr. Latta.

COMMITTEE ON ENERGY AND COMMERCE: Mr. Blunt, to rank after Mr. Fossella.

COMMITTEE ON FOREIGN AFFAIRS: Mr. Wittman of Virginia.

COMMITTEE ON SCIENCE AND TECHNOLOGY: Mr. Latta and Mr. Wittman of Virginia.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HOLDEN). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

SUDAN ACCOUNTABILITY AND DIVESTMENT ACT OF 2007

Mr. FRANK of Massachusetts. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2271) to authorize State and local governments to divest assets in companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2271

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sudan Accountability and Divestment Act of 2007".

SEC. 2. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Financial Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) BUSINESS OPERATIONS.—The term "business operations" means engaging in commerce in any form in Sudan, including by acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

(3) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given the term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(4) GOVERNMENT OF SUDAN.—The term "Government of Sudan"—

(A) means the government in Khartoum, Sudan, which is led by the National Congress Party (formerly known as the National Islamic Front) or any successor government formed on or after October 13, 2006 (including the coalition National Unity Government agreed upon in the Comprehensive Peace Agreement for Sudan); and

(B) does not include the regional government of southern Sudan.

(5) MARGINALIZED POPULATIONS OF SUDAN.—The term "marginalized populations of Sudan" refers to—

(A) adversely affected groups in regions authorized to receive assistance under section 8(c) of the Darfur Peace and Accountability Act (Public Law 109–344; 50 U.S.C. 1701 note); and

(B) marginalized areas in Northern Sudan described in section 4(9) of such Act.

(6) MILITARY EQUIPMENT.—The term "military equipment" means—

(A) weapons, arms, military supplies, and equipment that readily may be used for military purposes, including radar systems or military-grade transport vehicles; or

(B) supplies or services sold or provided directly or indirectly to any force actively participating in armed conflict in Sudan.

(7) MINERAL EXTRACTION ACTIVITIES.—The term "mineral extraction activities" means exploring, extracting, processing, transporting, or wholesale selling or trading of elemental minerals or associated metal alloys or oxides (ore), including gold, copper, chromium, chromite, diamonds, iron, iron ore, silver, tungsten, uranium, and zinc.

(8) OIL-RELATED ACTIVITIES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "oil-related activities" means—

(i) exporting, extracting, producing, refining, processing, exploring for, transporting, selling, or trading oil; and

(ii) constructing, maintaining, or operating a pipeline, refinery, or other oilfield infrastructure.

(B) EXCLUSIONS.—A person shall not be considered to be involved in an oil-related activity if—

(i) the person is involved in the retail sale of gasoline or related consumer products in Sudan but is not involved in any other activity described in subparagraph (A); or

(ii) the person is involved in leasing, or owns, rights to an oil block in Sudan but is not involved in any other activity described in subparagraph (A).

(9) PERSON.—The term "person" means—

(A) a natural person, corporation, company, business association, partnership, society, trust, any other nongovernmental entity, organization, or group;

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))); and

(C) any successor, subunit, parent company or subsidiary of any entity described in subparagraph (A) or (B).

(10) POWER PRODUCTION ACTIVITIES.—The term "power production activities" means any business operation that involves a project commissioned by the National Electricity Corporation of Sudan or other similar entity of the Government of Sudan whose purpose is to facilitate power generation and delivery, including establishing power-generating plants or hydroelectric dams, selling or installing components for the project, or providing service contracts related to the installation or maintenance of the project.

(11) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(12) STATE OR LOCAL GOVERNMENT.—The term "State or local government" includes—

(A) any State and any agency or instrumentality thereof;

(B) any local government within a State, and any agency or instrumentality thereof;

(C) any other governmental instrumentality; and

(D) any public institution of higher education within the meaning of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

SEC. 3. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO DIVEST FROM CERTAIN COMPANIES DIRECTLY INVESTED IN CERTAIN SUDANESE SECTORS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States Government should support the decision of any State or local government to divest from, or to prohibit the investment of assets of the State or local government in, a person that the State or local government determines poses a financial or reputational risk.

(b) AUTHORITY TO DIVEST.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures that meet the requirements of subsection (e) to divest the assets of the State or local government from, or prohibit investment of the assets of the State or local government in, persons that the State or local government determines, using credible information available to the public, are conducting or have direct investments in business operations described in subsection (d).

(c) NOTICE TO DEPARTMENT OF JUSTICE.—Not later than 30 days after adopting a measure pursuant to subsection (b), a State or local government shall submit written notice to the Attorney General describing the measure.

(d) BUSINESS OPERATIONS DESCRIBED.—

(1) IN GENERAL.—Business operations described in this subsection are business operations in Sudan that include power production activities, mineral extraction activities, oil-related activities, or the production of military equipment.

(2) EXCEPTIONS.—Business operations described in this subsection do not include business operations that the person conducting the business operations can demonstrate—

(A) are conducted under contract directly and exclusively with the regional government of southern Sudan;

(B) are conducted under a license from the Office of Foreign Assets Control, or are expressly exempted under Federal law from the requirement to be conducted under such a license;

(C) consist of providing goods or services to marginalized populations of Sudan;

(D) consist of providing goods or services to an internationally recognized peacekeeping force or humanitarian organization;

(E) consist of providing goods or services that are used only to promote health or education; or

(F) have been voluntarily suspended.

(e) REQUIREMENTS.—Any measure taken by a State or local government under subsection (b) shall meet the following requirements:

(1) NOTICE.—The State or local government shall provide written notice and an opportunity to comment in writing to each person to whom a measure is to be applied.

(2) TIMING.—The measure shall apply to a person not earlier than the date that is 90 days after the date on which written notice is provided to the person under paragraph (1).

(3) APPLICABILITY.—The measure shall not apply to a person that demonstrates to the State or local government that the person does not conduct or have direct investments in business operations described in subsection (d).

(4) SENSE OF CONGRESS ON AVOIDING ERRONEOUS TARGETING.—It is the sense of Congress that a State or local government should not adopt a measure under subsection (b) with respect to a person unless the State or local government has made every effort to avoid erroneously targeting the person and has verified that the person conducts or has direct investments in business operations described in subsection (d).

(f) DEFINITIONS.—In this section:

(1) INVESTMENT.—The "investment" of assets, with respect to a State or local government, includes—

(A) a commitment or contribution of assets;

(B) a loan or other extension of credit of assets; and

(C) the entry into or renewal of a contract for goods or services.

(2) ASSETS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "assets" refers to public monies and includes any pension, retirement, annuity, or endowment fund, or similar instrument, that is controlled by a State or local government.

(B) EXCEPTION.—The term "assets" does not include employee benefit plans covered by title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(g) NONPREEMPTION.—A measure of a State or local government authorized under subsection (b) is not preempted by any Federal law or regulation.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section applies to measures adopted by a State or local government before, on, or after the date of the enactment of this Act.

(2) NOTICE REQUIREMENTS.—Subsections (c) and (e) apply to measures adopted by a State or local government on or after the date of the enactment of this Act.

SEC. 4. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.

(a) IN GENERAL.—Section 13 of the Investment Company Act of 1940 (15 U.S.C. 80a–13) is amended by adding at the end the following:

"(c) LIMITATION ON ACTIONS.—

"(1) IN GENERAL.—Notwithstanding any other provision of Federal or State law, no person may bring any civil, criminal, or administrative action against any registered investment company, or any employee, officer, director, or investment adviser thereof, based solely upon the investment company divesting from, or avoiding investing in, securities issued by persons that the investment company determines, using credible information that is available to the public, conduct or have direct investments in business operations in Sudan described in section 3(d) of the Sudan Accountability and Divestment Act of 2007.

"(2) APPLICABILITY.—

"(A) ACTIONS FOR BREACHES OF FIDUCIARY DUTIES.—Paragraph (1) does not prevent a person from bringing an action based on a breach of a fiduciary duty owed to that person with respect to a divestment or non-investment decision, other than as described in paragraph (1).

"(B) DISCLOSURES.—Paragraph (1) shall not apply to a registered investment company, or any employee, officer, director, or investment adviser thereof, unless the investment company makes disclosures in accordance with regulations prescribed by the Commission.

"(3) PERSON DEFINED.—For purposes of this subsection the term 'person' includes the Federal Government and any State or political subdivision of a State.".

(b) SEC REGULATIONS.—Not later than 120 days after the date of the enactment of this Act, the Securities and Exchange Commission shall prescribe regulations, in the public interest and for the protection of investors, to require disclosure by each registered investment company that divests itself of securities in accordance with section 13(c) of the Investment Company Act of 1940. Such rules shall require the disclosure to be included in the next periodic report filed with the Commission under section 30 of such Act (15 U.S.C. 80a–29) following such divestiture.

SEC. 5. SENSE OF CONGRESS REGARDING CERTAIN ERISA PLAN INVESTMENTS.

It is the sense of Congress that a fiduciary of an employee benefit plan, as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)), may divest plan assets from, or avoid investing plan assets in, any person the fiduciary determines is conducting or has direct investments in business operations in Sudan described in section 3(d) of this Act, without breaching the responsibilities, obligations, or duties imposed upon the fiduciary by section 404 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104), if—

(1) the fiduciary makes such determination using credible information that is available to the public; and

(2) such divestment or avoidance of investment is conducted in accordance with section 2509.94–1 of title 29, Code of Federal Regulations (as in effect on the day before the date of the enactment of this Act).

SEC. 6. PROHIBITION ON UNITED STATES GOVERNMENT CONTRACTS.

(a) CERTIFICATION REQUIREMENT.—The head of each executive agency shall ensure that each contract entered into by such executive agency for the procurement of goods or services includes a clause that requires the contractor to certify to the contracting officer that the contractor does not conduct business operations in Sudan described in section 3(d).

(b) REMEDIES.—

(1) IN GENERAL.—The head of an executive agency may impose remedies as provided in this subsection if the head of the executive agency determines that the contractor has submitted a false certification under subsection (a) after the date the Federal Acquisition Regulation is amended under subsection (e) to implement the requirements of this section.

(2) TERMINATION.—The head of an executive agency may terminate a covered contract upon the determination of a false certification under paragraph (1).

(3) SUSPENSION AND DEBARMENT.—The head of an executive agency may debar or suspend a contractor from eligibility for Federal contracts upon the determination of a false certification under paragraph (1). The debarment period may not exceed 3 years.

(4) INCLUSION ON LIST OF PARTIES EXCLUDED FROM FEDERAL PROCUREMENT AND NONPROCUREMENT PROGRAMS.—The Administrator of General Services shall include on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs maintained by the Administrator under part 9 of the Federal Acquisition Regulation issued under section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) each contractor that is debarred, suspended, proposed for debarment or suspension, or declared ineligible by the head of an executive agency on the basis of a determination of a false certification under paragraph (1).

(5) RULE OF CONSTRUCTION.—This section shall not be construed to limit the use of other remedies available to the head of an executive agency or any other official of the Federal Government on the basis of a determination of a false certification under paragraph (1).

(c) WAIVER.—

(1) IN GENERAL.—The President may waive the requirement of subsection (a) on a case-by-case basis if the President determines and certifies in writing to the appropriate congressional committees that it is in the national interest to do so.

(2) REPORTING REQUIREMENT.—Not later than April 15, 2008, and semi-annually thereafter, the Administrator for Federal Procurement Policy shall submit to the appropriate congressional committees a report on waivers granted under paragraph (1).

(d) IMPLEMENTATION THROUGH THE FEDERAL ACQUISITION REGULATION.—Not later than 120 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation issued pursuant to section 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 421) to provide for the implementation of the requirements of this section.

(e) REPORT.—Not later than one year after the date the Federal Acquisition Regulation is amended under subsection (e) to implement the requirements of this section, the Administrator of General Services, with the assistance of other executive agencies, shall submit to the Office of Management and Budget and the appropriate congressional committees a report on the actions taken under this section.

SEC. 7. SENSE OF CONGRESS ON EFFORTS BY OTHER COUNTRIES.

It is the sense of Congress that the governments of all other countries should adopt measures, similar to those contained in this Act, to publicize the activities of all persons that, through their financial dealings, knowingly or unknowingly enable the Government of Sudan to continue to oppress and commit genocide against people in the Darfur region and other regions of Sudan, and to authorize divestment from, and the avoidance of further investment in, such persons.

SEC. 8. SENSE OF CONGRESS ON PEACEKEEPING EFFORTS IN SUDAN.

It is the sense of Congress that the President should—

(1) continue to work with other members of the international community, including the Permanent Members of the United Nations Security Council, the African Union, the European Union, the Arab League, and the Government of Sudan to facilitate the urgent deployment of a peacekeeping force to Sudan; and

(2) bring before the United Nations Security Council, and call for a vote on, a resolution requiring meaningful multilateral sanctions against the Government of Sudan in response to its acts of genocide against the people of Darfur and its continued refusal to allow the implementation of a peacekeeping force in Sudan.

SEC. 9. SENSE OF CONGRESS ON THE INTERNATIONAL OBLIGATIONS OF THE UNITED STATES.

It is the sense of Congress that nothing in this Act—

(1) conflicts with the international obligations or commitments of the United States; or

(2) affects article VI, clause 2, of the Constitution of the United States.

SEC. 10. REPORTS ON SANCTIONS IN SUPPORT OF PEACE IN DARFUR.

(a) IN GENERAL.—The Secretary of State and the Secretary of the Treasury shall submit to the appropriate congressional committees a report assessing the effectiveness of sanctions imposed with respect to Sudan at the time the Secretary of State and the Secretary of the Treasury submits reports required under—

(1) the Sudan Peace Act (Public Law 107–245; 50 U.S.C. 1701 note);

(2) the Comprehensive Peace in Sudan Act of 2004 (Public Law 108-497; 50 U.S.C. 1701 note); and

(3) the Darfur Peace and Accountability Act of 2006 (Public Law 109–344; 50 U.S.C. 1701 note).

(b) ADDITIONAL REPORT BY THE SECRETARY OF THE TREASURY.—The Secretary of the Treasury shall submit to the appropriate congressional committees a report assessing the effectiveness of sanctions imposed with respect to Sudan under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) at the time the President submits the reports required by section 204(c) of such Act (50 U.S.C. 1703(c)) with respect to Executive Order 13,067 (50 U.S.C. 1701 note; relating to blocking property of persons in connection with the conflict in Sudan's region of Darfur).

(c) CONTENTS.—The reports required by subsections (a) and (b) shall include—

(1) a description of each sanction imposed under a law or executive order described in subsection (a) or (b);

(2) the name of the person subject to the sanction, if any; and

(3) whether or not the person subject to the sanction is also subject to sanctions imposed by the United Nations.

SEC. 11. REPEAL OF REPORTING REQUIREMENT.

Section 6305 of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Public Law 110–28; 121 Stat. 172) is repealed.

SEC. 12. TERMINATION.

The provisions of sections 3, 4, 5, 6, and 10 shall terminate 30 days after the date on which the President has certified to Congress that the Government of Sudan has honored its commitments to—

(1) abide by United Nations Security Council Resolution 1769 (2007);

(2) cease attacks on civilians;

(3) demobilize and demilitarize the Janjaweed and associated militias;

(4) grant free and unfettered access for delivery of humanitarian assistance; and

(5) allow for the safe and voluntary return of refugees and internally displaced persons.

Passed the Senate December 12, 2007.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Alabama (Mr. BACHUS) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of this legislation, and I thank Congresswoman BARBARA LEE for all of her work, as well as everyone on the committee, for bringing this bill to the floor of the Congress today.

I rise in support of this bill to authorize State and local governments to divest assets in companies that conduct business operations in Sudan, as well as to prohibit United States Government contracts with any such companies.

Several years ago I traveled with a bipartisan Congressional delegation to see firsthand the site of the ongoing genocide in Darfur, and to meet in person with the refugees—people displaced from their homes because of targeted political violence. At that time, 250,000 people had already been murdered or had died from subsequent malnutrition and disease. Another 2 million people had already been displaced.

I returned from that trip outraged with the conduct of the Government of Sudan. Not only did the Sudanese Government refuse to protect the innocent people caught between the rebels and the government, but it was also actively involved in the raping, maiming and killing of these refugees.

I returned with the hope that our Nation would do everything possible to bring this nightmare to an end. But not enough has been done. The murders and the rapes continue in Darfur, and in response, the American people want us to do more to help bring this genocide to an end.

Therefore, we in Congress must pass this bill today so that State and local governments will be able to divest from companies that continue their financial ties with Sudan. We must also ensure that the Federal Government is not complicit in the horrendous conduct of the Sudanese Government through our use of government contracts.

By passing this resolution, we will stand with the thousands of religious groups, churches, humanitarian and community organization, and State and local governments—all of whom are coming together to send a message about the ongoing genocide in Darfur—not on our watch.

Mr. FRANK of Massachusetts. Mr. Speaker, this is a very important piece of legislation on one of the gravest subjects facing the world: the terrible genocide in Darfur.

Mr. Speaker, I want to begin by yielding such time as she may consume to a former member of our committee, the gentlewoman from California (Ms. LEE), who was from the beginning the major force behind this legislation.

Ms. LEE. Mr. Speaker, I rise in support of S. 2271, the Sudan Accountability and Divestment Act. First, let me thank Chairman FRANK.

As Chair of the Financial Services Committee, I have just got to say you didn't have to do this, but you did.

This took many, many months to negotiate. Chairman FRANK understands very clearly that this bill will put the United States on the right side of history in our efforts to end this genocide in Darfur.

So I just want to thank the Financial Services Committee under your leadership. I want to thank Ranking Member SPENCER BACHUS, Mr. GUTIERREZ, and all of those who really made sure that this happened in a bipartisan way. So thank you again, Congressman FRANK and Ranking Member BACHUS, for your leadership but also for your commitment. Your moral commitment, your intellectual resources have been put on the table to get this done. So thank you so much.

I want to also take a few minutes just to thank a few more people because this is a bill that has been a bipartisan bill, and it has been tough to negotiate; but it happened finally. First, I have to say that my colleagues in the other body, Senator DODD, Senator DURBIN, Ranking Member SHELBY of the Senate Banking Committee, I have to congratulate them and thank them for working together in a bipartisan fashion on this bill. Initially it was actually, when it left this House, H.R. 180, the Darfur Accountability and Divestment Act, better known as DADA. And for the most part, 90 percent of DADA remains intact thanks to our negotiators and thanks to our staff.

The staff has been phenomenal. Daniel McGlinchey, Jim Segel, Katie Lavelle, and I want to thank all of our staff for their efforts and I have to especially acknowledge Christos Tsentos on my staff who has gone way beyond the call of duty to make sure that this bill came out in the form that it came out where we all could support it.

Also, a former staffer, Aysha House-Moshi, her tireless effort, her inspiration and her pushing, pushing, pushing helped us draft the original DADA bill.

And I must acknowledge Congressman DON PAYNE, Chair of the Africa Subcommittee. I've got to say that his leadership on Sudan has been phenomenal. He authored the initial legislation over 3 years ago that declared the genocide taking place was a genocide in Darfur. Representative WOLF, Senator BROWNBACK, in a bipartisan way Members in both bodies have come together to not only declare that genocide is taking place but also to do the things that we need to do to make sure that it ended. So I want to thank you also for your leadership.

Also, let me just say to Speaker PELOSI and Majority Leader STENY HOYER, they have been such phenomenal leaders, as leadership in this body and as great human beings. I have visited the refugee camps on three occasions, once also with Speaker PELOSI and once with Majority Leader HOYER. They saw the devastation. They saw the tragedy. They saw the glare in the refugees' eyes. They heard the stories of men, women, and children being run out of their villages. They saw the pictures that children painted of bombs coming down into their villages and the janjaweed on horseback coming through burning their villages. So Speaker PELOSI and Majority Leader HOYER saw this firsthand with so many Members of this body. So I just want to thank them for following up and for making sure that we were able to bring this bill to the floor.

The religious community, the students, the Save Darfur Coalition, STAND, the NAACP, the American Jewish World Service, the National Association of Evangelicals, and the Genocide Intervention Network and the Sudan Divestment Task Force, I cannot say enough about these outside organizations because they have been the wind beneath our wings here. They got it early. They got it early. So I just have to thank them, including Sam Bell, Adam Sterling, Allyson Neville, and Nina McMurry with the Sudan Divestment Task Force for their work because sometimes these negotiations got very difficult, but they hung in there and they were very realistic and yet very principled in how they moved forward.

With each decision to divest, our constituents send a very loud and clear message to Khartoum that they won't fund genocide, not on our dime, not on our watch. Already in our Nation there have been 58 universities, 22 States, and 11 cities. All of these have divested. So this bill allows these divestment movements to move on. This is an impressive track record, Mr. Speaker, and it really deserves our recognition.

Briefly, this bill, one, authorizes States and local governments and universities to divest from companies doing business in the military, the power production, the oil-related, and mineral extraction industries in partnership with the Khartoum Government of Sudan. It also authorizes States, local governments, and universities to prohibit new contracts with such companies. It provides safe harbor to mutual funds and pension plans choosing to divest their assets in such companies and also prohibits the Federal Government from entering into new Federal contracts with these offending companies.

Let me be very clear. This bill does not require anyone to divest. Even when it comes to Federal contracts, we provide the President with waiver authority in the event of a national security emergency. Further, this bill is designed to protect and encourage our Governors, State legislators, our mayors, our provosts, and our deans to divest their assets from Sudan and express their outrage with the ongoing genocide in Darfur.

No one should have to worry that their pension or retirement funds are supporting genocide. So by passing this legislation today, we can help achieve that goal and at the same time send a message to Khartoum and to the companies that are enabling, enabling the genocidal regime. Not on our watch, not on our dime. Taken together with the over $1 billion in humanitarian assistance and peacekeeping money we passed last night and the diplomacy efforts of this administration, divestment is one part of a comprehensive bipartisan strategy that we are pursuing to end the genocide.

So we must continue also to urge all parties to lay down their arms, come to the table to negotiate a political solution. We must continue support for the rapid and unconditional deployment of a United Nations/AU hybrid force, along with free and unfettered access for humanitarian groups to continue to provide humanitarian assistance.

Mr. Speaker, 13 years ago the world stood by as nearly 1 million people were slaughtered in the genocide of Rwanda. And the best our country could do, the best we could we do was apologize, and that was after the fact. Today the people of Darfur who are suffering and dying need this bill. They need it because another genocide is occurring. And, again, as I said, I have witnessed this three times in the camps, and I have heard these stories. I have seen the devastation from the survivors. Nearly 3 million refugees are in the camps now. So I must say there must be no apologies this time because we must sign this bill into law. The President needs to do the right thing. He needs to listen to bipartisan, bicameral support from Congress for divestment and sign this.

This really is, Mr. Speaker, the moment of truth. This is the moment of truth. Let's stop the rhetoric and do something, do something now that we have declared for 3 years genocide taking place. We need to put the United States on the right side of history. Divestment worked in South Africa when our former colleague and my mayor now, Ron Dellums, when he led the effort in the 1980s. It can work now in Sudan. So I urge the President to join us in saying to the Government of Khartoum not on our watch, not on our dime.

So let me again thank Chairman FRANK for his leadership on this important legislation. Let me thank all those on the other side of the House for their commitment to make sure that this became a bipartisan bill and that we take the right step, put our country on the right side of history and say "no" to the Sudanese Government, "yes" to ending this genocide, and let us urge the President to sign this bill into law.

□ 1400

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Congresswoman LEE has, I think appropriately, mentioned several Members who have worked hard on this legislation. And historically in this Congress the House has come together to work very hard in a bipartisan way, not always successfully. Several years ago, we passed a capital market sanction unanimously out of the House. It went to the Senate, and unfortunately it died there.

We're voting on legislation that passed the House this last July with a vote of 418–1. It supports the decisions of State and local legislatures and fund managers to divest from companies doing business in Sudan. However, the bill before us today does not require the government to create or be the source of a "black list" for such companies. We all know the SEC had some problems with maintaining such a list, and at times was inaccurate. For this reason, the Senate version is more acceptable to the administration and to many of us in the House.

Some have said today's legislation is too little, too late, but that certainly is not the case for more than 1 million innocent men, women and children who have somehow survived the genocide and slaughter in Sudan. We can't rewrite history or save lives already lost in Darfur; however, we can and we must resolve to do better going forward. This legislation has the potential to give hundreds of thousands of peaceful and unarmed men, women and children in Darfur an increased chance of surviving the genocide.

Economic and financial considerations in the past have halted some of us in the House from using our efforts against the Sudan Government. They've been used to block and water down our Sudan capital markets legislation in the past.

Economic and financial considerations are important, but in a loving Nation, such considerations can never be used as a justification for turning a blind eye to genocide. Closing our financial markets to those who participate directly or indirectly in the slaughter of innocent human beings is well within our ability and ought to be a bedrock principle of our Nation.

America is a loving Nation, and allowing our financial markets to be utilized by an evil, and that's a strong word, but in this case it fits, an evil regime which conducts religious and racial genocide is inconsistent with our values and our principles.

This legislation will help put strong pressure on the Government of Sudan that has consistently engaged in genocidal actions both directly and as an enabler of paramilitary factions that are harassing and killing people in Darfur and elsewhere in Sudan on a daily basis.

It is vital to keep the pressure on Khartoum, both because of the bait-and-switch games it regularly plays with the rest of the world, and has done so for years, pretending to make strides to end the genocide, and then going back on its word when the world's outrage is temporarily spent. The latest outrage involves refusing to allow the deployment of non-African United Nations peacekeeping troops, due in two weeks, which it previously had agreed to accept.

The objective of this legislation is one that those of us on our side wholeheartedly embrace. In fact, three of our Members who have been to Sudan and have consistently for years worked in the slaughter there will speak in support of the legislation. Their advice and counsel on the legislative proposal has been invaluable.

Passage of this legislation will give a strong expression of Congress' outrage over the continued genocide in Darfur.

At this time, I would like to recognize the gentleman from Virginia (Mr. WOLF), who really has been a passionate crusader against the outrage that we now know as Darfur, and I recognize him for such time as he may consume.

Mr. WOLF. I want to begin by thanking the chairman and the ranking member for bringing the bill up, and also to Congresswoman BARBARA LEE for the effort here. And hopefully this bill will be signed certainly before Christmas.

I think as we talk about the bill today, we should remember that genocide did take place, and in a certain respect continues to take place as we now stand here at this time.

Also, keep in mind, when talking about the Sudan Government, Osama bin Laden lived in Sudan from 1991 to 1996. And the same government that is there now invited Osama bin Laden to live there. And Carlos DeJackal and many other evil people have been in that country for a long period of time.

This bill, the Sudan Accountability and Divestment Act, takes a very important step to pressure the Sudanese Government to halt the violent genocide, which continues in many respects. It authorizes State and local governments to divest assets in companies that conduct business in Sudan. It also prohibits the U.S. Government from contracting with companies which conduct business in Sudan. And there are many companies that are doing business. There are many foreign companies, some American companies, a lot of Chinese companies. So this is not set up to do something for something that may happen. There are companies today that are doing business and prospering there.

Many have asked how to be involved in stopping the genocide. One answer is to pass this bill. Targeted disinvestment is a powerful tool. It is important to understand that targeted disinvestment is the removal of investment money from companies that are directly or indirectly helping the Sudanese Government perpetuate genocide. There are Chinese companies that are actually helping; some have sold weapons, some have sold Hind helicopters, some have sold other equipment that is helping with regard to this.

Since the ultimate intent of Sudan disinvestment is to protect the victims of genocide, it is important to tailor the disinvestment to have the maximum impact on the Government of Sudan's behavior and minimal harm to innocent Sudanese. Such targeted disinvestment excludes companies involved in agriculture, production and distribution of consumer goods or activities intended to relieve human suffering.

Many States, and they should be applauded, including California, Connecticut, Illinois, Maine, New Jersey, and Oregon, have already moved to divest from companies doing business in Sudan. More States should act.

In closing, I want to again thank the Disinvestment Task Force. I would hope there would be a rollcall on this as a message so everyone knows. And again, I want to thank Congresswoman BARBARA LEE for her persistence and effort to bring this up and pass this.

Keep in mind, as you're voting today, and hopefully there will be, with the chairman, look up there. This will really send a message to the Sudan Government. And there is genocide taking place today as we now vote.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield 30 seconds to the gentlewoman from California.

Ms. LEE. I want to thank the gentleman for yielding, and I want to once again acknowledge the leadership of Congressman WOLF and Congressman BACHUS.

I served for many years on the Financial Services Committee and had the privilege to work with SPENCER BACHUS on many, many bills and legislation, including debt relief. And I just wanted to thank him on this one issue because I know this comes from his values, not only as a legislator, but as a human being who wants to see humankind live, and live in peace and harmony without the devastating effects of genocide in their country. So, I want to thank you again, Congressman BACHUS.

Mr. FRANK of Massachusetts. Mr. Speaker, I yield myself such time as I may consume.

I want to join in thanking the people that have been thanked, particularly members of the staff, Mr. Tsentas, Mr. McGlinchey and Mr. Segel, because this took a great deal of work. This was one of those issues where there was a great deal of agreement in principle, but where a lot of work had to be done to translate that principle here in the House. And it was a case where the House took the lead, the Senate then acted, and some negotiation took place.

There was some resistance, I am sad to say, from the administration. The State Department was busy getting Senators to hold us up for a while. But a good deal of good lobbying took place on a bipartisan basis. And many Republicans in the Senate resisted this effort to hold it up, and as a result we have a bill that does what it should do. And I want to be clear what that is.

We are not here compelling anyone to divest. We ran into a situation in which a large number of Americans, revolted by the massive violation of basic human principle that has gone on in Sudan, engaged in by the Government of Sudan, sadly, protected in some ways by the Government of the People's Republic of China, too little resisted by other African nations, too little resisted, in particular, by some in the Arab world who, sadly, it seemed to me, allowed ethnicity to influence them, and for a variety of reasons there has not been the mobilization of international protection for these innocent victims of genocide that there should have been.

What we have is a situation where a number of Americans said, I cannot in any way be part of this. And they approached those entities who invest money on their behalf. As we know, much of the investment that goes on in this country is done not by individuals directing their own investments, but through third parties, mutual funds, pension funds, other entities. And they were told, those who wanted to divest, Oh, we can't do that. We can't honor your moral conviction because we have an obligation to make as much money for you as possible. And indeed, there were invocations of potential lawsuits if, in fact, a mutual fund or pension fund were to say, Look, we're not going to divest in this way or stay an investment fund. We didn't think that those were real threats, but we figured we had to act.

So, what this bill does is not to compel anybody to do anything. It empowers individuals who want to withdraw their funding from this genocide. It empowers entities that want to withdraw funding to do so without fear of lawsuit. And I think it is a solution that looks at how the marketplace works and uses that set of institutions and the law in a reasonable way.

I cannot understand why we ran into the resistance that we did. And I don't think bureaucracy is a bad thing. Bureaucracy is an essential part of civilized governance. But bureaucracy in the bad sense, bureaucratic resistance in the bad sense, slowed this bill up. People have said, It's too late. I agree. It should have happened a long time ago. It certainly should have happened earlier this year. There was resistance that shouldn't have come from the State Department. There was some concern by the Treasury. They were excessive.

I am very proud that both Houses have now overwhelmingly said, No, enough is enough. We're going to go forward. And we wish we could do more to stop this mass murder, but we can at least allow Americans to withdraw from any participation. And we hope that the cumulative effect of this and elsewhere would be to force a withdrawal.

And there is one very important point. We have sometimes, when the United States Government expressed its revulsion at violations of human rights, people have tried to say, Well, that's just the government. That's not the people. This empowers the American people. When there are withdrawals as a result of this, it will be coming from State and local governments and individual citizens. So no one will be able to deny the concentrated force of this, and we hope that adds to its moral impact.

So, I do intend to ask for a recorded vote on this because I hope we will have an overwhelming demonstration, once again, virtual unanimity, if not complete unanimity, that will send a message that will help get the bill signed. And particularly to the Government of Sudan and to those governments, and that includes some in the Arab world, it includes the People's Republic of China, they will understand the extent to which, across party lines, across ideological lines, they have instilled in the American people the feeling of revulsion. And they should understand our determination to do whatever we can to put an end to this terrible set of events.

Mr. Speaker, I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I would like to acknowledge Congresswoman LEE's kind remarks. I very much appreciate the fact that she and I have cooperated so many times on these issues.

Chairman FRANK, on this issue, has been wonderful, and I commend him. Also, a member of his staff, Jim Segel, I would like to acknowledge Jim, and represent all the Democratic staff. And Joe Pinder and our staff, I congratulate them on the fine job they've done.

At this time, I would like to call on two of our Members, both Representative CHRIS SMITH of New Jersey and also Representative ROS-LEHTINEN. ILEANA has been very active and personally involved in this issue.

At this time, I yield 4 minutes to the gentleman from New Jersey (Mr. SMITH).

□ 1415

Mr. SMITH of New Jersey. I thank my good friend for yielding. I am pleased to join my colleagues on both sides of the aisle in supporting S. 2271, the Sudan Accountability and Divestment Act of 2007, which will make yet another contribution and another effort at ending this horrific genocide in Darfur that according to the United Nations as resulted in the deaths of over 200,000 people, while others put the death toll as high as 450,000 with about 2.5 million people displaced. Like many of my colleagues, I have visited Darfur. I have been to Mukjar and Kalma camp.

And I have actually had a face-to-face with General Bashir, the President, the dictator in Khartoum, pushing for peace, pushing for an end to this slaughter. And I have seen firsthand, like many of my colleagues, the unspeakable agony and the devastation, whole families exterminated, entire villages killed, women raped. It is beyond words how much sufferings has been endured—you can see it on the survivors' faces. I would also point out to my colleagues that the United States has not been lax. or underengaged. Can we do more, you bet. Nevertheless USAID, the U.S. Department of State and President Bush himself, our special envoy Andrew Natsios have been very robust in their efforts to try to mitigate the suffering and hopefully to this crisis as well.

The Bush administration took the lead at the U.N.; I would remind my colleagues, in arguing for deployment of a peacekeep force which yielded fruit on July 31 with the authorization of a United Nations-African Union hybrid peacekeeping force that hopefully will begin to get some significant deployment beginning on January 1 to replace the AU force of about 7,000. About 20,000 military, 6,000 police, will form the core of that force; and the sooner they get in there to protect, the better.

Let me also point out to my colleagues that on May 29, 2007, the President ordered the U.S. Treasury to block the assets of three Sudanese individuals involved in the violence and to sanction 31 companies owned and controlled by the Government of Sudan. This legislation builds on this bipartisan effort to say, enough is enough. As Ms. LEE said a moment ago, we looked askance when the Rwandan genocode accrued—killing by the Hutus of the Tutsis and it was Bill Clinton who did apologize, and the Secretary of the United Nations Kofi Annan also had to apologize because we sat idly by and did nothing even though General Dallaire gave us a clear and compelling heads-up, he was, you will recall, the U.N. peacekeeping leader at the time in Rwanda, and we did nothing.

And we also did nothing for years in the Balkans, another genocide that killed innocent people in Bosnia and Croatia. Hopefully, we have learned from that. As a matter of fact, one of the AU peacekeepers that I had met with, who served in Sarajevo and was also serving in Darfur, saw the parallels of nonaction and was very much concerned that it was deja vu all over again. Hopefully, this legislation pushes the ball further down the court so we can protect innocent lives.

As my colleagues know, the bill today prohibits the U.S. Government from entering into or renewing any contract for the procurement of goods and services with any company conducting business operations in Sudan, directs the Security and Exchange Commission to require that all companies trading securities that directly or through a parent or a subsidiary company conducting business in Sudan must disclose the nature of their business operations in Sudan and does some very other important things.

Let me point out to my colleagues, too, that just last week, the Human Rights Council, which was supposed to replace the egregiously flawed Human Rights Commission, has now disbanded a very important working group of experts that had chronicled compelling evidence and testimony about the genocide. The U.N. failed to renew the group's mandate and just did away with it under pressure. The Council continued their special rapporteurs mandate, but they got rid of this very important working group.

Mr. FRANK of Massachusetts. Mr. Speaker, how much time is there remaining?

The SPEAKER pro tempore. The gentleman from Massachusetts has 5 minutes remaining. The gentleman from Alabama has 7½ minutes remaining.

Mr. BACHUS. I recognize the gentleman from New Jersey (Mr. SMITH) for an additional 2 minutes.

Mr. SMITH of New Jersey. I thank Mr. BACHUS for yielding further, Mr. Speaker. I just want to read one witness's comment regarding the Human Rights Council, He testified and said: "We, the victims of Darfur, were hoping so much that this new Human Rights Council would give us a voice and make a difference in our lives. Yet the genocide continues. Time is running out. We need action. Our humanitarian situation is critical. Our security situation worsens every day. The janjaweed are killing and raping us. The innocent civilians of Darfur are in desperate need of protection. We need action, and we need it now."

Finally, I call on each Member to support this bill—this has to be a strong bipartisan vote. You know, we are often criticized for the excessive partisanship of this Congress which is largely true. This is one area where we can close ranks and do what is right on behalf of a very, very much-suffering people. I thank my friend for yielding that extra time.

Mr. BACHUS. Mr. Speaker, at this time I would like to yield all additional time to Ranking Member ROS-LEHTINEN of the International Relations Committee for her knowledge and her fine work.

The SPEAKER pro tempore. The gentlewoman from Florida is recognized for 6 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to thank Mr. BACHUS and Mr. FRANK for their leadership on this critical issue. And I am proud to rise in strong support of the bill before us, Senate bill 2271, the Darfur Accountability and Divestment Act. The timing of this bill is critical, Mr. Speaker, because as we speak, the United Nations is engaged in yet another effort to convince the regime in Khartoum to stop its foot-dragging and finally facilitate the deployment of a robust United Nations-African Union hybrid peacekeeping force in Darfur. It has been 4 months since this force was approved by the United Nations Security Council, 4 months. And according to the timeline set by Security Council Resolution 1769, the hybrid mission is expected to take over full operational control from the overextended and underresourced African Union peacekeeping mission at the end of this month. But here we are more than halfway through this month, and the chances of this happening appear bleaker than ever.

True to form, Khartoum has reneged on its promises and effectively blocked international efforts to get a credible peacekeeping mission deployed to Darfur. First, they rejected the deployment of non-African forces into Darfur. Then they failed to provide land for bases. Then they imposed onerous restrictions on air travel for the mission. And, finally, they resorted to impounding critical U.N. communications equipment and insisted that they have the right to jam the peacekeeping mission's communications for what they called "security purposes."

Never before have I seen a country being given ostensibly a veto over the selection of peacekeeping troops to be deployed pursuant to a binding chapter 7 resolution. Never before have I encountered a regime with the audacity to suggest that it has the right to jam U.N. communications so that it can continue conducting attacks in violation of a cease-fire agreement against the very people the peacekeeping mission has been sent to protect. This is completely unacceptable.

In response to the Khartoum regime's continued games, the United States representative to the U.N. has once again referenced the need for the imposition of broader Security Council sanctions against Sudan. This is a welcome development, and I urge all members of the Security Council, including China, to follow suit and to finally impose crippling sanctions against the murderous regime in Khartoum.

But given the inability of the U.N. to take effective action against Khartoum, I am not holding my breath. Instead, let's encourage our colleagues today to join us in an effort to inflict real financial pain upon the genocidal regime by supporting the bill before us, Senate bill 2271, the Darfur Accountability and Divestment Act. It allows State and local governments to divest from companies whose business dealings directly benefit Khartoum while providing safe harbor for fund managers who choose to divest.

I thank Mr. BACHUS and Mr. FRANK again for their leadership on this issue, and I urge all of my colleagues to vote "yes" on this important bill before us.

GENERAL LEAVE

Mr. FRANK of Massachusetts. Mr. Speaker, before yielding to my last two speakers, I do ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on S. 2271.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. I yield 3 minutes to a very hardworking member of our committee who has a great deal of concern for this issue, the gentleman from Missouri (Mr. CLEAVER).

Mr. CLEAVER. Thank you, Mr. Chairman. I appreciate the fact that this Congress is taking some action. And if this cause is just, it will eventually triumph, in spite of all of the deaths, disease, doubts and disappointments. If this cause is just, and I believe that it is, it will eventually triumph, in spite of all of the rapes, all of the apathy, all of the cynicism, and all of the "look the other way" by nations in the region and, in fact, around the world.

This tragedy in Darfur shows that genocide is better at abolishing people than people are at abolishing genocide. One speaker earlier mentioned the Balkans. And so genocide is not new. This is not new. The main reason history repeats itself is because the world didn't pay attention the first time. And it seems to me that this provides us with an opportunity to stand up any time we begin to see that genocide is occurring anywhere around this planet.

In the war of right and wrong, the United States of America, and certainly this Congress, cannot afford to be neutral. Some businesses in the United States and around the world are probably like a catsup bottle. We may need to slap them on the bottoms a few times to get them moving. I think this legislation will, in fact, do that; and I commend the sponsors and the chairman and the ranking member of our committee, as well as Ms. LEE from California, for standing up and making sure that when the United States can make an impact in the world, we, in fact, do.

Mr. FRANK of Massachusetts. Mr. Speaker, I didn't want to just echo what my friend has said, and so I yield myself 30 seconds. My appreciation for the fact that we on both sides here, the majority and minority on the committee, were able to work so well together, and I mentioned some staffers, Mr. Pinder of the minority staff working well with Mr. Segel, Mr. McGlinchey and Mr. Tsentas and this is very well drafted legislation. I am very proud of it. It achieves a moral purpose in a very thoughtful way.

Mr. Speaker, I submit the following exchange of letters on S. 2271:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, December 14, 2007.

Hon. BARNEY FRANK,
Chairman, Committee on Financial Services,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the bill, S. 2271, the Sudan Accountability and Divestment Act of 2007. I understand that are certain provisions of this legislation as passed by the Senate that fall within the Rule X jurisdiction of the Committee on Foreign Affairs. Provisions within the jurisdiction of the Committee include sections 7, 8, 9 and 10 of the Senate passed bill.

In the interest of permitting your Committee to proceed expeditiously to floor consideration of this important legislation and clear it for the President, I am willing to waive this Committee's right to an additional referral. I do so with the understanding that by waiving consideration of the bill, the Committee on Foreign Affairs does not waive any future jurisdictional claim over the subject matters contained in the bill which fall within its Rule X jurisdiction.

I would ask that you place this letter into the Congressional Record when the Committee has S. 2271 under consideration.

Sincerely,

TOM LANTOS,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, December 14, 2007.

Hon. TOM LANTOS,
Chairman, Committee on Foreign Affairs,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter concerning S. 2271, the Sudan Accountability and Divestment Act of 2007. The Senate passed this bill on December 12, 2007, and it is my expectation that this legislation will be scheduled for floor consideration shortly.

I recognize that certain provisions in the bill fall within the jurisdiction of the Committee on Foreign Affairs under Rule X of the Rules of the House of Representatives. These provisions include sections 7, 8, 9, and 10. However, I appreciate your willingness to forego action on S. 2271 in order to allow the bill to come to the floor expeditiously. I agree that your decision will not prejudice the Committee on Foreign Affairs with respect to its jurisdictional prerogatives on this or similar legislation.

I will include this exchange of correspondence in the Congressional Record when S. 2271 is considered by the House. Thank you again for your cooperation in this important matter.

BARNEY FRANK,
Chairman.

I yield the remainder of my time to the gentlewoman from Ohio, an alumna of our committee.

Mrs. JONES of Ohio. Thank you, Mr. Chairman, for yielding the time. We who believe in freedom cannot rest. We who believe in freedom cannot rest. And today we who believe in freedom must stand up on behalf of the people of Darfur.

It is a wonderful opportunity that we have through Senate 2271 authorizing State and local governments to divest assets in companies that conduct business operations in Sudan. While I want to celebrate the work of the Senate, I must celebrate the work of my colleagues here in the House who have been really carrying this heavy load and pushing folks to move forward on this legislation, to the Chair, to the ranking member, to my good friend, BARBARA LEE, who is always stepping up and saying, if we believe in freedom we must step out and make a difference in our communities across the world.

As we fight terrorism, and make no mistake about it, the violence in Sudan is akin to what happened in Rwanda and Serbia in recent decades, this is a form of terrorism and genocide. We turned our backs on those populations then, but we must assume responsibility now.

The bill would prohibit the United States Government from contracting with companies that engage in business in Sudan. The American dollar should not be put to use to enforce instability and slaughter of civilians. This legislation also authorizes States, local government and universities to prohibit new contracts with such companies.

□ 1430

It provides safe harbor to mutual funds and pension plans choosing to divest their assets and prohibits the Federal Government from entering into new contracts. I have already said that. But I really want also to take the time to thank many of the organizations across this country who have stood up on our behalf. Specifically, the work of the Save Darfur Coalition, STAND, the NAACP, American Jewish World Service, the National Association of Evangelicals, and especially the Genocide Intervention Network and the Sudan Divestment Task Force.

Lastly, I want to say that all 43 members of the Congressional Black Caucus were signatories to this legislation. This is a piece of legislation that was a priority for the Congressional Black Caucus under the leadership of our Chair, CAROLYN CHEEKS KILPATRICK, and we are so proud we have stood so tall and fought this good fight. And, as I said at the beginning: We who believe in freedom cannot rest. We who believe in freedom cannot rest, and we cannot rest until the people of Darfur are taken care of and we are looking out for them and their babies just like we look after our own.

Mr. HOYER. Mr. Speaker, today the House is considering one of the most important human rights measures we have dealt with all year—a bill related to the world's worst ongoing humanitarian disaster, the genocide in Darfur, Sudan. This measure is about changing direction, showing the world that the United States will not stand idly by—as the international community shamefully did in Rwanda in 1994. This measure is inspired by the apartheid-era legislation that this Congress proudly initiated, which helped bring about the end of one of the most cruel, racist, violent regimes in modern history.

Next year marks the fifth anniversary of the genocide in Darfur. That is five years of raping and pillaging, of displacement of millions of innocent men, women and children. Today, the question that we must ask ourselves as Americans, and as human beings, is this: Will we respond with apathy or with action to stop this ongoing tragedy? I submit that there can be only one answer: We—and by "we" I mean the international community—cannot and must not turn a blind eye to the Darfurians' suffering and plight.

Today's measure—the Sudan Accountability and Divestment Act of 2007—is a call to action. It authorizes states, local governments and universities to divest from companies doing business in the military, power production, oil-related, or mineral extraction industries in partnership with the government of Sudan. Further, it provides safe harbor to mutual funds and pension plans choosing to divest their assets in such companies. And finally, it prohibits the federal government from entering into new federal contracts with these offending companies. No longer will Americans have to worry that their tax dollars are going to companies that support the inhumane regime in Khartoum.

The bill we will pass today and send to the President is just one piece of a multi-faceted effort to address the crisis in Darfur. This solution must include not only full and speedy implementation of the United Nations/African Union hybrid peacekeeping force, but also international support for a single, unified peacemaking process. I have been extremely disappointed in both the rebel leaders and government officials who continue to choose violence over peace and have declined to participate in peace talks. However, we must continue to push for progress toward a ceasefire and a viable political solution for this ravaged land. Finally, and equally importantly, a solution in Darfur must include a sustained and secure role for the courageous humanitarian workers, who risk their lives daily because they are so committed to alleviating the suffering of their fellow human beings.

I want to express my sincere gratitude to Congresswoman BARBARA LEE, who has been a leader in this Congress on the issue of Darfur, who traveled with me to Darfur in April, and who sponsored the original Darfur Divestment measure, H.R. 180—which I was so pleased to cosponsor and which passed the House 418 to 1. I urge Members on both sides of the aisle to support this important legislation.

Mr. BACHUS. Mr. Speaker, I rise in strong support of this legislation, and urge its immediate passage. We are voting on language very similar to legislation that passed the House 418–1 at the end of July, which supports the decision of state and local legislators and fund managers to divest from companies doing business in Sudan. However, the bill before us today does not require the government to create or be the source of a "black list" of such companies For that reason, the Senate version is much more acceptable to the Administration.

Some have said that today's legislation is too little, too late. This certainly may not be the case for more than a million innocent men, women, and children who have somehow survived the genocide and slaughter. We can't rewrite history or save lives already lost in Darfur. However, we can and must resolve to do better going forward. This legislation has the potential to give hundreds of thousands of peaceful and unarmed men, women, and children in Darfur an increased chance of surviving the genocide.

Economic and financial considerations have been used to both block and water down our Sudan capital markets legislation in the past. Economic and financial considerations are important, but in a loving nation can never be used as justification for turning a blind eye to genocide. Closing our financial markets to those who participate directly or indirectly in the slaughter of innocent human beings is well within our ability and ought to be a bedrock principle. America is a loving nation, and allowing our financial markets to be utilized by an evil regime which conducts religious and racial genocide is inconsistent with our values and principles.

Mr. Speaker, this legislation will help put strong pressure on a government that has consistently engaged in genocidal actions, both directly and as an enabler of paramilitary factions that are harassing and killing people in the Darfur region and elsewhere in Sudan.

It is vital to keep the pressure on the Khartoum government, both because of the "bait-and-switch" game it has been playing with the rest of the world for years, pretending to make strides to end the genocide and then going back on its word when the world's outrage is temporarily spent. The latest outrage involves refusing to allow the deployment of non-African United Nations peacekeeping troops, due in two weeks, which it previously had agreed to accept.

The objective of this legislation is one that I wholeheartedly embrace, and that I have sought to achieve in legislative proposals of my own in previous Congresses. Passage will be a strong expression of Congress's outrage over the continued genocide in Darfur. I urge its immediate passage.

I want to thank the staff that worked on this important effort. From Chairman FRANK's staff, Jim Segel, Scott Morris, Daniel McGlinchey and Nancy Alexander; from Representative BARBARA LEE's staff, Chrisos Isentas; from Representative DONALD PAYNE's staff, Noelle Lusane; from Representative ILEANA ROS—LEHTINEN's staff, Gene Gurevida and Yleen Poblette; from Representative FRANK WOLF's staff, Molly Miller; from Representative CHRISTOPHER SMITH's staff, Sherry Rickert; and Joe Pinder, Kevin Edgar, and Anthony Cimino from my own staff.

Mr. UDALL of New Mexico. Mr. Speaker, the continuing tragic situation in Darfur is an attack on humanity and I believe that Congress, that the President, that the international community, and everyone concerned about their fellow men and women has a responsibility to work toward ending this genocide.

Local and State governments around this Nation are expressing their outrage over the ongoing genocide, as they should be. S. 2271 encourages these actions by allowing these governments to divest from companies that continue their financial ties with Sudan. As we support these communities as they take a stand, it is vital that the Federal Government do so as well. S. 2271 provides this support by barring Federal contracts with companies doing business with the Sudanese government.

Mr. Speaker, the United States must continue to play leadership role in protecting the civilians in Darfur and working towards a peaceful resolution to the ongoing conflict. Too many lives have already been lost and this situation will continue to worsen unless we fulfill our commitment by supporting and strengthening the international mission in Darfur.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the Senate bill, S. 2271.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. FRANK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

TERRORISM RISK INSURANCE PROGRAM REAUTHORIZATION ACT OF 2007

Mr. ACKERMAN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2761) to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Terrorism Risk Insurance Program Reauthorization Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of act of terrorism.
Sec. 3. Reauthorization of the Program.
Sec. 4. Annual liability cap.
Sec. 5. Enhanced reports to Congress.

SEC. 2. DEFINITION OF ACT OF TERRORISM.

Section 102(1)(A)(iv) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by striking "acting on behalf of any foreign person or foreign interest".

SEC. 3. REAUTHORIZATION OF THE PROGRAM.

(a) TERMINATION DATE.—Section 108(a) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by striking "2007" and inserting "2014".

(b) ADDITIONAL PROGRAM YEARS.—Section 102(11) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by adding at the end the following:

"(G) ADDITIONAL PROGRAM YEARS.—Except when used as provided in subparagraphs (B) through (F), the term 'Program Year' means, as the context requires, any of Program Year 1, Program Year 2, Program Year 3, Program Year 4, Program Year 5, or any of calendar years 2008 through 2014.".

(c) CONFORMING AMENDMENTS.—The Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) in section 102(7)(F)—

(A) by inserting "and each Program Year thereafter" before ", the value"; and

(B) by striking "preceding Program Year 5" and inserting "preceding that Program Year";

(2) in section 103(e)(1)(A), by inserting "and each Program Year thereafter" after "Year 5";

(3) in section 103(e)(1)(B)(ii), by inserting before the period at the end "and any Program Year thereafter";

(4) in section 103(e)(2)(A), by striking "of Program Years 2 through 5" and inserting "Program Year thereafter";

(5) in section 103(e)(3), by striking "of Program Years 2 through 5," and inserting "other Program Year"; and

(6) in section 103(e)(6)(E), by inserting "and any Program Year thereafter" after "Year 5".

SEC. 4. ANNUAL LIABILITY CAP.

(a) IN GENERAL.—Section 103(e)(2) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) in subparagraph (A)—

(A) by striking "(until such time as the Congress may act otherwise with respect to such losses)"; and

(B) in clause (ii), by striking "that amount" and inserting "the amount of such losses"; and

(2) in subparagraph (B), by inserting before the period at the end ", except that, notwithstanding paragraph (1) or any other provision of Federal or State law, no insurer may be required to make any payment for insured losses in excess of its deductible under section 102(7) combined with its share of insured losses under paragraph (1)(A) of this subsection".

(b) NOTICE TO CONGRESS.—Section 103(e)(3) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) by adding at the end the following: "The Secretary shall provide an initial notice to Congress not later than 15 days after the date of an act of terrorism, stating whether the Secretary estimates that aggregate insured losses will exceed $100,000,000,000."; and

(2) by striking "and the Congress shall" and all that follows through the end of the paragraph and inserting a period.

(c) REGULATIONS FOR PRO RATA PAYMENTS; REPORT TO CONGRESS.—Section 103(e)(2)(B) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) by striking "For purposes" and inserting the following:

"(i) IN GENERAL.—For purposes"; and

(2) by adding at the end the following:

"(ii) REGULATIONS.—Not later than 240 days after the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007, the Secretary shall issue final regulations for determining the pro rata share of insured losses under the Program when insured losses exceed $100,000,000,000, in accordance with clause (i).

"(iii) REPORT TO CONGRESS.—Not later than 120 days after the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007, the Secretary shall provide a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives describing the process to be used by the Secretary for determining the allocation of pro rata payments for insured losses under the Program when such losses exceed $100,000,000,000.".

(d) DISCLOSURE.—Section 103(b) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) in the case of any policy that is issued after the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007, the insurer provides clear and conspicuous disclosure to the policyholder of the existence of the $100,000,000,000 cap under subsection (e)(2), at the time of offer, purchase, and renewal of the policy;".

(e) SURCHARGES.—Section 103(e) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) in paragraph (7)—

(A) in subparagraph (C), by inserting "133 percent of" before "any mandatory recoupment"; and

(B) by adding at the end the following:

"(E) TIMING OF MANDATORY RECOUPMENT.—

"(i) IN GENERAL.—If the Secretary is required to collect terrorism loss risk-spreading premiums under subparagraph (C)—

"(I) for any act of terrorism that occurs on or before December 31, 2010, the Secretary shall collect all required premiums by September 30, 2012;

"(II) for any act of terrorism that occurs between January 1 and December 31, 2011, the Secretary shall collect 35 percent of any required premiums by September 30, 2012, and the remainder by September 30, 2017; and

"(III) for any act of terrorism that occurs on or after January 1, 2012, the Secretary shall collect all required premiums by September 30, 2017.

"(ii) REGULATIONS REQUIRED.—Not later than 180 days after the date of enactment of this subparagraph, the Secretary shall issue regulations describing the procedures to be used for collecting the required premiums in the time periods referred to in clause (i).

"(F) NOTICE OF ESTIMATED LOSSES.—Not later than 90 days after the date of an act of terrorism, the Secretary shall publish an estimate of aggregate insured losses, which shall be used as the basis for determining whether mandatory recoupment will be required under this paragraph. Such estimate shall be updated as appropriate, and at least annually."; and

(2) in paragraph (8)—

(A) in subparagraph (C)—

(i) by striking "(including any additional amount included in such premium" and inserting "collected"; and

(ii) by striking "(D))" and inserting "(D)"; and

(B) in subparagraph (D)(ii), by inserting before the period at the end ", in accordance with the timing requirements of paragraph (7)(E)".

SEC. 5. ENHANCED REPORTS TO CONGRESS.

(a) STUDY AND REPORT ON INSURANCE FOR NUCLEAR, BIOLOGICAL, CHEMICAL, AND RADIOLOGICAL TERRORIST EVENTS.—Section 108 of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by adding at the end the following:

"(f) INSURANCE FOR NUCLEAR, BIOLOGICAL, CHEMICAL, AND RADIOLOGICAL TERRORIST EVENTS.—

"(1) STUDY.—The Comptroller General of the United States shall examine—

"(A) the availability and affordability of insurance coverage for losses caused by terrorist attacks involving nuclear, biological, chemical, or radiological materials;

"(B) the outlook for such coverage in the future; and

"(C) the capacity of private insurers and State workers compensation funds to manage risk associated with nuclear, biological, chemical, and radiological terrorist events.

"(2) REPORT.—Not later than 1 year after the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report containing a detailed statement of the findings under paragraph (1), and recommendations for any legislative, regulatory, administrative, or other actions at the Federal, State, or local levels that the Comptroller General considers appropriate to expand the availability and affordability of insurance for nuclear, biological, chemical, or radiological terrorist events.".

(b) STUDY AND REPORT ON AVAILABILITY AND AFFORDABILITY OF TERRORISM INSURANCE IN SPECIFIC MARKETS.—Section 108 of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended by adding at the end the following:

"(g) AVAILABILITY AND AFFORDABILITY OF TERRORISM INSURANCE IN SPECIFIC MARKETS.—

"(1) STUDY.—The Comptroller General of the United States shall conduct a study to determine whether there are specific markets in the United States where there are unique capacity constraints on the amount of terrorism risk insurance available.

"(2) ELEMENTS OF STUDY.—The study required by paragraph (1) shall contain—

"(A) an analysis of both insurance and reinsurance capacity in specific markets, including pricing and coverage limits in existing policies;

"(B) an assessment of the factors contributing to any capacity constraints that are identified; and

"(C) recommendations for addressing those capacity constraints.

"(3) REPORT.—Not later than 180 days after the date of enactment of the Terrorism Risk Insurance Program Reauthorization Act of 2007, the Comptroller General shall submit a report on the study required by paragraph (1) to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.".

(c) ONGOING REPORTS.—Section 108(e) of the Terrorism Risk Insurance Act of 2002 (15 U.S.C. 6701 note) is amended—

(1) in paragraph (1)—

(A) by inserting "ongoing" before "analysis"; and

(B) by striking ", including" and all that follows through the end of the paragraph, and inserting a period; and

(2) in paragraph (2)—

(A) by inserting "and thereafter in 2010 and 2013," after "2006,"; and

(B) by striking "subsection (a)" and inserting "paragraph (1)".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. ACKERMAN) and the gentleman from Alabama (Mr. BACHUS) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ACKERMAN. Mr. Speaker, I yield myself such time as I may consume.

First, I would like to extend thanks and appreciation for the effort and hard work of Mr. BACHUS and Mr. BAKER, as well as Mr. KANJORSKI, Mrs. MALONEY, the extraordinary efforts of my friend from New York, PETE KING, and of course to Chairman FRANK for his extraordinary leadership, as well as the entire New York legislative delegation, including our friends from New Jersey and Connecticut, who all know firsthand the anguish and the pain of regions suffering from a terrorist attack.

Mr. Speaker, the legislation before us today, the Terrorism Risk Insurance Revision and Extension Act, with Senate amendments, is not the outcome that most of us in the House on both sides of the aisle had wanted. In September, after a series of subcommittee and full committee hearings, a field hearing, and following both subcommittee and full committee markups, the House overwhelmingly passed H.R. 2761 by a strong bipartisan margin of 3-1. H.R. 2761 would have extended TRIA for 15 years. It would have eliminated the distinction between foreign and domestic acts of terrorism. It would have included coverage for human beings by adding group life, and for nuclear, chemical, biological, and radiological, the so-called NCBR attacks. Most importantly, H.R. 2761 included a reset mechanism, which would have addressed the types of increased capacity shortages that we have already seen following major terrorism attacks against our country.

I want to be clear about this. The reset mechanism is not a New York provision. In negotiations with Mr. BAKER of the minority, we worked out the reset mechanism that would be triggered for any future catastrophic attack anyplace in America. Under the reset, if, heaven forbid, our country does suffer another catastrophic attack, the nationwide trigger would be reset and the nationwide deductible for any insurer that pays out losses related to that attack would be set at lower levels.

God willing, New York will never suffer a second time, and, God willing, your State will never suffer a catastrophic attack such as 9/11. But if it does, then you too would enjoy the so-called "benefit" of being attacked a second time by virtue of the existence of the reset mechanism.

Let's take, for example, Alabama; Alabama, that fought so hard and received $130.5 million in Homeland Security grants because it is at risk of an attack by terrorists. We know that for a fact because its Senators and others told us so. God forbid, terrorists blow up the Medical Center at the University of Alabama at Birmingham. Under this legislation, you will be covered. Without a reset, however, after a catastrophic attack, the supply of terrorism insurance could be so scarce that you would not be able rebuild the medical center, which had been in Birmingham, and rebuild it in Birmingham, Alabama. I only pick Alabama, I think, because I went in alphabetical order. Sometimes bad things happen in alphabetical order. I don't read the obituaries because people die in alphabetical order.

In short, the House bill, which included the reset, would have met the needs of our country and prepared the Nation to better cope with some of the grave financial issues that would have arisen if there were another terrorist attack on our Nation.

Mr. Speaker, when the House passed H.R. 2761 in September, we presented the Senate with an historic opportunity to protect our homeland from some of the economic consequences of terrorism, and specifically to safeguard the developers and the insurers and the re-insurers, who will bear the highest financial burden if our Nation is attacked again. The financial stability of these industries is the cornerstone of our economy, and they are absolutely essential to our capacity to recover from an attack.

Sadly, the U.S. Senate didn't seize the opportunity to protect our Nation and our markets. Instead, our colleagues on the other side of the Capitol operated to amend our bill to extend the TRIA program by only 7 years, less than half of the extension period, and to strip out every beneficial provision in our bill, save one. The Senate did accept the House position that the distinction between foreign and domestic acts of terror, in today's world, so often impossible to discern, would be included. Having passed the hollow shell of the bill and having done so only after the House had adjourned for Thanksgiving, our Senate counterparts abandoned the legislative process and they have refused to go to conference.

Now, faced with the choice between accepting a bad bill and disrupting the U.S. financial markets, the House went to work yet again, Democrats and Republicans, working together, to try to find a compromise with the Senate, and last week we passed a limited but still much-improved TRIA reauthorization over what they had done in the Senate.

The compromise legislation the House overwhelmingly passed last week by a vote of 303–116 acquiesced to the Senate's position on duration as well as coverage for nuclear, biological, chemical and radiological coverage. That compromise bill accepted the Senate's extension of TRIA, which was for only 7 years, and eliminated NCBR coverage. The House held firm, however, to the provisions we felt were absolutely necessary to allow for large-scale development to continue all across our country; the extension of a reset mechanism, group life insurance coverage, and lower program triggers.

Mr. Speaker, the House overwhelmingly passed the compromise TRIA reauthorization last week, and the Senate, as has been so often the case this year, did nothing. And so, today, we are faced with a very difficult reality: We can either accept the Senate's shell of a bill and ensure that our Nation's economy is somewhat protected against terrorist attacks, or we can let the program expire altogether in less than 2 weeks from today. Maybe that is considered good government in some parts of the country, but entrusting our Nation's economy to the terrorist roulette wheel would not be acceptable to the American people and it is not acceptable to the House, and we must do the responsible thing.

The Senate amendments to H.R. 2761 are unhelpful, shortsighted, and represent an unrealistic pre-9/11 outlook. The Senate amendments come from a naive world where there is no risk of terrorism and another attack like 9/11 is impossible. In the Senate's mythical world, developers build stadiums and malls and national landmarks without funding, banks lend money without insurance, insurers underwrite policies regardless of risk, and reinsurers do the same thing on an even larger scale.

In the Senate's fantasy world, the $30 billion in insured losses from 9/11 can be easily underwritten and capitalized because unimaginable losses such as those that would come from an attack with weapons of mass destruction just can't happen, and the reason they can't happen is because the U.S. Senate said so.

Unfortunately, Mr. Speaker, Santa Claus is not going to give America terrorism risk insurance for Christmas, and we don't live with the Easter Bunny in the Senate's Candyland, where catastrophic risk can be comfortably ignored. Saying "the market will provide" just doesn't make it true. In the real world, it is critical to both our national security and to our economy that there is no gap in terrorism risk insurance. This House will not leave our Nation's developers, insurers and reinsurers out in the cold when we adjourn for the year.

I therefore urge all of our colleagues to support this legislation out of the necessity to extend the TRIA program past its expiration date, with the understanding that this fight is not over.

We will continue to advocate for those provisions we know are critical to securing our homeland against terrorist attacks; namely, the reset mechanism, group life coverage, lower program triggers and NCBR coverage. To that extent, I have just introduced legislation entitled the Terrorism Risk Insurance Improvement Act that will add the reset mechanism to the TRIA program we are about to authorize here today, and I invite all of our colleagues to join me as cosponsors. We will continue to fight for a fully effective TRIA program until the Senate and the White House get the memo that the war on terror is not only fought on the other side of the world, but on the homefront as well.

Mr. Speaker, I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the Senate amendment to H.R. 2761, the Terrorist Insurance Revision Extension Act of 2007. I think the legislation is critical to our Nation's economic security and the proper functioning of the insurance marketplace.

Let me thank Chairman FRANK and his staff and Representatives CAPUANO, PRICE, KANJORSKI and BAKER for all their leadership and hard work on TRIA this year. We would not have enacted TRIA this year had the House not acted several months ago before the Senate and set the stage for this current compromise.

I would also like to acknowledge the strong contributions of Mr. ACKERMAN and the New York City delegation, Mr. KING and Mr. FOSSELLA. I would also like to acknowledge their concern with regard to this bill. We all remember the attack on New York City more than 6 years ago. We are grateful that we have not suffered another attack on the homeland. I think there is recognition among many Members of this body that New York City is a symbol of our financial strength.

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It is not only that it is a symbol; it is a gateway to our country for many immigrants and it quite naturally was on September 11, and could be, again, chief among the targets. So I would say to Mr. ACKERMAN, I appreciate your passion and your participation, and we are dealing with a compromise here.

In the absence of further attacks, it would be easy to forget the chaos and the economic disruption that followed in the wake of 9/11 and, more importantly, the loss of life that we all witnessed in a very personal way, but New York City's residents in an even more personal and deadly experience for them.

In 2002, it was fresh in our minds, and we created TRIA, which did help to settle the markets and made possible the strong economic recovery that followed, and TRIA was and remains a central element of our commitment to the American people to do all that we can to ensure the stability of our economy in the event the unthinkable happens again.

In a moment I am going to call on Mr. KING, the gentleman from New York, who worked very hard on this bill. Terrorist acts are aimed at our Nation as a whole. The resulting damage and suffering inevitably fall on a relative few of our communities and citizens. We know that New York City is a primary target of these terrorists. And although I am an ardent supporter of free markets, I believe it is entirely appropriate for our government to minimize economic fallout and disruption sure to arise from any new attack. Terrorism is a relatively new phenomenon in America, and we are dealing with terrorist organizations which have both the intent and the potential to deliver deadly strikes against our homeland.

I reserve the balance of my time.

Mr. ACKERMAN. I yield to the chairman of the full committee 5 minutes, Mr. FRANK, whose extraordinary leadership has kept this issue alive.

Mr. FRANK of Massachusetts. I appreciate the indulgence of my colleagues.

I am glad that we will finally be acting on this. I share the frustration of my friend from New York and, indeed, all of my friends from New York and elsewhere, Connecticut, who wanted a more comprehensive bill. There is a consolation. I think 1 year or so ago there were people who thought even a 7-year extension was much too much and were talking about phasing this out. I am glad that we are moving forward. I want to address those who say, well, this was supposed to be a temporary program until the market could take over. I never believed that. I always wanted this to be a government program.

I am a believer in the market; I believe almost all of us are. I understand how the market principle works in insurance. If you have a greater risk, you pay more; your premiums go up. We do that because we want to discourage people from taking certain risks, or at least make them pay the full cost. We also want to give them an incentive to diminish the risk. Those principles don't apply to terrorism.

I don't want a situation to exist whereby, if you build a large building, because that is essentially what we are talking about here; people can't build large buildings without bank loans, and they can't get bank loans without insurance. I don't want the cost to go up in any particular part of this country because murderous, vicious thugs want to do this country ill.

I don't believe that those who have been the victims of these kinds of terrorism ought to bear that cost. That is national defense. No more should any one State have to pay to protect itself against an invasion. We should have a national defense system that includes saying, we will hold you harmless against these murderous attacks. And it is, of course, because there is very little you can do to protect yourself against this. What do they do, put anti-aircraft guns on the roof? This is not a case where the market is failing. It is a case where national purpose is what is relevant, not the market.

Now, the other point to make is that I do regret the breakdown in the United States Senate of the legislative process. And, in particular, and I believe that the chairman of the banking committee, the Senator from Connecticut, wanted to move on this, but we were told, partly I think they made a mistake by waiting too long, but then they were told it had to be done unanimously. And we were told that the senior Republican on the committee, the Senator from Alabama, simply refused to deal with this.

Had this been up in the Senate and had the Senate voted "no" to nuclear, biological, chemical, and radiological coverage, had the Senate voted "no" to group life and the very important provision of our colleague, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), to protect people against discrimination if they wanted to travel to Israel or elsewhere; if the Senate had voted against the reset mechanism, I would have been disappointed, but I would have said, well, that is the way it works. But to have the opposition of the senior Republican mean that no debate or discussion, much less a vote, could take place is a breakdown of the system.

We are in a position where something at this point is better than nothing. But I want to say, as chairman of the Committee on Financial Services, we will begin early next year to try to get this back on the Senate agenda, and I will be urging my Senate colleagues not to put themselves in a position where this kind of one-person veto can prevent, not an outcome, none of us have the right to an outcome, but the American people ought to have a right to debate and discussion.

Now, there is a problem, Mr. Speaker, that I acknowledge, and it is a problem that those of us who have been frustrated by this, really, I mentioned the Senator from Alabama. I disagree with his obstruction. But let's put the blame where it belongs also, on James Madison. We had an election last year, and we elected a new House and we elected one-third of the Senate, and that is part of the problem. We have a House that responded to the election of 2006. We have at this point a House and a Senate each responding to somewhat different electoral impulses. We are here as a result of the election of 2006, every single one of us. Or subsequent special elections, sadly, in some cases.

In the Senate, two-thirds of that Senate was elected in 2002 and 2004. That is the disjunction. And it is not personal in general, it is electoral, and it is a frustration that cannot be overcome easily. But it does make me determined, as I go into the second year of this session, to pay more attention to that need. And we will be doing everything we can again. Again, we cannot guarantee outcome in the Senate or anywhere else, but the American people ought to be able to get the benefit of votes and debate.

So this is a recognition that terrorism insurance, in my judgment, should be here as long as terrorism is here. It is not a case of waiting for the market. It is a case of stepping up, as we should, for national defense purposes. And we will work, and I will be following the lead of my colleague from New York (Mr. ACKERMAN) and others as we try to make this bill an even better bill, reflecting what it was in the House.

Mr. BACHUS. Mr. Speaker, I yield 1 minute to the gentleman from Virginia, a member of our leadership team, Mr. CANTOR.

Mr. CANTOR. I thank the gentleman, and I too thank the gentleman and salute both sides of the aisle in bringing this bill to the floor. And I do rise in support of this bill.

I think, if one thing was clear on 9/11, we saw the unthinkable come to reality. And going forward, given the context of this bill, I don't think there is any way that we can quantify the risk posed by the terrorists in terms of coming up with, God forbid, their next scheme of attack on this country. That is why this bill is so important. Because, in addition to providing a security backstop, this legislation will encourage urban development and will bolster economic growth.

So, Mr. Speaker, again, given the challenges and complexities in a post-9/11 world, we are compelled to consider and pass this legislation, and I would again urge its passage.

Mr. BACHUS. Mr. Speaker, at this time I yield such time as he may consume to the gentleman from New York (Mr. KING), and I would like to acknowledge to him, publicly, and to the New York delegation that most of us in America probably do not realize the contribution and the special nature of the City of New York and its contributions, both financially and I think socially, to the United States. To many around the world, it does represent our leading city and is truly a target. When they target New York City, they target all of us.

Mr. KING of New York. Mr. Speaker, I thank the gentleman from Alabama for yielding. And let me at the outset thank him for the courtesy that he has shown me throughout this process. There were several differences that he and I had regarding what the exact nature of the legislation should be, but that never in any way interfered with either our professional or personal relationship. And I want to thank him for that, for his patience, and for the effort he has put in to bring about this final product.

I also want to thank Chairman FRANK for, again, being totally bipartisan in trying to move this legislation forward and for always having an open door, and certainly, in my own case, allowing me to be part of the process from the start. Mr. ACKERMAN has been a stalwart fighter in this issue. And let me identify with certainly the points that Mr. ACKERMAN was making on this issue.

Also, let me thank Adam Paulson on my staff for putting in an extreme amount of time on this, on an issue that can be very mind-bending at times and at the same time is extremely, extremely vital for the rebuilding not just of New York City but for the protection of our entire Nation.

So let me say at the outset I support the legislation, and I will vote for it. I am glad that it is moving forward. I am glad we have the 7-year extension. It is certainly far better than what was being spoken of last year, which was either a phasing out all together or perhaps a 2-year extension.

Having said that, I agree with Mr. ACKERMAN that I wish this were for a 15-year term rather than 7, and I wish that the reset provision had not been taken out by the Senate. The 15-year provision in particular I fought for in the committee. It was a hard-fought battle. The vote was 39–30, but everything was on the table. We had the vote. If we had lost it, we would have lost it; but the fact is, we won it. And when the bill itself came to the House floor, it passed by an overwhelming vote.

I am not trying to impose our rules on theirs, but I really wish on an issue of this magnitude the Senate would have allowed that full breadth of democracy to play itself out to allow the people to be heard on this issue. Because, as Mr. ACKERMAN said, this is not a New York issue. It is an American issue; it is a national issue. It is an issue of national security and homeland security. And by making this 7 years rather than 15 years, by eliminating the reset provision, we have put New York in a weakened position, or certainly in not as strong a position as it should be. And by doing that, we are basically telling the terrorists that we will not give the same level of support that we should be giving. We are in effect allowing them to pick the playing field here. And we have to keep in mind that, yes, it was New York on September 11. It could be any other city or

State at any time in the future. And as the former chairman of the Homeland Security Committee, as the ranking member of the Homeland Security, Mr. Speaker, I do receive regular briefings. I know how real these threats are. I also know that, no matter what analysis is used, New York is clearly number one on the target list of the Islamic terrorists.

So this legislation is vital, and it was so important that the other provisions, the reset and the 15-year time period, be included. They were not. Having said that, this is still significant that we are going forward today. And I would hope that we can revisit it in the future, but again it is important that we pass this before it expires on December 31. It is important, again, for the people of New York, but also for the people of America. And if the rebuilding is to go forward, it is going to be difficult because certain provisions have been eliminated, but, again, we will find a way to go forward.

Again, I want to thank Mr. FRANK, Mr. BACHUS, Mr. ACKERMAN, all the members of the New York delegation and most of the members of the New Jersey and Connecticut delegations who stood together. Again, somewhat of a victory today, but let's work together in the future to have a total victory that we need, not as New Yorkers but as Americans.

Mr. ACKERMAN. Mr. Speaker, may I inquire how much time is remaining.

The SPEAKER pro tempore. The gentleman from New York has 5 minutes remaining; the gentleman from Alabama has 11 minutes remaining.

Mr. BACHUS. Mr. Speaker, at this time I yield 2 minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. Mr. Speaker, I opposed both the earlier versions of this bill, of the TRIA bill, but I support this one. This bill is shorter in duration, and it requires more participation by the private sector. Effectively, in the bill the Federal Government is a backstop, a reinsurer facilitating and allowing a private market in terrorism risk insurance.

Now, some that we have heard today say that in this bill the Federal Government doesn't do enough. I disagree. I think it is the goal of this bill, and the goal of this act should be, to facilitate a private market, not to stand in for or subsidize either insurance companies or property owners.

□ 1500

Then there are others who say the Federal Government shouldn't be involved at all in this issue. Again, I disagree. The Federal Government is involved. Does anybody really believe that if there were another terrorist attack on the United States that the Federal Government would not step in to help? Of course they would. The Federal Government always steps in when disasters are too big for State or local governments to handle. And there are similarly casualty events that are too big for the private sector to insure without Federal involvement. Terrorism is one of them.

The best alternative is not to have the government sail in later to facilitate a private market so that property owners and people can insure up front and know where they will be at a minimum if there is a terrorist act. That is what I believe this bill does, and I support it.

Mr. ACKERMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. KANJORSKI), the chairman of the subcommittee in whose jurisdiction this legislation originated.

Mr. KANJORSKI. Mr. Speaker, I rise in support of H.R. 2761, now known as the Terrorism Risk Insurance Program Reauthorization Act of 2007.

Terrorism insurance plays a critical role in protecting jobs and promoting our Nation's economic security. This bill will extend the terrorism insurance program for 7 years. This length is more than double the duration of the program to date. This length is also in line with my original position of a 6- to 8-year extension. Seven years is both long enough to provide greater certainty to the marketplace and short enough to encourage the private sector to develop our own solutions to the problems posed by conventional terrorism.

Importantly, the legislation eliminates the distinction between foreign and domestic terrorism. Terrorism, regardless of its cause or perpetrator, aims to destabilize the government. This change, therefore, has much merit, and the terrorism insurance program will now protect against these losses.

This Chamber has worked diligently and thoughtfully throughout this year on legislation to extend the terrorism insurance program. I am disappointed at the end of the day we are unable to incorporate some of the provisions that we initially agreed upon before. This final product, for example, fails to provide stronger coverage for nuclear, biological, chemical and radiological terrorism events. TRIA currently provides a backstop to insurers for these losses, but only if insurers cover the losses.

Our Nation needs to better plan for a potentially devastating act by NBCR means by putting in place an explicit program rather than an implicit promise now or a chaotic response later. Instead of taking action, as I would have preferred, the legislation before us requires a study and a report on the availability and affordability of insurance coverage for these losses. We will have a study. I look forward to it. I hope when we receive that study we will then get to work on this proposition.

Members of the Senate, however, have supported this provision, but it was not included in the final package, and that provision is the coverage for group life insurance. Nonetheless, I include this letter by four Members of the Senate, sent to the chairman and ranking member of the Senate Banking Committee, for the RECORD.

U.S. SENATE,
Washington, DC, December 12, 2007.

Chairman CHRISTOPHER DODD,
Senate Banking Committee, Dirksen Building, Washington, DC.

Ranking Member RICHARD SHELBY,
Senate Banking Committee, Dirksen Building, Washington, DC.

DEAR SENATORS DODD AND SHELBY: The risk of terrorism is a persistent and evolving reality that we will be required to confront for many years to come. It light of this reality, we greatly appreciate your efforts to pass an extension of the Terrorism Risk Insurance Act before it expires.

Congress created the TRIA program in the aftermath of September 11th to ensure the viability of our nation's property and casualty insurance market in the event of another catastrophic terrorist attack. Without reinsurance through TRIA, these carriers could be forced to restrict the availability of the coverage they provide, or face losses that could undermine their ability to honor their policy commitments. Unfortunately, our economy remains vulnerable due to the current exclusion of group life insurance from the TRIA program.

Nearly 170 million Americans receive nearly $8.3 trillion in group life insurance protection through their employers. For many, group life coverage is the only form of life insurance they have. But because of the concentration of employees at insured worksites, the companies which provide group life coverage are especially vulnerable to the catastrophic losses which could result from a terrorist strike. In this respect, group life insurance resembles workers' compensation insurance, which is a TRIA-covered line.

Before September 11th, group life insurers were able to purchase catastrophe reinsurance to protect against such losses. Since those attacks, the decreased availability and increased costs have made private reinsurance more difficult to obtain.

We believe that the inclusion of group life coverage in TRIA is prudent to ensure that life insurance benefits for American workers are not jeopardized by a terrorist attack. We understand and appreciate your efforts to secure a timely extension of the TRIA program, and respectfully request your support for inclusion of group life as the Senate resolves its differences with the House on this crucial legislation.

We thank you for your consideration of this matter.

Sincerely,
SUSAN M. COLLINS.
OLYMPIA J. SNOWE.
TIM JOHNSON.
BEN NELSON.
U.S. Senators.

Mr. BACHUS. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. BAKER) who worked very hard on this bill. And as many of us know, when Louisiana was hit by Hurricane Katrina, he worked very diligently on that. I think he also has played a yeoman's part in this process.

Mr. BAKER. I thank the gentleman for the gracious yielding of time and do appreciate his good leadership in this area, as well as that of the gentleman from New York (Mr. ACKERMAN) and the gentleman from Pennsylvania (Mr. KANJORSKI), and the entire New York delegation, which is understandably focused on the issue of how we best respond as a Federal Government to a tragic event of another terrorist assault on this great Nation.

I rise today not to be critical of the product but to say that we have moved far in our considerations. In the first response after 9/11, the first terrorism risk reinsurance proposal was only 3 years in duration, which was then extended for an additional 2-year term, without the inclusion of group life, NBCR, and some of the other modifications now suggested as being appropriate.

I would point out that during that 5- to 6-year period after 9/11, contracts were entered into, loans were made by financial institutions and construction proceeded, only to make the point that having an absolute lifelong guarantee by the Federal taxpayer with any risk associated with a terrorist attack is not necessarily inherently a standard of operation which this Congress should consider.

Rather, as we go forward, as the chairman has indicated in the hearings of next year, we should strongly consider enabling companies to build up internal reserves specifically to addressing and responding to these types of horrific acts, without accounting consequence or tax liabilities, and enable them to build up appropriate reserves in their eye to meet the insured losses which they potentially could share.

There are alternatives to the plan currently in place, and we should reengage and have discussions on all of those alternatives. Some might find my position on this matter unusual, but I would say in facing the losses that we struggle with and continue to struggle with in the Gulf States, Louisiana and Mississippi alike, post Katrina and Rita, I still don't believe we can ask the taxpayers of this great country to pay off all of our losses in the event of a higher loss.

We should build higher standards and adjust rates in accordance with the risks identified, and we should be smart in the enterprise, enabling market forces to function. The same should be said with terrorism risk.

We should do all we can before we open taxpayers' checkbooks and write those big checks out when market function should be the first and appropriate response to any loss in the insurance world. So I stand in defense of the product, and I believe the 7-year term is more than adequate and echo the comments of my chairman on capital markets. We need to be careful before we move, and we certainly need to understand before we act.

Mr. ACKERMAN. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY) who has worked long, hard, and well on this issue.

Mrs. MALONEY of New York. I thank my colleague for his work on this bill.

The bill we are moving forward today is necessary, significant, and timely. There are few issues that are more important to our Nation's economy than a stable, long-term Federal support system for our terrorism risk insurance.

I am disappointed that this final TRIA bill omits key elements of our stronger House legislation, but this is a solid compromise law that will help stabilize the market and ensure the ongoing availability of affordable terrorism risk insurance.

TRIA keeps Americans working, even in the face of terrorist threats. It is a powerful statement of our determination to keep our markets open, our cities vibrant, and our productivity strong.

What markets hate most is uncertainty. This longer term bill will allow our economy to grow while protecting our economic security, which is an important part of our homeland security and our national defense.

I am delighted to see this bill on the floor. I thank Chairman FRANK, the New York delegation, Ranking Member BACHUS and many, many others for their support of this important legislation.

By renewing TIRA with a long-term extension we stand strong in our resolve not to allow terrorists to destroy our economy and our way of life.

That requires a Federal commitment to provide a backstop and cut off the tail of an otherwise almost infinite risk curve so that the private sector can plan and put in place a framework of insurance that protects all of us.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I acknowledge the concerns of many of my House colleagues, the New York delegation, concerning certain aspects of this bill. It is not a perfect bill. It is the bill the Senate sent back over. I believe, despite the circumstances in which we find ourselves, it is a reasonable measure. I believe it will ensure the continued vitality of our commercial insurance markets as they operate under the threat of global terrorism. I believe it is fiscally responsible.

Many on my side would have preferred a 3-year bill, as the gentleman from Louisiana talked about. Originally, it was a 3-year bill. I believe the New York delegation can take satisfaction from the fact that it was a 7-year extension and that it does cover domestic acts of terrorism. I applaud them for that.

But I think, on the other hand, it does offer limits and improves taxpayer protections and prevents further intrusions by the government into a market-based system. For that, I thank many of my colleagues on my side, Mr. HENSARLING, Mr. CAMPBELL and others, who voiced their concerns.

Mr. Speaker, I again applaud the hard work and the willingness of the chairman of the Committee on Financial Services, Mr. FRANK, to work with Members on both sides of the aisle and to bring the bill here today before the House. He faced a hard decision. He has worked hard on this. He made, I think, a very passionate and, I think, in many respects, reasoned defense of his position.

We do know going forward that we need to pay particular attention, if the terrorists continue to threaten our largest city and target it, that we are fully supportive of the people of New York City.

I thank all of my colleagues in both the House and the Senate who worked on TRIA for a long time. Whatever else has happened, we have come together today. It may have been an emotional journey, but we are going to pass legislation that I believe will be effective, and I urge adoption of the legislation.

Mr. Speaker, I will surrender any time I have left to the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. I appreciate the gentleman's willingness to redistribute the wealth and attribute no social meaning to that, but those of us who are in need of the time are deeply appreciative, and we thank you for your cooperation.

May I inquire of the Speaker how much time indeed is left.

The SPEAKER pro tempore (Mr. HOLDEN). The gentleman from New York has 2 minutes remaining and the gentleman from Alabama just yielded 5 minutes to the gentleman from New York.

Mr. ACKERMAN. Thank you.

Mr. Speaker, I yield to the distinguished vice chair of the majority caucus, the gentleman from Connecticut (Mr. LARSON) for 1 minute.

Mr. LARSON of Connecticut. Mr. Speaker, I rise in strong support of this legislation, and I would like to associate myself with the remarks of Mr. ACKERMAN, Mr. FRANK, Mr. BACHUS, Mr. KING, and all those who have spoken so eloquently on this floor.

Mr. FRANK made two points; one essentially about the need for this legislation and the process we must go through. We all understand, for the economy to grow, banks need to make loans. In order for banks to make loans, they have to have insurance.

What this provides, as Mr. KING says, is a security backstop for the Nation, not only in New York City but all across this great country of ours.

Mr. FRANK made a second point as well about the process here, quoting

Madison as being the problem here with our colleagues on the other side. I want to commend Senator DODD for his willingness to go forward, and also Mr. ACKERMAN for pointing out the need for the reset provision, 15 years being better than 7, and the importance of including group insurance as well. These were all vitally important to the success and ongoing future of this Nation and the great City of New York.

So I commend my colleagues, each and every one of them on the Committee on Financial Services, and thank them for this compromise piece of legislation that we know will go much further in the next session.

Mr. ACKERMAN. I thank the vice chairman.

Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from New York (Mr. CROWLEY), the distinguished county leader of Queen's County who has fought so long and passionately on this issue.

Mr. CROWLEY. I thank my friend from Queens, New York, as well. I thank all of those who have worked so hard on this particular issue and this bill before us today.

I wish, quite frankly, that the discussion and focus wasn't on the New York delegation. I wish I could stand here today and I didn't have the burden of the New York State and New York City delegation to craft and help make this legislation better legislation.

And at the same time, I don't wish to transpose that burden upon the delegation from Chicago, Illinois, or Los Angeles, California, or Birmingham, Alabama. I wish not to transpose it to anybody else. We accept that responsibility. We accept it because we are the financial capital of the world, and the focus of so much of the attention and hate of the world, that New York has become that focus, we recognize our place here in the Congress.

Having said that, I will note that this bill is better than what the White House proposed, which was no advancement, no extension of TRIA. The President's working group as well as the GAO report said no extension. We got a 7-year extension. I count our blessings. The best should not be the enemy of the good.

But having said that, I think the rejection of a reset provision is a mistake.

□ 1515

And we will be back here, we will be back because we need to do this. We ought not leave a hole in the ground in Manhattan as a monument to Osama bin Laden. Six years out, and this is not the only reason why there hasn't been a redevelopment in Lower Manhattan. But 6 years out we still have not seen the development of the Freedom Towers.

There is a message here, and the message ought not to be to our enemies that if you strike us we will cower, we will not redevelop. That's the message that's going out right now. And we will have an opportunity to change that, and I hope that our colleagues on the other side of the aisle understand this is not a New York City issue. This is not a New York issue, but an American issue; and to move forward we have to work together to see that come to fruition.

Mr. ACKERMAN. I yield myself the balance of the time.

Mr. Speaker, let me first thank Mr. BACHUS for the extraordinary cooperation between the majority and the minority on this particular issue. He led his caucus, along with Mr. BAKER, in crafting what was a very open process led by the distinguished chairman, Mr. FRANK, of the full committee, where everybody's voice was heard; everybody's opinion was allowed to be aired. We fought it out. Not everybody won every fight, but it was an extraordinary effort in goodwill. And the efforts of the Financial Services Committee should be something that set an example for the rest of the committees in the Congress, especially on this particular issue, everybody exercising goodwill and good judgment.

Let me thank my staff especially Steve Boms, who, unfortunately, became one of our Nation's leading experts on terrorism risk insurance.

Much has been said about the New York delegation, because, I think, of our high profile on this issue. But allow me to thank our colleagues and offer this: do not feel sorry for us. We do not make this case for your pity, because we think that our city, we think that our communities, we think that our State and our neighbors acted in an exemplary fashion at a moment of extraordinary terror and pressure, not just to us but to the entire Nation and to the world. What we faced was absolutely extraordinary, and we are so proud to be New Yorkers, and we make this fight not because of what we suffered as a city and a State, but because we already know the pain and the problems that each and every one of our colleagues and other communities across this country might face in the event of a terrorist attack.

Much has been said of the courage of New York. We do not end this fight here because this fight is not for us.

First, to those who have expressed concern about the cost of money as taxpayer money, let me say that the way this has been added up by CBO, the taxpayers would actually gain $200 million if there were a terrorist attack because of the scoring. Do this because it's the right thing.

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

Mr. BACHUS. Mr. Speaker, I would ask unanimous consent that the gentleman be given another minute.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. ACKERMAN. I thank the gentleman.

Do this because it's the right thing to do, not because of New York. Because your community could be next, and it could be next yet again. That's what the reset is for.

We pass this today to provide our country with ongoing insurance so that major development can continue to take place, not to allow the terrorists to dictate when and where and how construction might take place in America.

Pass this, vote for this stripped-down version, provide this protection at least as a minimum for the next 7 years; and I guarantee we will all be back here next year to fight more and again and harder to include those provisions that will protect us all.

Mr. CAPUANO. Mr. Speaker, after the 9/11 terrorist attacks, many insurance companies excluded terrorism events from their insurance policies, leaving businesses vulnerable to the threat of future terrorist attacks. In response, Congress passed the Terrorism Risk Insurance Act, TRIA, in 2002 and extended it in 2005 to create a federal backstop to protect against terrorism related losses.

As a result, TRIA has helped make terrorism insurance available and affordable to businesses, particularly those in our major urban areas. If TRIA were allowed to expire at the end of this month, many major development projects across the country would come to a halt, putting many jobs and economic development opportunities at risk.

Although I am disappointed that the stronger House version of this legislation did not get enacted, I urge my colleagues to support H.R. 2761 so that this important program will continue for years to come.

Mr. UDALL of New Mexico. Mr. Speaker, In 2002, we enacted the Terrorism Risk Insurance Act in an attempt to stabilize the economy following the tragic events of September 11, 2001 and to protect against economic catastrophe should another attack occur. This important program is set to expire at the end of the year, and it is essential that we reauthorize TRIA.

The legislation before us is not the strong bill we passed in September or the compromise we passed last week, and it is not a perfect bill. It extends TRIA by only 7 years and does not include the strong new provisions that were included in the other bills we passed. However, this legislation does do one vital thing: It works to ensure the stability of our economy should another national crisis occur. For this very important reason, I support this legislation today but hope we can pass a stronger bill in the future.

Mr. ACKERMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. ACKERMAN) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2761.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BACHUS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on suspending the rules and concurring in the Senate amendment to H.R. 2761 will be followed by 5-minute votes on suspending the rules and passing S. 2271 and suspending the rules and adopting House Resolution 542.

The vote was taken by electronic device, and there were—yeas 360, nays 53, not voting 19, as follows:

[Roll No. 1178]

YEAS—360

Abercrombie
Ackerman
Aderholt
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gonzalez
Goode
Goodlatte
Gordon
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (FL)

NAYS—53

Akin
Barrett (SC)
Barton (TX)
Berry
Bilbray
Blackburn
Brady (TX)
Broun (GA)
Burgess
Burton (IN)
Cannon
Chabot
Costello
Culberson
Davis, David
Deal (GA)
Duncan
Flake
Foxx
Franks (AZ)
Gingrey
Gohmert
Granger
Hensarling
Inglis (SC)
Johnson (IL)
Johnson, Sam
Jordan
Kingston
Lamborn
Linder
Mack
Marchant
Marshall
Miller (FL)
Myrick
Pence
Petri
Pitts
Poe
Radanovich
Rohrabacher
Royce
Ryan (WI)
Sali
Sensenbrenner
Shadegg
Shimkus
Tancredo
Wamp
Weldon (FL)
Westmoreland
Young (AK)

NOT VOTING—19

Butterfield
Cubin
Gilchrest
Hastings (FL)
Hooley
Jindal
Johnson, E. B.
Kaptur
Miller, Gary
Ortiz
Pastor
Paul
Pryce (OH)
Reyes
Thompson (CA)
Udall (NM)
Weller
Wexler
Woolsey

□ 1543

Messrs. KINGSTON, WESTMORELAND, YOUNG of Alaska, BURTON of Indiana, MILLER of Florida, WAMP, BURGESS, INGLIS of South Carolina, DAVID DAVIS of Tennessee, and JOHNSON of Illinois changed their vote from "yea" to "nay."

Mr. McDERMOTT changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUDAN ACCOUNTABILITY AND DIVESTMENT ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 2271 on which the yeas and nays were ordered.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the Senate bill, S. 2271.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 22, as follows:

[Roll No. 1179]

YEAS—411

Abercrombie
Ackerman
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)

Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Pearce
Pelosi
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—22

Aderholt
Bonner
Butterfield
Cubin
Gilchrest
Hastings (FL)
Hooley
Jindal
Johnson, E. B.
Kaptur
Miller, Gary
Ortiz
Pastor
Paul
Pryce (OH)
Radanovich
Thompson (CA)
Udall (NM)
Weller
Wexler
Wittman (VA)
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1549

So (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING UNCONDITIONAL SUPPORT FOR MEMBERS OF THE NATIONAL GUARD

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 542, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Hampshire (Ms. SHEA-PORTER) that the House suspend the rules and agree to the resolution, H. Res. 542, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 24, as follows:

[Roll No. 1180]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hoyer
Hulshof
Inglis (SC)
Inslee
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—24

Bonner
Butterfield
Cubin
Gilchrest
Hastings (FL)
Honda
Hooley
Hunter
Israel
Jindal
Johnson, E. B.
Kaptur
Miller, Gary
Ortiz
Pastor
Paul
Pryce (OH)
Radanovich
Thompson (CA)
Towns
Udall (NM)
Weller
Wexler
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1556

So (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HONDA. Mr. Speaker, on rollcall No. 1180, I was unable to vote. Had I been present, I would have voted "yea."

MORTGAGE FORGIVENESS DEBT RELIEF ACT OF 2007

Mrs. JONES of Ohio. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3648) to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principal residences from gross income, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mortgage Forgiveness Debt Relief Act of 2007".

SEC. 2. DISCHARGES OF INDEBTEDNESS ON PRINCIPAL RESIDENCE EXCLUDED FROM GROSS INCOME.

(a) In General.—Paragraph (1) of section 108(a) of the Internal Revenue Code of 1986 is amended by striking "or" at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting ", or", and by inserting after subparagraph (D) the following new subparagraph:

"(E) the indebtedness discharged is qualified principal residence indebtedness which is discharged before January 1, 2010.".

(b) Special Rules Relating to Qualified Principal Residence Indebtedness.—Section 108 of such Code is amended by adding at the end the following new subsection:

"(h) Special Rules Relating to Qualified Principal Residence Indebtedness.—

"(1) Basis reduction.—The amount excluded from gross income by reason of subsection (a)(1)(E) shall be applied to reduce (but not below zero) the basis of the principal residence of the taxpayer.

"(2) Qualified principal residence indebtedness.—For purposes of this section, the term 'qualified principal residence indebtedness' means acquisition indebtedness (within the meaning of section 163(h)(3)(B), applied by substituting '$2,000,000 ($1,000,000' for '$1,000,000 ($500,000' in clause (ii) thereof) with respect to the principal residence of the taxpayer.

"(3) Exception for certain discharges not related to taxpayer's financial condition.—Subsection (a)(1)(E) shall not apply to the discharge of a loan if the discharge is on account of services performed for the lender or any other factor not directly related to a decline in the value of the residence or to the financial condition of the taxpayer.

"(4) Ordering rule.—If any loan is discharged, in whole or in part, and only a portion of such loan is qualified principal residence indebtedness, subsection (a)(1)(E) shall apply only to so much of the amount discharged as exceeds the amount of the loan (as determined immediately before such discharge) which is not qualified principal residence indebtedness.

"(5) Principal residence.—For purposes of this subsection, the term 'principal residence' has the same meaning as when used in section 121.".

(c) Coordination.—

(1) Subparagraph (A) of section 108(a)(2) of such Code is amended by striking "and (D)" and inserting "(D), and (E)".

(2) Paragraph (2) of section 108(a) of such Code is amended by adding at the end the following new subparagraph:

"(C) Principal residence exclusion takes precedence over insolvency exclusion unless elected otherwise.—Paragraph (1)(B) shall not apply to a discharge to which paragraph (1)(E) applies unless the taxpayer elects to apply paragraph (1)(B) in lieu of paragraph (1)(E).".

(d) Effective Date.—The amendments made by this section shall apply to discharges of indebtedness on or after January 1, 2007.

SEC. 3. EXTENSION OF TREATMENT OF MORTGAGE INSURANCE PREMIUMS AS INTEREST.

(a) In General.—Subclause (I) of section 163(h)(3)(E)(iv) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking "December 31, 2007" and inserting "December 31, 2010".

(b) Effective Date.—The amendment made by this section shall apply to amounts paid or accrued after December 31, 2007.

SEC. 4. ALTERNATIVE TESTS FOR QUALIFYING AS COOPERATIVE HOUSING CORPORATION.

(a) In General.—Subparagraph (D) of section 216(b)(1) of the Internal Revenue Code of 1986 (defining cooperative housing corporation) is amended to read as follows:

"(D) meeting 1 or more of the following requirements for the taxable year in which the taxes and interest described in subsection (a) are paid or incurred:

"(i) 80 percent or more of the corporation's gross income for such taxable year is derived from tenant-stockholders.

"(ii) At all times during such taxable year, 80 percent or more of the total square footage of the corporation's property is used or available for use by the tenant-stockholders for residential purposes or purposes ancillary to such residential use.

"(iii) 90 percent or more of the expenditures of the corporation paid or incurred during such taxable year are paid or incurred for the acquisition, construction, management, maintenance, or care of the corporation's property for the benefit of the tenant-stockholders.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 5. EXCLUSION FROM INCOME FOR BENEFITS PROVIDED TO VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL RESPONDERS.

(a) In General.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by inserting after section 139A the following new section:

"SEC. 139B. BENEFITS PROVIDED TO VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL RESPONDERS.

"(a) In General.—In the case of any member of a qualified volunteer emergency response organization, gross income shall not include—

"(1) any qualified State and local tax benefit, and

"(2) any qualified payment.

"(b) Denial of Double Benefits.—In the case of any member of a qualified volunteer emergency response organization—

"(1) the deduction under 164 shall be determined with regard to any qualified State and local tax benefit, and

"(2) expenses paid or incurred by the taxpayer in connection with the performance of services as such a member shall be taken into account under section 170 only to the extent such expenses exceed the amount of any qualified payment excluded from gross income under subsection (a).

"(c) Definitions.—For purposes of this section—

"(1) Qualified state and local tax benefit.—The term 'qualified state and local tax benefit' means any reduction or rebate of a tax described in paragraph (1), (2), or (3) of section 164(a) provided by a State or political division thereof on account of services performed as a member of a qualified volunteer emergency response organization.

"(2) Qualified payment.—

"(A) In general.—The term 'qualified payment' means any payment (whether reimbursement or otherwise) provided by a State or political division thereof on account of the performance of services as a member of a qualified volunteer emergency response organization.

"(B) Applicable dollar limitation.—The amount determined under subparagraph (A) for any taxable year shall not exceed $30 multiplied by the number of months during such year that the taxpayer performs such services.

"(3) Qualified volunteer emergency response organization.—The term 'qualified volunteer emergency response organization' means any volunteer organization—

"(A) which is organized and operated to provide firefighting or emergency medical services for persons in the State or political subdivision, as the case may be, and

"(B) which is required (by written agreement) by the State or political subdivision to furnish firefighting or emergency medical services in such State or political subdivision.

"(d) Termination.—This section shall not apply with respect to taxable years beginning after December 31, 2010.".

(b) Clerical Amendment.—The table of sections for such part is amended by inserting after the item relating to section 139A the following new item:

"Sec. 139B. Benefits provided to volunteer firefighters and emergency medical responders.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 6. CLARIFICATION OF STUDENT HOUSING ELIGIBLE FOR LOW-INCOME HOUSING CREDIT.

(a) In General.—Subclause (I) of section 42(i)(3)(D)(ii) of the Internal Revenue Code of 1986 (relating to certain students not to disqualify unit) is amended to read as follows:

"(I) single parents and their children and such parents are not dependents (as defined in section 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof) of another individual and such children are not dependents (as so defined) of another individual other than a parent of such children, or."

(b) Effective Date.—The amendment made by this section shall apply to—

(1) housing credit amounts allocated before, on, or after the date of the enactment of this Act, and

(2) buildings placed in service before, on, or after such date to the extent paragraph (1) of section 42(h) of the Internal Revenue Code of 1986 does not apply to any building by reason of paragraph (4) thereof.

SEC. 7. APPLICATION OF JOINT RETURN LIMITATION FOR CAPITAL GAINS EXCLUSION TO CERTAIN POST-MARRIAGE SALES OF PRINCIPAL RESIDENCES BY SURVIVING SPOUSES.

(a) SALE WITHIN 2 YEARS OF SPOUSE'S DEATH.—Section 121(b) of the Internal Revenue Code of 1986 (relating to limitations) is amended by adding at the end the following new paragraph:

"(4) SPECIAL RULE FOR CERTAIN SALES BY SURVIVING SPOUSES.—In the case of a sale or exchange of property by an unmarried individual whose spouse is deceased on the date of such sale, paragraph (1) shall be applied by substituting '$500,000' for '$250,000' if such sale occurs not later than 2 years after the date of death of such spouse and the requirements of paragraph (2)(A) were met immediately before such date of death.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales or exchanges after December 31, 2007.

SEC. 8. MODIFICATION OF PENALTY FOR FAILURE TO FILE PARTNERSHIP RETURNS; LIMITATION ON DISCLOSURE.

(a) EXTENSION OF TIME LIMITATION.—Section 6698(a) of the Internal Revenue Code of 1986 (relating to failure to file partnership returns) is amended by striking "5 months" and inserting "12 months".

(b) INCREASE IN PENALTY AMOUNT.—Paragraph (1) of section 6698(b) of such Code is amended by striking "$50" and inserting "$85".

(c) LIMITATION ON DISCLOSURE OF TAXPAYER RETURNS TO PARTNERS, S CORPORATION SHAREHOLDERS, TRUST BENEFICIARIES, AND ESTATE BENEFICIARIES.—

(1) IN GENERAL.—Section 6103(e) of such Code (relating to disclosure to persons having material interest) is amended by adding at the end the following new paragraph:

"(10) LIMITATION ON CERTAIN DISCLOSURES UNDER THIS SUBSECTION.—In the case of an inspection or disclosure under this subsection relating to the return of a partnership, S corporation, trust, or an estate, the information inspected or disclosed shall not include any supporting schedule, attachment, or list which includes the taxpayer identity information of a person other than the entity making the return or the person conducting the inspection or to whom the disclosure is made.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect on the date of the enactment of this Act.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to returns required to be filed after the date of the enactment of this Act.

SEC. 9. PENALTY FOR FAILURE TO FILE S CORPORATION RETURNS.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 of the Internal Revenue Code of 1986 (relating to assessable penalties) is amended by adding at the end the following new section:

"SEC. 6699. FAILURE TO FILE S CORPORATION RETURN.

"(a) GENERAL RULE.—In addition to the penalty imposed by section 7203 (relating to willful failure to file return, supply information, or pay tax), if any S corporation required to file a return under section 6037 for any taxable year—

"(1) fails to file such return at the time prescribed therefor (determined with regard to any extension of time for filing), or

"(2) files a return which fails to show the information required under section 6037,

such S corporation shall be liable for a penalty determined under subsection (b) for each month (or fraction thereof) during which such failure continues (but not to exceed 12 months), unless it is shown that such failure is due to reasonable cause.

"(b) AMOUNT PER MONTH.—For purposes of subsection (a), the amount determined under this subsection for any month is the product of—

"(1) $85, multiplied by

"(2) the number of persons who were shareholders in the S corporation during any part of the taxable year.

"(c) ASSESSMENT OF PENALTY.—The penalty imposed by subsection (a) shall be assessed against the S corporation.

"(d) DEFICIENCY PROCEDURES NOT TO APPLY.—Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, gift, and certain excise taxes) shall not apply in respect of the assessment or collection of any penalty imposed by subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 of such Code is amended by adding at the end the following new item:

"Sec. 6699. Failure to file S corporation return.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed after the date of the enactment of this Act.

SEC. 10. MODIFICATION OF REQUIRED INSTALLMENT OF CORPORATE ESTIMATED TAXES WITH RESPECT TO CERTAIN DATES.

The percentage under subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 1.50 percentage points.

The SPEAKER pro tempore (Mr. SNYDER). Pursuant to the rule, the gentlewoman from Ohio (Mrs. JONES) and the gentleman from Kentucky (Mr. LEWIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Ohio.

□ 1600

Mrs. JONES of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I am happy that the Congress is doing its part today to alleviate the pressure Americans all over the country are feeling due to the subprime mortgage crisis. It is estimated that before this housing slump is over, almost 2 million homeowners will lose their homes due to skyrocketing interest rates on their mortgages.

In September of this year, the House passed the Mortgage Relief Debt Forgiveness Act of 2007 without controversy. The Members of the House agreed on a bipartisan basis that this relief is necessary to give homeowners peace of mind as they navigate the current difficulties in the housing market. The Senate amendment to this bill further demonstrates Congress's support for this relief.

Many Americans are getting hit by the double whammy of, one, losing their homes to foreclosure and, two, getting slapped with a tax bill when the debt on their home is discharged by the lender. In situations where a lender forgives outstanding debt, it is considered income and, thus, is taxable.

I believe that our Tax Code, above all, should promote fairness and equity. Under current law, if your House is under foreclosure and the bank discharges your debt, you receive a tax bill. I don't think that's fair or equitable. It doesn't seem right for individuals in this circumstance to face a tax bill when they really have no increase in their net worth. As I see it, their house went down in value, and the individuals couldn't meet their current requirements, resulting in foreclosure. The resolution we consider today rectifies that disconnect so that if a person's principal residence lost value, that loss won't give rise to a tax liability. The provision would sunset in 3 years.

In addition, H.R. 3648, as amended, would provide a 3-year extension of the deduction for private mortgage insurance. The deduction makes it easier for homebuyers to avoid having to take out a risky high-interest second loan in order to make a down payment.

Finally, the bill includes provisions to make it easier for taxpayers to form housing cooperation corporations.

I hope this whole House can join the Ways and Means Committee members in strong support of this resolution. H.R. 3648 restores some fairness to the Tax Code by preventing the unexpected tax consequences of foreclosure from hurting homeowners already smarting from the loss of their homes. Passage today will direct this bill to the President's desk and clear the path for this important legislation to become law.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield myself as much time as I may consume.

I rise today in strong support of the Mortgage Forgiveness Debt Relief Act of 2007. I've heard concerns from many homeowners in my district about the serious situation in the mortgage market. These declining prices have led some families to sell their homes for less than they paid.

On August 31, President Bush spoke from the Rose Garden and called on Congress to address the crisis in the mortgage market. Included in the President's priorities was a bill that Congressman ROB ANDREWS and I introduced in April. Our legislation would relieve tax obligations on those who sell homes that have lost equity and had been forgiven a portion of outstanding mortgage debt. Our measure is the cornerstone of the larger bipartisan bill that we are considering here today.

Under current law, only two categories of individuals pay taxes when selling their principal residence: those who have been able to realize a capital gain of more than $250,000, or $500,000 on a joint return, and those who lose the equity in their home and are forced to pay taxes if the lender forgives some portion of the mortgage debt.

It is unfair to tax people on phantom income, particularly when they have suffered serious economic loss and have less ability to pay the tax. The Mortgage Forgiveness Debt Relief Act would relieve this tax burden. The Andrews-Lewis provision states that no tax will be collected when a lender forgives part of the mortgage on the sale or disposition of a principal residence. This proposal has earned the support of the National Association of Home Builders, the National Association of Realtors and the United States Department of the Treasury.

Addressing this Tax Code inequity and other long-term issues in the housing market goes to the core of our national economic stability. Today, we advance a bill to the President that seeks to calm financial markets, aid local communities, and support one of our most basic American aspirations: homeownership.

I would like to thank my colleague Congressman ANDREWS for his commitment to this issue. I also appreciate the time and effort of my chairman, Congressman RANGEL, Ranking Member MCCRERY and their staffs for moving this important measure to the House floor.

The bill before us is a good first step toward addressing the mortgage situation. But more importantly, this bill is an example of what happens when both parties work together to produce good policy that will benefit millions of Americans.

Mr. Speaker, I reserve the balance of my time.

Mrs. JONES of Ohio. Mr. Speaker, I want to thank our Chair, Mr. RANGEL, and our ranking member for the hard work that they've done on this legislation.

It gives me great pleasure to yield 2 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Thank you to my friend from Ohio for yielding.

Bills that come up on suspension are often thought to be of less importance. That surely is not true here today. Tax equity has been a major principle in our efforts this year. And this legislation is an important aspect of that, a response to the subprime mortgage crisis.

The data just released by Fannie Mae show that our State of Michigan leads the Nation in losses on bad mortgages. Other rankings have Michigan at second in the Nation in delinquencies and third in foreclosure inventory. Ohio is next in some respects, but many States, really, all States show immense numbers of people who are suffering.

And nothing would seem more unfair than when someone loses their home to a foreclosure, if the bank sells their house for less than they owe, the IRS says "pay taxes," and this remedies it. Also, as mentioned, this bill provides a 3-year extension of the deduction for mortgage insurance premiums, another vital part of this legislation.

By leveling the playing field among mortgage products, we will make homeownership more affordable, especially at a time when so-called "piggy back" loans are becoming more expensive, and in some cases difficult, to obtain at any price.

And I close with this remark, "we pay for it." We pay for it. That's also been an important principle, tax equity, but not deepening the hole of fiscal irresponsibility. And this bill lives up to both, equity and fiscal responsibility, and we're proud to support it.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield 2 minutes to my good friend from Texas, SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise in strong support of the Mortgage Forgiveness Debt Relief Act. I've said it before and I'm saying it again, the current problems with the mortgage and real estate markets are considerable, but they're not permanent. This bill finally gets it right and provides a 3-year window so that lenders can restructure and write down loans, allowing people to move on with their lives without being taxed on phantom income.

I have confidence in the American economy and in the fact that real estate markets will rebound. Our economy is sound. The Federal Reserve is now addressing mortgage lending practices that were out of control. And it's appropriate to restructure loans without taxing phantom income from the forgiveness of these inappropriate loans.

I am also glad to see this bill does not impose a luxury tax on one in 20 American families who own a second home. That tax on second homes also would have been an economic disaster for communities that rely upon tourism and recreation as their development strategy.

This bill before us is an appropriate response to a painful but temporary problem. We should all vote "yes" on this issue.

Mrs. JONES of Ohio. Mr. Speaker, I want to thank our chairman, Mr. RANGEL, for allowing me to manage this bill because he knows that in Ohio, the foreclosure epidemic has gone from bad to worse, with new cases growing by nearly 24 percent from 2005.

Another colleague of mine on this great committee, in my same class, I yield 2 minutes to Mr. LARSON of Connecticut.

Mr. LARSON of Connecticut. I thank the gentlelady from Ohio. And I also join in commending and thanking Mr. RANGEL and Mr. NEAL for their efforts in making sure that this legislation came to the floor.

Let me further associate myself with the remarks of the distinguished gentlelady from Ohio. By the end of next year, 2 million foreclosures will occur in this country. That's 2 million people and families whose lives and finances will be uprooted, 2 million communities affected. That's why it was so important for this committee to act. We should not add to their burden. We have to make sure that we preserve the American Dream for them.

The Ways and Means Committee reacted swiftly and reasonably to this crisis and said what we could do was make it easier for those who get a raw deal or are having a hard time. We could start by not making them have to pay taxes on money they will never see. And that is the beauty of this bill.

Also contained in this bill is a provision that helps firefighters and first responders. It wasn't lost on Mr. RANGEL, or Mr. NEAL either, that it wasn't the FBI or the CIA or the armed services who responded at the World Trade Center, the Pentagon, or the fields of Pennsylvania. It was volunteer firefighters. But the IRS, in its wisdom, chooses to treat income that they receive from their county, their State or their communities in terms of rebates on property tax or other equipment as ordinary income. That is flat-out wrong. And again, I commend the leadership for making sure that we address these issues.

Mr. LEWIS of Kentucky. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I have voted against this bill twice in the Chamber. I rise today in support of it.

This bill will now, in the right way, provide relief to American families who, after losing their homes in the past, have gotten a bill from Uncle Sam, and it is wrong. At a time when people struggle to keep their homes and they may lose them or have to sell them at a loss, we shouldn't be kicking them when they are down. This bill will right that wrong, giving taxpayers temporary relief for at least 3 years, and will also allow taxpayers to continue to deduct the premiums that they pay for mortgage insurance, which will help a number of people afford homes.

But, Mr. Speaker, I am most pleased that the Senate stripped from this bill something we sent out of the House twice, which was wrong. What we attempted to do was to increase the taxes on people who own second homes. Now, the original thought would be, that must be the wealthy. It's not; it's the middle class. In fact, 40 percent of all the home sales last year in America were to second homebuyers. And they're not the wealthy. The average income of those buyers was $82,000. So, we were punishing middle-class families for scrimping on their first mortgage so they could save up for a vacation home or resort home or retirement home or maybe even an investment. That would have punished families. It would have hurt, I think, many communities whose future relies upon retirees in resort and vacation homes, and would have deepened the housing problems here in America rather than aid them. A number of us fought against that provision. We're pleased that the Senate removed it. This makes this a very bipartisan bill that has strong support. I urge my colleagues to support this bill.

Let me point out, too, that I appreciate the leadership of Chairman RANGEL on this, and I appreciate that he recognized this problem and moved on it. I appreciate the leadership of Mr. LEWIS and Mr. ANDREWS, who have fought for this legislation for many years.

Mrs. JONES of Ohio. Mr. BRADY, we're happy you got a wake-up call. Maybe you could bring us a few other Members over here to our side.

It gives me great pleasure to recognize now my colleague and good friend from the committee, Mr. BLUMENAUER, for 2 minutes.

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Mr. BLUMENAUER. I appreciate the gentlewoman's courtesy in permitting me to speak on this bill.

We are watching fiscal chickens come home to roost with this housing bubble that is slowly working its way through the system. As my good friend from Connecticut mentioned, we are looking at perhaps 2 million foreclosures looming. There is another 2 million figure to keep in mind, and that is the number of loans that are going to reset in the next 18 months. And many of these people were not particularly sophisticated. There are a number of folks that appear to have been lured into subprime loans that actually would have qualified for conventional, fixed-rate mortgages. And this is a ripple effect that can have a very profound consequence for people.

If we see a 15-percent drop in housing values, which is projected by Goldman Sachs, we are talking about millions of families who can be in this situation of having phantom income. If it is a 20-percent drop, it is 3.7 million. And some people feel that 30 percent correction is not beyond question, and that would put almost 20 million American homeowners in this negative territory.

It is important for us to make sure that people are not paying taxes on phantom income. Frankly, I am a little disappointed that the legislation that came back to us from the Senate is only 3 years because I fear that this is going to be a longer-term problem. And, frankly, I can't foresee any circumstance where this Congress would like to apply tax rates on phantom income when anybody is under water, getting a loan forgiveness. We have put careful provisions in this to make sure that it is not unlimited, it is not for wild speculation, but for typical, average everyday homeowners.

I hope we pass this bill, but I also hope that we look at a long-term adjustment so that no one who is in this unfortunate circumstance ends up making a tax payment on phantom income when they have lost their home.

Mr. LEWIS of Kentucky. I reserve my time.

Mrs. JONES of Ohio. I join with my colleague to say I hope that at some point we will be able to extend this so it has no sunsetting provisions.

I yield 2 minutes to my colleague from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I would like to thank my friend from Ohio for yielding. I would like to thank my friend, Mr. LEWIS, for his hard work on this legislation throughout the process, the gentleman from Louisiana (Mr. MCCRERY), and obviously our chairman, Mr. RANGEL, and other members of the Ways and Means Committee, Mrs. TUBBS JONES in particular.

When we started working on this project, it was a matter of simple fairness to Americans who sold a home under difficult circumstances. Now, unfortunately, the problem has grown into one of economic urgency because our economy is in trouble today in large part because of a drop in housing prices and housing values. And one of the reasons that we would have a glut on that market would be if people have to dump their properties on the market because they can't get a workout on the loans that they have because it would raise their taxes to come to a different arrangement with their lender.

Through the wisdom of the committee, we are fixing this law in such a way that will encourage people to work out an arrangement with their mortgagee to work out a way they can pay their loans and stay in their homes. And if they stay in their home, we won't have that glut of supply in the housing market. If we don't have that glut of supply on the housing market, prices will stabilize and not drop, which will mean more Americans have more home equity, more Americans have economic confidence, and our economy can rebound.

So I want to thank all those both on the Democratic and Republican side of the aisle for making this project a reality, in particular the staff of the Ways and Means Committee, for their hard work in making this a reality and urge a "yes" vote on this bill.

Mr. LEWIS of Kentucky. I continue to reserve my time.

GENERAL LEAVE

Mrs. JONES of Ohio. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to submit remarks for the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Mrs. JONES of Ohio. It gives me great pleasure at this time to yield 2 minutes to the gentlewoman from New York (Ms. CLARKE). She is a freshman in Congress and has been a leader in working on a lot of issues, particularly this one; and I yield to her particularly because this bill expands some of the coverages for cooperative housing corporations which I am confident is an issue for the gentlelady from Brooklyn.

Ms. CLARKE. Mr. Speaker, I want to commend and give praise to the gentlewoman from Ohio for her management of this very important legislation and, of course, to our distinguished chairman of the House Ways and Means Committee, the dean of our New York delegation, for his leadership on this issue and bringing this issue to the floor today.

I rise in support of H.R. 3648, the Mortgage Forgiveness Debt Relief Act of 2007, because Americans need relief. We need relief. And under this bill, the mortgage debt forgiven through foreclosure, sale, or loan restructuring would no longer count as taxable income.

Mr. Speaker, this bill is extremely vital to many New Yorkers, since a subprime tsunami is now sweeping across this Nation and many experts confirm that this wave will continue well into the next year with no end in sight. As a result, foreclosures are increasing at an alarming rate.

As we count the last days of 2007, many expect more than 14,000 foreclosures to be filed in New York City alone. Mr. Speaker, Congress must do all that it can to help Americans to keep their homes. So today I will cast an "aye" vote in support of the Mortgage Forgiveness Debt Relief Act of 2007, which helps struggling homeowners cope with the unanticipated penalty of foreclosure.

Mr. LEWIS of Kentucky. In closing, I want to, again, thank Chairman RANGEL and Ranking Member MCCRERY. JIM and the chairman have certainly done a good job in working together to bring about this piece of legislation. Also I would like to thank the majority and the minority staff for their hard work and effort on this. And, too, I would like to thank Kevin Modlin on my staff. He has worked hard to help move this legislation through the process. This is a good day for those homeowners that are in much need of some help. And of course, Congressman ANDREWS, thank you so much for your hard work on this and putting it forward.

I yield back the balance of my time and ask for a "yea" vote on this important piece of legislation.

Mrs. JONES of Ohio. Mr. Speaker, almost all of us dream of a day when we can have a place of our own. For most Americans, buying a home is the single best investment they will ever make. It is the first step to building wealth and can provide financial leverage for a family for a variety of things, including starting a business or funding an education. Therefore, we must put safeguards in place to ensure that people are able to keep their homes and not be thrown into further debt.

That is one reason why I am pleased to rise in support of this piece of legislation that will allow taxpayers to exclude from their income debt that which was forgiven by a financial institution or lender. We cannot sit by as Congress and add insult to injury to our most vulnerable taxpayers. That is why I am so pleased to stand with my colleagues on the other side of the aisle in support of this very strong legislation in support of the American people.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Ohio (Mrs. JONES) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3648.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT IN SENATE AMENDMENTS TO H.R. 3997, HEROES EARNINGS ASSISTANCE AND RELIEF TAX ACT OF 2007

Mr. LARSON of Connecticut. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 884) providing for the concurrence by the House in the Senate amendments to H.R. 3997, with an amendment.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 884

Resolved, That upon the adoption of this resolution the House shall be considered to have taken from the Speaker's table the bill, H.R. 3997, with the Senate amendments thereto, and to have (1) concurred in the Senate amendment to the title of the bill, and (2) concurred in the Senate amendment to the text of the bill with the following amendment:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Heroes Earnings Assistance and Relief Tax Act of 2007".

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—BENEFITS FOR MILITARY AND VOLUNTEER FIREFIGHTERS

Sec. 101. Election to include combat pay as earned income for purposes of earned income tax credit.
Sec. 102. Modification of mortgage revenue bonds for veterans.
Sec. 103. Survivor and disability payments with respect to qualified military service.
Sec. 104. Treatment of differential military pay as wages.
Sec. 105. Extension of exclusion from income for benefits provided to volunteer firefighters and emergency medical responders.
Sec. 106. Special period of limitation when uniformed services retired pay is reduced as a result of award of disability compensation.
Sec. 107. Distributions from retirement plans to individuals called to active duty.
Sec. 108. Disclosure of return information relating to veterans programs made permanent.
Sec. 109. Contributions of military death gratuities to Roth IRAs and Education Savings Accounts.
Sec. 110. Suspension of 5-year period during service with the Peace Corps.
Sec. 111. Credit for employer differential wage payments to employees who are active duty members of the uniformed services.
Sec. 112. State payments to service members treated as qualified military benefits.
Sec. 113. Permanent exclusion of gain from sale of a principal residence by certain employees of the intelligence community.
Sec. 114. Special disposition rules for unused benefits in health flexible spending arrangements of individuals called to active duty.

TITLE II—IMPROVEMENTS IN SUPPLEMENTAL SECURITY INCOME

Sec. 201. Treatment of uniformed service cash remuneration as earned income.
Sec. 202. State annuities for certain veterans to be disregarded in determining supplemental security income benefits.
Sec. 203. Exclusion of AmeriCorps benefits for purposes of determining supplemental security income eligibility and benefit amounts.
Sec. 204. Effective date.

TITLE III—REVENUE PROVISIONS

Sec. 301. Increase in penalty for failure to file partnership returns.
Sec. 302. Increase in penalty for failure to file S corporation returns.
Sec. 303. Increase in minimum penalty on failure to file a return of tax.
Sec. 304. Increase in information return penalties.
Sec. 305. Revision of tax rules on expatriation.

TITLE IV—TAX TECHNICAL CORRECTIONS

Sec. 401. Short title.
Sec. 402. Amendment related to the Tax Relief and Health Care Act of 2006.
Sec. 403. Amendments related to title XII of the Pension Protection Act of 2006.
Sec. 404. Amendments related to the Tax Increase Prevention and Reconciliation Act of 2005.
Sec. 405. Amendments related to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.
Sec. 406. Amendments related to the Energy Policy Act of 2005.
Sec. 407. Amendments related to the American Jobs Creation Act of 2004.
Sec. 408. Amendments related to the Economic Growth and Tax Relief Reconciliation Act of 2001.
Sec. 409. Amendments related to the Tax Relief Extension Act of 1999.
Sec. 410. Amendment related to the Internal Revenue Service Restructuring and Reform Act of 1998.
Sec. 411. Clerical corrections.

TITLE V—PARITY IN APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS

Sec. 501. Parity in application of certain limits to mental health benefits.

TITLE I—BENEFITS FOR MILITARY AND VOLUNTEER FIREFIGHTERS

SEC. 101. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Clause (vi) of section 32(c)(2)(B) (defining earned income) is amended to read as follows:

"(vi) a taxpayer may elect to treat amounts excluded from gross income by reason of section 112 as earned income.".

(b) SUNSET NOT APPLICABLE.—Section 105 of the Working Families Tax Relief Act of 2004 (relating to application of EGTRRA sunset to this title) shall not apply to section 104(b) of such Act.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after December 31, 2007.

SEC. 102. MODIFICATION OF MORTGAGE REVENUE BONDS FOR VETERANS.

(a) QUALIFIED MORTGAGE BONDS USED TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.—Subparagraph (D) of section 143(d)(2) (relating to exceptions) is amended by striking "and before January 1, 2008".

(b) INCREASE IN BOND LIMITATION FOR ALASKA, OREGON, AND WISCONSIN.—Clause (ii) of section 143(l)(3)(B) (relating to State veterans limit) is amended by striking "$25,000,000" each place it appears and inserting "$100,000,000".

(c) DEFINITION OF QUALIFIED VETERAN.—Paragraph (4) of section 143(l) (defining qualified veteran) is amended to read as follows:

"(4) QUALIFIED VETERAN.—For purposes of this subsection, the term 'qualified veteran' means any veteran who—

"(A) served on active duty, and

"(B) applied for the financing before the date 25 years after the last date on which such veteran left active service.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after December 31, 2007.

SEC. 103. SURVIVOR AND DISABILITY PAYMENTS WITH RESPECT TO QUALIFIED MILITARY SERVICE.

(a) PLAN QUALIFICATION REQUIREMENT FOR DEATH BENEFITS UNDER USERRA-QUALIFIED ACTIVE MILITARY SERVICE.—Subsection (a) of section 401 (relating to requirements for qualification) is amended by inserting after paragraph (36) the following new paragraph:

"(37) DEATH BENEFITS UNDER USERRA-QUALIFIED ACTIVE MILITARY SERVICE.—A trust shall not constitute a qualified trust unless the plan provides that, in the case of a participant who dies while performing qualified military service (as defined in section 414(u)), the survivors of the participant are entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) provided under the plan had the participant resumed and then terminated employment on account of death.".

(b) TREATMENT IN THE CASE OF DEATH OR DISABILITY RESULTING FROM ACTIVE MILITARY SERVICE FOR BENEFIT ACCRUAL PURPOSES.—Subsection (u) of section 414 (relating to special rules relating to veterans' reemployment rights under USERRA) is amended by redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively, and by inserting after paragraph (8) the following new paragraph:

"(9) TREATMENT IN THE CASE OF DEATH OR DISABILITY RESULTING FROM ACTIVE MILITARY SERVICE.—

"(A) IN GENERAL.—For benefit accrual purposes, an employer sponsoring a retirement plan may treat an individual who dies or becomes disabled (as defined under the terms of the plan) while performing qualified military service with respect to the employer maintaining the plan as if the individual has resumed employment in accordance with the individual's reemployment rights under chapter 43 of title 38, United States Code, on the day preceding death or disability (as the case may be) and terminated employment on the actual date of death or disability. In the case of any such treatment, and subject to subparagraphs (B) and (C), any full or partial compliance by such plan with respect to the benefit accrual requirements of paragraph (8) with respect to such individual shall be treated for purposes of paragraph (1) as if such compliance were required under such chapter 43.

"(B) NONDISCRIMINATION REQUIREMENT.—Subparagraph (A) shall apply only if all individuals performing qualified military service with respect to the employer maintaining the plan (as determined under subsections (b), (c), (m), and (o)) who die or became disabled as a result of performing qualified military service prior to reemployment by the employer are credited with service and benefits on reasonably equivalent terms.

"(C) DETERMINATION OF BENEFITS.—The amount of employee contributions and the amount of elective deferrals of an individual treated as reemployed under subparagraph (A) for purposes of applying paragraph (8)(C) shall be determined on the basis of the individual's average actual employee contributions or elective deferrals for the lesser of—

"(i) the 12-month period of service with the employer immediately prior to qualified military service, or

"(ii) if service with the employer is less than such 12-month period, the actual length of continuous service with the employer.".

(c) CONFORMING AMENDMENTS.—

(1) Section 404(a)(2) is amended by striking "and (31)" and inserting "(31), and (37)".

(2) Section 403(b) is amended by adding at the end the following new paragraph:

"(14) DEATH BENEFITS UNDER USERRA-QUALIFIED ACTIVE MILITARY SERVICE.—This subsection shall not apply to an annuity contract unless such contract meets the requirements of section 401(a)(37).".

(3) Section 457(g) is amended by adding at the end the following new paragraph:

"(4) DEATH BENEFITS UNDER USERRA-QUALIFIED ACTIVE MILITARY SERVICE.—A plan described in paragraph (1) shall not be treated as an eligible deferred compensation plan unless such plan meets the requirements of section 401(a)(37).".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to deaths and disabilities occurring on or after January 1, 2007.

(2) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(A) IN GENERAL.—If this subparagraph applies to any plan or contract amendment, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subparagraph (B)(iii).

(B) AMENDMENTS TO WHICH SUBPARAGRAPH (A) APPLIES.—

(i) IN GENERAL.—Subparagraph (A) shall apply to any amendment to any plan or annuity contract which is made—

(I) pursuant to the amendments made by subsection (a) or pursuant to any regulation issued by the Secretary of the Treasury under subsection (a), and

(II) on or before the last day of the first plan year beginning on or after January 1, 2009.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this clause shall be applied by substituting "2011" for "2009" in subclause (II).

(ii) CONDITIONS.—This paragraph shall not apply to any amendment unless—

(I) the plan or contract is operated as if such plan or contract amendment were in effect for the period described in clause (iii), and

(II) such plan or contract amendment applies retroactively for such period.

(iii) PERIOD DESCRIBED.—The period described in this clause is the period—

(I) beginning on the effective date specified by the plan, and

(II) ending on the date described in clause (i)(II) (or, if earlier, the date the plan or contract amendment is adopted).

SEC. 104. TREATMENT OF DIFFERENTIAL MILITARY PAY AS WAGES.

(a) INCOME TAX WITHHOLDING ON DIFFERENTIAL WAGE PAYMENTS.—

(1) IN GENERAL.—Section 3401 (relating to definitions) is amended by adding at the end the following new subsection:

"(h) DIFFERENTIAL WAGE PAYMENTS TO ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.—

"(1) IN GENERAL.—For purposes of subsection (a), any differential wage payment shall be treated as a payment of wages by the employer to the employee.

"(2) DIFFERENTIAL WAGE PAYMENT.—For purposes of paragraph (1), the term 'differential wage payment' means any payment which—

"(A) is made by an employer to an individual with respect to any period during which the individual is performing service in the uniformed services (as defined in chapter 43 of title 38, United States Code) while on active duty for a period of more than 30 days, and

"(B) represents all or a portion of the wages the individual would have received from the employer if the individual were performing service for the employer.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to remuneration paid after December 31, 2007.

(b) TREATMENT OF DIFFERENTIAL WAGE PAYMENTS FOR RETIREMENT PLAN PURPOSES.—

(1) PENSION PLANS.—

(A) IN GENERAL.—Section 414(u) (relating to special rules relating to veterans' reemployment rights under USERRA), as amended by section 103(b), is amended by adding at the end the following new paragraph:

"(12) TREATMENT OF DIFFERENTIAL WAGE PAYMENTS.—

"(A) IN GENERAL.—Except as provided in this paragraph, for purposes of applying this title to a retirement plan to which this subsection applies—

"(i) an individual receiving a differential wage payment shall be treated as an employee of the employer making the payment,

"(ii) the differential wage payment shall be treated as compensation, and

"(iii) the plan shall not be treated as failing to meet the requirements of any provision described in paragraph (1)(C) by reason of any contribution or benefit which is based on the differential wage payment.

"(B) SPECIAL RULE FOR DISTRIBUTIONS.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A)(i), for purposes of section 401(k)(2)(B)(i)(I), 403(b)(7)(A)(ii), 403(b)(11)(A), or 457(d)(1)(A)(ii), an individual shall be treated as having been severed from employment during any period the individual is performing service in the uniformed services described in section 3401(h)(2)(A).

"(ii) LIMITATION.—If an individual elects to receive a distribution by reason of clause (i), the plan shall provide that the individual may not make an elective deferral or employee contribution during the 6-month period beginning on the date of the distribution.

"(C) NONDISCRIMINATION REQUIREMENT.—Subparagraph (A)(iii) shall apply only if all employees of an employer (as determined under subsections (b), (c), (m), and (o)) performing service in the uniformed services described in section 3401(h)(2)(A) are entitled to receive differential wage payments on reasonably equivalent terms and, if eligible to participate in a retirement plan maintained by the employer, to make contributions based on the payments on reasonably equivalent terms. For purposes of applying this subparagraph, the provisions of paragraphs (3), (4), and (5) of section 410(b) shall apply.

"(D) DIFFERENTIAL WAGE PAYMENT.—For purposes of this paragraph, the term 'differential wage payment' has the meaning given such term by section 3401(h)(2).".

(B) CONFORMING AMENDMENT.—The heading for section 414(u) is amended by inserting "AND TO DIFFERENTIAL WAGE PAYMENTS TO MEMBERS ON ACTIVE DUTY" after "USERRA".

(2) DIFFERENTIAL WAGE PAYMENTS TREATED AS COMPENSATION FOR INDIVIDUAL RETIREMENT PLANS.—Section 219(f)(1) (defining compensation) is amended by adding at the end the following new sentence: "The term compensation includes any differential wage payment (as defined in section 3401(h)(2)).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2007.

(c) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any plan or annuity contract amendment, such plan or contract shall be treated as being operated in accordance with the terms of the plan or contract during the period described in paragraph (2)(B)(i).

(2) AMENDMENTS TO WHICH SECTION APPLIES.—

(A) In general.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any amendment made by subsection (b)(1), and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2009.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this subparagraph shall be applied by substituting "2011" for "2009" in clause (ii).

(B) Conditions.—This subsection shall not apply to any plan or annuity contract amendment unless—

(i) during the period beginning on the date the amendment described in subparagraph (A)(i) takes effect and ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect, and

(ii) such plan or contract amendment applies retroactively for such period.

SEC. 105. EXTENSION OF EXCLUSION FROM INCOME FOR BENEFITS PROVIDED TO VOLUNTEER FIREFIGHTERS AND EMERGENCY MEDICAL RESPONDERS.

Subsection (d) of section 139B (relating to termination), as added to the Internal Revenue Code of 1986 by section 5 of the Mortgage Forgiveness Debt Relief Act of 2007, is amended by striking "December 31, 2010" and inserting "December 31, 2015".

SEC. 106. SPECIAL PERIOD OF LIMITATION WHEN UNIFORMED SERVICES RETIRED PAY IS REDUCED AS A RESULT OF AWARD OF DISABILITY COMPENSATION.

(a) In General.—Subsection (d) of section 6511 (relating to special rules applicable to income taxes) is amended by adding at the end the following new paragraph:

"(8) Special rules when uniformed services retired pay is reduced as a result of award of disability compensation.—

"(A) Period of limitation on filing claim.—If the claim for credit or refund relates to an overpayment of tax imposed by subtitle A on account of—

"(i) the reduction of uniformed services retired pay computed under section 1406 or 1407 of title 10, United States Code, or

"(ii) the waiver of such pay under section 5305 of title 38 of such Code,

as a result of an award of compensation under title 38 of such Code pursuant to a determination by the Secretary of Veterans Affairs, the 3-year period of limitation prescribed in subsection (a) shall be extended, for purposes of permitting a credit or refund based upon the amount of such reduction or waiver, until the end of the 1-year period beginning on the date of such determination.

"(B) Limitation to 5 taxable years.—Subparagraph (A) shall not apply with respect to any taxable year which began more than 5 years before the date of such determination.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to claims for credit or refund filed after the date of the enactment of this Act.

(c) Transition Rules.—In the case of a determination described in paragraph (8) of section 6511(d) of the Internal Revenue Code of 1986 (as added by this section) which is made by the Secretary of Veterans Affairs after December 31, 2000, and before the date of the enactment of this Act, such paragraph—

(1) shall not apply with respect to any taxable year which began before January 1, 2001, and

(2) shall be applied by substituting for "the date of such determination" in subparagraph (A) thereof.

SEC. 107. DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) In General.—Clause (iv) of section 72(t)(2)(G) is amended by striking ", and before December 31, 2007".

(b) Effective Date.—The amendment made by this section shall apply to individuals ordered or called to active duty on or after December 31, 2007.

SEC. 108. DISCLOSURE OF RETURN INFORMATION RELATING TO VETERANS PROGRAMS MADE PERMANENT.

(a) In General.—Subparagraph (D) of section 6103(l)(7) (relating to disclosure of return information to Federal, State, and local agencies administering certain programs under the Social Security Act, the Food Stamp Act of 1977, or title 38, United States Code or certain housing assistance programs) is amended by striking the last sentence.

(b) Technical Amendment.—Section 6103(l)(7)(D)(viii)(III) is amended by striking "sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B)" and inserting "sections 1710(a)(2)(G), 1710(a)(3), and 1710(b)".

SEC. 109. CONTRIBUTIONS OF MILITARY DEATH GRATUITIES TO ROTH IRAS AND EDUCATION SAVINGS ACCOUNTS.

(a) Provision in Effect Before Pension Protection Act.—Subsection (e) of section 408A (relating to qualified rollover contribution), as in effect before the amendments made by section 824 of the Pension Protection Act of 2006, is amended to read as follows:

"(e) Qualified Rollover Contribution.—For purposes of this section—

"(1) In general.—The term 'qualified rollover contribution' means a rollover contribution to a Roth IRA from another such account, or from an individual retirement plan, but only if such rollover contribution meets the requirements of section 408(d)(3). Such term includes a rollover contribution described in section 402A(c)(3)(A). For purposes of section 408(d)(3)(B), there shall be disregarded any qualified rollover contribution from an individual retirement plan (other than a Roth IRA) to a Roth IRA.

"(2) Military death gratuity.—

"(A) In general.—The term 'qualified rollover contribution' includes a contribution to a Roth IRA maintained for the benefit of an individual made before the end of the 1-year period beginning on the date on which such individual receives an amount under section 1477 of title 10, United States Code, or section 1967 of title 38 of such Code, with respect to a person, to the extent that such contribution does not exceed—

"(i) the sum of the amounts received during such period by such individual under such sections with respect to such person, reduced by

"(ii) the amounts so received which were contributed to a Coverdell education savings account under section 530(d)(9).

"(B) Annual limit on number of rollovers not to apply.—Section 408(d)(3)(B) shall not apply with respect to amounts treated as a rollover by subparagraph (A).

"(C) Application of section 72.—For purposes of applying section 72 in the case of a distribution which is not a qualified distribution, the amount treated as a rollover by reason of subparagraph (A) shall be treated as investment in the contract.".

(b) Provision in Effect After Pension Protection Act.—Subsection (e) of section 408A, as in effect after the amendments made by section 824 of the Pension Protection Act of 2006, is amended to read as follows:

"(e) Qualified Rollover Contribution.—For purposes of this section—

"(1) In general.—The term 'qualified rollover contribution' means a rollover contribution—

"(A) to a Roth IRA from another such account,

"(B) from an eligible retirement plan, but only if—

"(i) in the case of an individual retirement plan, such rollover contribution meets the requirements of section 408(d)(3), and

"(ii) in the case of any eligible retirement plan (as defined in section 402(c)(8)(B) other than clauses (i) and (ii) thereof), such rollover contribution meets the requirements of section 402(c), 403(b)(8), or 457(e)(16), as applicable.

For purposes of section 408(d)(3)(B), there shall be disregarded any qualified rollover contribution from an individual retirement plan (other than a Roth IRA) to a Roth IRA.

"(2) Military death gratuity.—

"(A) In general.—The term 'qualified rollover contribution' includes a contribution to a Roth IRA maintained for the benefit of an individual made before the end of the 1-year period beginning on the date on which such individual receives an amount under section 1477 of title 10, United States Code, or section 1967 of title 38 of such Code, with respect to a person, to the extent that such contribution does not exceed—

"(i) the sum of the amounts received during such period by such individual under such sections with respect to such person, reduced by

"(ii) the amounts so received which were contributed to a Coverdell education savings account under section 530(d)(9).

"(B) Annual limit on number of rollovers not to apply.—Section 408(d)(3)(B) shall not apply with respect to amounts treated as a rollover by the subparagraph (A).

"(C) Application of section 72.—For purposes of applying section 72 in the case of a distribution which is not a qualified distribution, the amount treated as a rollover by reason of subparagraph (A) shall be treated as investment in the contract.".

(c) Education Savings Accounts.—Subsection (d) of section 530 is amended by adding at the end the following new paragraph:

"(9) Military death gratuity.—

"(A) In general.—For purposes of this section, the term 'rollover contribution' includes a contribution to a Coverdell education savings account made before the end of the 1-year period beginning on the date on which the contributor receives an amount under section 1477 of title 10, United States Code, or section 1967 of title 38 of such Code, with respect to a person, to the extent that such contribution does not exceed—

"(i) the sum of the amounts received during such period by such contributor under such sections with respect to such person, reduced by

"(ii) the amounts so received which were contributed to a Roth IRA under section 408A(e)(2) or to another Coverdell education savings account.

"(B) Annual limit on number of rollovers not to apply.—The last sentence of paragraph (5) shall not apply with respect to amounts treated as a rollover by the subparagraph (A).

"(C) Application of section 72.—For purposes of applying section 72 in the case of a distribution which is includible in gross income under paragraph (1), the amount treated as a rollover by reason of subparagraph (A) shall be treated as investment in the contract.".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided by paragraphs (2) and (3), the amendments made by this section shall apply with respect to deaths from injuries occurring on or after the date of the enactment of this Act.

(2) APPLICATION OF AMENDMENTS TO DEATHS FROM INJURIES OCCURRING ON OR AFTER OCTOBER 7, 2001, AND BEFORE ENACTMENT.—The amendments made by this section shall apply to any contribution made pursuant to section 408A(e)(2) or 530(d)(5) of the Internal Revenue Code of 1986, as amended by this Act, with respect to amounts received under section 1477 of title 10, United States Code, or under section 1967 of title 38 of such Code, for deaths from injuries occurring on or after October 7, 2001, and before the date of the enactment of this Act if such contribution is made not later than 1 year after the date of the enactment of this Act.

(3) PENSION PROTECTION ACT CHANGES.—Section 408A(e)(1) of the Internal Revenue Code of 1986 (as in effect after the amendments made by subsection (b)) shall apply to taxable years beginning after December 31, 2007.

SEC. 110. SUSPENSION OF 5-YEAR PERIOD DURING SERVICE WITH THE PEACE CORPS.

(a) IN GENERAL.—Subsection (d) of section 121 (relating to special rules) is amended by adding at the end the following new paragraph:

"(12) PEACE CORPS.—

"(A) IN GENERAL.—At the election of an individual with respect to a property, the running of the 5-year period described in subsections (a) and (c)(1)(B) and paragraph (7) of this subsection with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving outside the United States—

"(i) on qualified official extended duty (as defined in paragraph (9)(C)) as an employee of the Peace Corps, or

"(ii) as an enrolled volunteer or volunteer leader under section 5 or 6 (as the case may be) of the Peace Corps Act (22 U.S.C. 2504, 2505).

"(B) APPLICABLE RULES.—For purposes of subparagraph (A), rules similar to the rules of subparagraphs (B) and (D) shall apply.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 111. CREDIT FOR EMPLOYER DIFFERENTIAL WAGE PAYMENTS TO EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business credits) is amended by adding at the end the following new section:

"SEC. 45O. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

"(a) GENERAL RULE.—For purposes of section 38, in the case of an eligible small business employer, the differential wage payment credit for any taxable year is an amount equal to 20 percent of the sum of the eligible differential wage payments for each of the qualified employees of the taxpayer during such taxable year.

"(b) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE DIFFERENTIAL WAGE PAYMENTS.—The term 'eligible differential wage payments' means, with respect to each qualified employee, so much of the differential wage payments (as defined in section 3401(h)(2)) paid to such employee for the taxable year as does not exceed $20,000.

"(2) QUALIFIED EMPLOYEE.—The term 'qualified employee' means a person who has been an employee of the taxpayer for the 91-day period immediately preceding the period for which any differential wage payment is made.

"(3) ELIGIBLE SMALL BUSINESS EMPLOYER.—

"(A) IN GENERAL.—The term 'eligible small business employer' means, with respect to any taxable year, any employer which—

"(i) employed an average of less than 50 employees on business days during such taxable year, and

"(ii) under a written plan of the employer, provides eligible differential wage payments to every qualified employee of the employer.

"(B) CONTROLLED GROUPS.—For purposes of subparagraph (A), all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

"(c) COORDINATION WITH OTHER CREDITS.—The amount of credit otherwise allowable under this chapter with respect to compensation paid to any employee shall be reduced by the credit determined under this section with respect to such employee.

"(d) DISALLOWANCE FOR FAILURE TO COMPLY WITH EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

"(1) any taxable year, beginning after the date of the enactment of this section, in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

"(2) the 2 succeeding taxable years.

"(e) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply.

"(f) TERMINATION.—This section shall not apply to any payments made after December 31, 2009.".

(b) CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (relating to general business credit) is amended by striking "plus" at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting ", plus", and by adding at the end of following new paragraph:

"(32) the differential wage payment credit determined under section 45O(a).".

(c) NO DEDUCTION FOR COMPENSATION TAKEN INTO ACCOUNT FOR CREDIT.—Section 280C(a) (relating to rule for employment credits) is amended by inserting "45O(a)," after "45A(a),".

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45O. Employer wage credit for employees who are active duty members of the uniformed services.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid after the date of the enactment of this Act.

SEC. 112. STATE PAYMENTS TO SERVICE MEMBERS TREATED AS QUALIFIED MILITARY BENEFITS.

(a) IN GENERAL.—Section 134(b) (defining qualified military benefit) is amended by adding at the end the following new paragraph:

"(6) CERTAIN STATE PAYMENTS.—The term 'qualified military benefit' includes any bonus payment by a State or political subdivision thereof to any member or former member of the uniformed services of the United States or any dependent of such member only by reason of such member's service in an combat zone (as defined in section 112(c)(2), determined without regard to the parenthetical).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made before, on, or after the date of the enactment of this Act.

SEC. 113. PERMANENT EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY CERTAIN EMPLOYEES OF THE INTELLIGENCE COMMUNITY.

(a) IN GENERAL.—Section 417(e) of division A of the Tax Relief and Health Care Act of 2006 is amended by striking "and before January 1, 2011".

(b) DUTY STATION MAY BE INSIDE UNITED STATES.—Section 121(d)(9)(C) (defining qualified official extended duty) is amended by striking clause (vi).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales or exchanges after December 31, 2010.

SEC. 114. SPECIAL DISPOSITION RULES FOR UNUSED BENEFITS IN HEALTH FLEXIBLE SPENDING ARRANGEMENTS OF INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) IN GENERAL.—Section 125 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsection (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

"(h) SPECIAL RULE FOR UNUSED BENEFITS IN HEALTH FLEXIBLE SPENDING ARRANGEMENTS OF INDIVIDUALS CALLED TO ACTIVE DUTY.—

"(1) IN GENERAL.—For purposes of this title, a plan or other arrangement shall not fail to be treated as a cafeteria plan or health flexible spending arrangement merely because such arrangement provides for qualified reservist distributions.

"(2) QUALIFIED RESERVIST DISTRIBUTION.—For purposes of this subsection, the term 'qualified reservist distribution' means, any distribution to an individual of all or a portion of the balance in the employee's account under such arrangement if—

"(A) such individual was (by reason of being a member of a reserve component (as defined in section 101 of title 37, United States Code)) ordered or called to active duty for a period in excess of 179 days or for an indefinite period, and

"(B) such distribution is made during the period beginning on the date of such order or call and ending on the last date that reimbursements could otherwise be made under such arrangement for the plan year which includes the date of such order or call.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made after the date of the enactment of this Act.

TITLE II—IMPROVEMENTS IN SUPPLEMENTAL SECURITY INCOME

SEC. 201. TREATMENT OF UNIFORMED SERVICE CASH REMUNERATION AS EARNED INCOME.

(a) IN GENERAL.—Section 1612(a)(1)(A) of the Social Security Act (42 U.S.C. 1382a(a)(1)(A)) is amended by inserting "(and, in the case of cash remuneration paid for service as a member of a uniformed service (other than payments described in paragraph (2)(H) of this subsection or subsection (b)(20)), without regard to the limitations contained in section 209(d))" before the semicolon.

(b) Certain Housing Payments Treated as In-Kind Support and Maintenance.—Section 1612(a)(2) of such Act (42 U.S.C. 1382a(a)(2)) is amended—

(1) by striking "and" at the end of subparagraph (F);

(2) by striking the period at the end of subparagraph (G) and inserting "; and"; and

(3) by adding at the end the following:

"(H) payments to or on behalf of a member of a uniformed service for housing of the member (and his or her dependents, if any) on a facility of a uniformed service, including payments provided under section 403 of title 37, United States Code, for housing that is acquired or constructed under subchapter IV of chapter 169 of title 10 of such Code, or any related provision of law, and any such payments shall be treated as support and maintenance in kind subject to subparagraph (A) of this paragraph.".

SEC. 202. STATE ANNUITIES FOR CERTAIN VETERANS TO BE DISREGARDED IN DETERMINING SUPPLEMENTAL SECURITY INCOME BENEFITS.

(a) Income Disregard.—Section 1612(b) of the Social Security Act (42 U.S.C. 1382a(b)) is amended—

(1) by striking "and" at the end of paragraph (22);

(2) by striking the period at the end of paragraph (23) and inserting "; and"; and

(3) by adding at the end the following:

"(24) any annuity paid by a State to the individual (or such spouse) on the basis of the individual's being a veteran (as defined in section 101 of title 38, United States Code), and blind, disabled, or aged.".

(b) Resource Disregard.—Section 1613(a) of such Act (42 U.S.C. 1382b(a)) is amended—

(1) by striking "and" at the end of paragraph (14);

(2) by striking the period at the end of paragraph (15) and inserting "; and"; and

(3) by inserting after paragraph (15) the following:

"(16) for the month of receipt and every month thereafter, any annuity paid by a State to the individual (or such spouse) on the basis of the individual's being a veteran (as defined in section 101 of title 38, United States Code), and blind, disabled, or aged.".

SEC. 203. EXCLUSION OF AMERICORPS BENEFITS FOR PURPOSES OF DETERMINING SUPPLEMENTAL SECURITY INCOME ELIGIBILITY AND BENEFIT AMOUNTS.

Section 1612(b) of the Social Security Act (42 U.S.C. 1382a(b)), as amended by section 202(a) of this Act, is amended—

(1) in paragraph (23), by striking "and" at the end;

(2) in paragraph (24), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(25) any benefit (whether cash or in-kind) conferred upon (or paid on behalf of) a participant in an AmeriCorps position approved by the Corporation for National and Community Service under section 123 of the National and Community Service Act of 1990 (42 U.S.C. 12573).".

SEC. 204. EFFECTIVE DATE.

The amendments made by this title shall be effective with respect to benefits payable for months beginning after 60 days after the date of the enactment of this Act.

TITLE III—REVENUE PROVISIONS

SEC. 301. INCREASE IN PENALTY FOR FAILURE TO FILE PARTNERSHIP RETURNS.

(a) Increase in Penalty Amount.—Paragraph (1) of section 6698(b) (relating to amount per month), as amended by section 8 of the Mortgage Forgiveness Debt Relief Act of 2007, is amended by striking "$85" and inserting "$100".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as if included in the amendments made by section 8 of the Mortgage Forgiveness Debt Relief Act of 2007.

SEC. 302. INCREASE IN PENALTY FOR FAILURE TO FILE S CORPORATION RETURNS.

(a) In General.—Paragraph (1) of section 6699(b) (relating to amount per month), as added to the Internal Revenue Code of 1986 by section 9 of the Mortgage Forgiveness Debt Relief Act of 2007, is amended by striking "$85" and inserting "$100".

(b) Effective Date.—The amendment made by subsection (a) shall take effect as if included in the amendments made by section 9 of the Mortgage Forgiveness Debt Relief Act of 2007.

SEC. 303. INCREASE IN MINIMUM PENALTY ON FAILURE TO FILE A RETURN OF TAX.

(a) In General.—Subsection (a) of section 6651 is amended by striking "$100" in the last sentence and inserting "$225".

(b) Effective Date.—The amendment made by this section shall apply to returns the due date for the filing of which (including extensions) is after December 31, 2007.

SEC. 304. INCREASE IN INFORMATION RETURN PENALTIES.

(a) Failure to File Correct Information Returns.—

(1) In general.—Subsections (a)(1), (b)(1)(A), and (b)(2)(A) of section 6721 are each amended by striking "$50" and inserting "$100".

(2) Aggregate annual limitation.—Subsections (a)(1), (d)(1)(A), and (e)(3)(A) of section 6721 are each amended by striking "$250,000" and inserting "$1,500,000".

(b) Reduction Where Correction Within 30 Days.—

(1) In general.—Subparagraph (A) of section 6721(b)(1) is amended by striking "$15" and inserting "$50".

(2) Aggregate annual limitation.—Subsections (b)(1)(B) and (d)(1)(B) of section 6721 are each amended by striking "$75,000" and inserting "$500,000".

(c) Reduction Where Correction on or Before August 1.—

(1) In general.—Subparagraph (A) of section 6721(b)(2) is amended by striking "$30" and inserting "$75".

(2) Aggregate annual limitation.—Subsections (b)(2)(B) and (d)(1)(C) of section 6721are each amended by striking "$150,000" and inserting "$1,000,000".

(d) Aggregate Annual Limitations for Persons With Gross Receipts of Not More Than $5,000,000.—Paragraph (1) of section 6721(d) is amended—

(1) by striking "$100,000" in subparagraph (A) and inserting "$500,000",

(2) by striking "$25,000" in subparagraph (B) and inserting "$100,000", and

(3) by striking "$50,000" in subparagraph (C) and inserting "$250,000".

(e) Penalty in Case of Intentional Disregard.—Paragraph (2) of section 6721(e) is amended by striking "$100" and inserting "$250".

(f) Failure to Furnish Correct Payee Statements.—

(1) In general.—Subsection (a) of section 6722 is amended by striking "$50" and inserting "$100".

(2) Aggregate annual limitation.—Subsections (a) and (c)(2)(A) of section 6722 are each amended by striking "$100,000" and inserting "$500,000".

(3) Penalty in case of intentional disregard.—Paragraph (1) of section 6722(c) is amended by striking "$100" and inserting "$250".

(g) Failure To Comply With Other Information Reporting Requirements.—Section 6723 is amended—

(1) by striking "$50" and inserting "$100", and

(2) by striking "$100,000" and inserting "$500,000".

(h) Effective Date.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2008.

SEC. 305. REVISION OF TAX RULES ON EXPATRIATION.

(a) In General.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) General Rules.—For purposes of this subtitle—

"(1) Mark to market.—All property of a covered expatriate shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) Recognition of gain or loss.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence, determined without regard to paragraph (3).

"(3) Exclusion for certain gain.—

"(A) In general.—The amount which would (but for this paragraph) be includible in the gross income of any individual by reason of paragraph (1) shall be reduced (but not below zero) by $600,000.

"(B) Adjustment for inflation.—

"(i) In general.—In the case of any taxable year beginning in a calendar year after 2008, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) Rounding.—If any amount as adjusted under clause (i) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

"(b) Election To Defer Tax.—

"(1) In general.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the time for payment of the additional tax attributable to such property shall be extended until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) Determination of tax with respect to property.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) TERMINATION OF EXTENSION.—The due date for payment of tax may not be extended under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) SECURITY.—

"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided with respect to such property.

"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond which is furnished to, and accepted by, the Secretary, which is conditioned on the payment of tax (and interest thereon), and which meets the requirements of section 6325, or

"(ii) it is another form of security for such payment (including letters of credit) that meets such requirements as the Secretary may prescribe.

"(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer makes an irrevocable waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable.

"(7) INTEREST.—For purposes of section 6601, the last date for the payment of tax shall be determined without regard to the election under this subsection.

"(c) EXCEPTION FOR CERTAIN PROPERTY.—Subsection (a) shall not apply to—

"(1) any deferred compensation item (as defined in subsection (d)(4)),

"(2) any specified tax deferred account (as defined in subsection (e)(2)), and

"(3) any interest in a nongrantor trust (as defined in subsection (f)(3)).

"(d) TREATMENT OF DEFERRED COMPENSATION ITEMS.—

"(1) WITHHOLDING ON ELIGIBLE DEFERRED COMPENSATION ITEMS.—

"(A) IN GENERAL.—In the case of any eligible deferred compensation item, the payor shall deduct and withhold from any taxable payment to a covered expatriate with respect to such item a tax equal to 30 percent thereof.

"(B) TAXABLE PAYMENT.—For purposes of subparagraph (A), the term 'taxable payment' means with respect to a covered expatriate any payment to the extent it would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States. A deferred compensation item shall be taken into account as a payment under the preceding sentence when such item would be so includible.

"(2) OTHER DEFERRED COMPENSATION ITEMS.—In the case of any deferred compensation item which is not an eligible deferred compensation item—

"(A)(i) with respect to any deferred compensation item to which clause (ii) does not apply, an amount equal to the present value of the covered expatriate's accrued benefit shall be treated as having been received by such individual on the day before the expatriation date as a distribution under the plan, and

"(ii) with respect to any deferred compensation item referred to in paragraph (4)(D), the rights of the covered expatriate to such item shall be treated as becoming transferable and not subject to a substantial risk of forfeiture on the day before the expatriation date,

"(B) no early distribution tax shall apply by reason of such treatment, and

"(C) appropriate adjustments shall be made to subsequent distributions from the plan to reflect such treatment.

"(3) ELIGIBLE DEFERRED COMPENSATION ITEMS.—For purposes of this subsection, the term 'eligible deferred compensation item' means any deferred compensation item with respect to which—

"(A) the payor of such item is—

"(i) a United States person, or

"(ii) a person who is not a United States person but who elects to be treated as a United States person for purposes of paragraph (1) and meets such requirements as the Secretary may provide to ensure that the payor will meet the requirements of paragraph (1), and

"(B) the covered expatriate—

"(i) notifies the payor of his status as a covered expatriate, and

"(ii) makes an irrevocable waiver of any right to claim any reduction under any treaty with the United States in withholding on such item.

"(4) DEFERRED COMPENSATION ITEM.—For purposes of this subsection, the term 'deferred compensation item' means—

"(A) any interest in a plan or arrangement described in section 219(g)(5),

"(B) any interest in a foreign pension plan or similar retirement arrangement or program,

"(C) any item of deferred compensation, and

"(D) any property, or right to property, which the individual is entitled to receive in connection with the performance of services to the extent not previously taken into account under section 83 or in accordance with section 83.

"(5) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any deferred compensation item which is attributable to services performed outside the United States while the covered expatriate was not a citizen or resident of the United States.

"(6) SPECIAL RULES.—

"(A) APPLICATION OF WITHHOLDING RULES.—Rules similar to the rules of subchapter B of chapter 3 shall apply for purposes of this subsection.

"(B) APPLICATION OF TAX.—Any item subject to the withholding tax imposed under paragraph (1) shall be subject to tax under section 871.

"(C) COORDINATION WITH OTHER WITHHOLDING REQUIREMENTS.—Any item subject to withholding under paragraph (1) shall not be subject to withholding under section 1441 or chapter 24.

"(e) TREATMENT OF SPECIFIED TAX DEFERRED ACCOUNTS.—

"(1) ACCOUNT TREATED AS DISTRIBUTED.—In the case of any interest in a specified tax deferred account held by a covered expatriate on the day before the expatriation date—

"(A) the covered expatriate shall be treated as receiving a distribution of his entire interest in such account on the day before the expatriation date,

"(B) no early distribution tax shall apply by reason of such treatment, and

"(C) appropriate adjustments shall be made to subsequent distributions from the account to reflect such treatment.

"(2) SPECIFIED TAX DEFERRED ACCOUNT.—For purposes of paragraph (1), the term 'specified tax deferred account' means an individual retirement plan (as defined in section 7701(a)(37)) other than any arrangement described in subsection (k) or (p) of section 408, a qualified tuition program (as defined in section 529), a Coverdell education savings account (as defined in section 530), a health savings account (as defined in section 223), and an Archer MSA (as defined in section 220).

"(f) SPECIAL RULES FOR NONGRANTOR TRUSTS.—

"(1) IN GENERAL.—In the case of a distribution (directly or indirectly) of any property from a nongrantor trust to a covered expatriate—

"(A) the trustee shall deduct and withhold from such distribution an amount equal to 30 percent of the taxable portion of the distribution, and

"(B) if the fair market value of such property exceeds its adjusted basis in the hands of the trust, gain shall be recognized to the trust as if such property were sold to the expatriate at its fair market value.

"(2) TAXABLE PORTION.—For purposes of this subsection, the term 'taxable portion' means, with respect to any distribution, that portion of the distribution which would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States.

"(3) NONGRANTOR TRUST.—For purposes of this subsection, the term 'nongrantor trust' means the portion of any trust that the individual is not considered the owner of under subpart E of part I of subchapter J. The determination under the preceding sentence shall be made immediately before the expatriation date.

"(4) SPECIAL RULES RELATING TO WITHHOLDING.—For purposes of this subsection—

"(A) rules similar to the rules of subsection (d)(6) shall apply, and

"(B) the covered expatriate shall be treated as having waived any right to claim any reduction under any treaty with the United States in withholding on any distribution to which paragraph (1)(A) applies unless the covered expatriate agrees to such other treatment as the Secretary determines appropriate.

"(5) APPLICATION.—This subsection shall apply to a nongrantor trust only if the covered expatriate was a beneficiary of the trust on the day before the expatriation date.

"(g) DEFINITIONS AND SPECIAL RULES RELATING TO EXPATRIATION.—For purposes of this section—

"(1) COVERED EXPATRIATE.—

"(A) IN GENERAL.—The term 'covered expatriate' means an expatriate who meets the requirements of subparagraph (A), (B), or (C) of section 877(a)(2).

"(B) EXCEPTIONS.—An individual shall not be treated as meeting the requirements of subparagraph (A) or (B) of section 877(a)(2) if—

"(i) the individual—

"(I) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

"(II) has been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) for not more than 10 taxable years during the 15-taxable year period ending with the taxable year during which the expatriation date occurs, or

"(ii)(I) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

"(II) the individual has been a resident of the United States (as so defined) for not more than 10 taxable years before the date of relinquishment.

"(C) COVERED EXPATRIATES ALSO SUBJECT TO TAX AS CITIZENS OR RESIDENTS.—In the case of any covered expatriate who is subject to tax as a citizen or resident of the United States for any period beginning after the expatriation date, such individual shall not be treated as a covered expatriate during such period for purposes of subsections (d)(1) and (f) and section 2801.

"(2) EXPATRIATE.—The term 'expatriate' means—

"(A) any United States citizen who relinquishes his citizenship, and

"(B) any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

"(3) EXPATRIATION DATE.—The term 'expatriation date' means—

"(A) the date an individual relinquishes United States citizenship, or

"(B) in the case of a long-term resident of the United States, the date on which the individual ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

"(4) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing his United States citizenship on the earliest of—

"(A) the date the individual renounces his United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)-(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(5) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

"(6) EARLY DISTRIBUTION TAX.—The term 'early distribution tax' means any increase in tax imposed under section 72(t), 220(e)(4), 223(f)(4), 409A(a)(1)(B), 529(c)(6), or 530(d)(4).

"(h) OTHER RULES.—

"(1) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(A) any time period for acquiring property which would result in the reduction in the amount of gain recognized with respect to property disposed of by the taxpayer shall terminate on the day before the expatriation date, and

"(B) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(2) STEP-UP IN BASIS.—Solely for purposes of determining any tax imposed by reason of subsection (a), property which was held by an individual on the date the individual first became a resident of the United States (within the meaning of section 7701(b)) shall be treated as having a basis on such date of not less than the fair market value of such property on such date. The preceding sentence shall not apply if the individual elects not to have such sentence apply. Such an election, once made, shall be irrevocable.

"(3) COORDINATION WITH SECTION 684.—If the expatriation of any individual would result in the recognition of gain under section 684, this section shall be applied after the application of section 684.

"(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) TAX ON GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—

(1) IN GENERAL.—Subtitle B (relating to estate and gift taxes) is amended by inserting after chapter 14 the following new chapter:

"CHAPTER 15—GIFTS AND BEQUESTS FROM EXPATRIATES

"Sec. 2801. Imposition of tax.

"SEC. 2801. IMPOSITION OF TAX.

"(a) IN GENERAL.—If, during any calendar year, any United States citizen or resident receives any covered gift or bequest, there is hereby imposed a tax equal to the product of—

"(1) the highest rate of tax specified in the table contained in section 2001(c) as in effect on the date of such receipt (or, if greater, the highest rate of tax specified in the table applicable under section 2502(a) as in effect on the date), and

"(2) the value of such covered gift or bequest.

"(b) TAX TO BE PAID BY RECIPIENT.—The tax imposed by subsection (a) on any covered gift or bequest shall be paid by the person receiving such gift or bequest.

"(c) EXCEPTION FOR CERTAIN GIFTS.—Subsection (a) shall apply only to the extent that the value of covered gifts and bequests received by any person during the calendar year exceeds the dollar amount in effect under section 2503(b) for such calendar year.

"(d) TAX REDUCED BY FOREIGN GIFT OR ESTATE TAX.—The tax imposed by subsection (a) on any covered gift or bequest shall be reduced by the amount of any gift or estate tax paid to a foreign country with respect to such covered gift or bequest.

"(e) COVERED GIFT OR BEQUEST.—

"(1) IN GENERAL.—For purposes of this chapter, the term 'covered gift or bequest' means—

"(A) any property acquired by gift directly or indirectly from an individual who, at the time of such acquisition, is a covered expatriate, and

"(B) any property acquired directly or indirectly by reason of the death of an individual who, immediately before such death, was a covered expatriate.

"(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Such term shall not include—

"(A) any property shown on a timely filed return of tax imposed by chapter 12 which is a taxable gift by the covered expatriate, and

"(B) any property included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate.

"(3) EXCEPTIONS FOR TRANSFERS TO SPOUSE OR CHARITY.—Such term shall not include any property with respect to which a deduction would be allowed under section 2055, 2056, 2522, or 2523, whichever is appropriate, if the decedent or donor were a United States person.

"(4) TRANSFERS IN TRUST.—

"(A) DOMESTIC TRUSTS.—In the case of a covered gift or bequest made to a domestic trust—

"(i) subsection (a) shall apply in the same manner as if such trust were a United States citizen, and

"(ii) the tax imposed by subsection (a) on such gift or bequest shall be paid by such trust.

"(B) FOREIGN TRUSTS.—

"(i) IN GENERAL.—In the case of a covered gift or bequest made to a foreign trust, subsection (a) shall apply to any distribution attributable to such gift or bequest from such trust (whether from income or corpus) to a United States citizen or resident in the same manner as if such distribution were a covered gift or bequest.

"(ii) DEDUCTION FOR TAX PAID BY RECIPIENT.—There shall be allowed as a deduction under section 164 the amount of tax imposed by this section which is paid or accrued by a United States citizen or resident by reason of a distribution from a foreign trust, but only to the extent such tax is imposed on the portion of such distribution which is included in the gross income of such citizen or resident.

"(iii) ELECTION TO BE TREATED AS DOMESTIC TRUST.—Solely for purposes of this section, a foreign trust may elect to be treated as a domestic trust. Such an election may be revoked with the consent of the Secretary.

"(f) COVERED EXPATRIATE.—For purposes of this section, the term 'covered expatriate' has the meaning given to such term by section 877A(g)(1).".

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle B is amended by inserting after the item relating to chapter 14 the following new item:

"CHAPTER 15. GIFTS AND BEQUESTS FROM EXPATRIATES.".

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—

(1) IN GENERAL.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(50) TERMINATION OF UNITED STATES CITIZENSHIP.—

"(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(g)(4).

"(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 877(e) is amended to read as follows:

"(1) IN GENERAL.—Any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)) shall be treated for purposes of this section and sections 2107, 2501, and 6039G in the same manner as if such resident were a citizen of the United States who lost United States citizenship on the date of such cessation or commencement.".

(B) Paragraph (6) of section 7701(b) is amended by adding at the end the following flush sentence:

"An individual shall cease to be treated as a lawful permanent resident of the United States if such individual commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country, does not waive the benefits of such treaty applicable to residents of the foreign country, and notifies the Secretary of the commencement of such treatment.".

(C) Section 7701 is amended by striking subsection (n) and by redesignating subsections (o) and (p) as subsections (n) and (o), respectively.

(d) INFORMATION RETURNS.—Section 6039G is amended—

(1) by inserting "or 877A" after "section 877(b)" in subsection (a), and

(2) by inserting "or 877A" after "section 877(a)" in subsection (d).

(e) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (as defined in section 877A(g) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) is on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Chapter 15 of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to covered gifts and bequests (as defined in section 2801 of such Code, as so added) received on or after the date of the enactment of this Act from transferors whose expatriation date is on or after such date of enactment.

TITLE IV—TAX TECHNICAL CORRECTIONS

SEC. 401. SHORT TITLE.

This title may be cited as the "Tax Technical Corrections Act of 2007".

SEC. 402. AMENDMENT RELATED TO THE TAX RELIEF AND HEALTH CARE ACT OF 2006.

(a) AMENDMENT RELATED TO SECTION 402 OF DIVISION A OF THE ACT.—Subparagraph (A) of section 53(e)(2) is amended to read as follows:

"(A) IN GENERAL.—The term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

"(i) $5,000,

"(ii) 20 percent of the long-term unused minimum tax credit for such taxable year, or

"(iii) the amount (if any) of the AMT refundable credit amount determined under this paragraph for the taxpayer's preceding taxable year (as determined before any reduction under subparagraph (B)).".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provision of the Tax Relief and Health Care Act of 2006 to which it relates.

SEC. 403. AMENDMENTS RELATED TO TITLE XII OF THE PENSION PROTECTION ACT OF 2006.

(a) AMENDMENT RELATED TO SECTION 1201 OF THE ACT.—Subparagraph (D) of section 408(d)(8) is amended by striking "all amounts distributed from all individual retirement plans were treated as 1 contract under paragraph (2)(A) for purposes of determining the inclusion of such distribution under section 72" and inserting "all amounts in all individual retirement plans of the individual were distributed during such taxable year and all such plans were treated as 1 contract for purposes of determining under section 72 the aggregate amount which would have been so includible".

(b) AMENDMENT RELATED TO SECTION 1203 OF THE ACT.—Subsection (d) of section 1366 is amended by adding at the end the following new paragraph:

"(4) APPLICATION OF LIMITATION ON CHARITABLE CONTRIBUTIONS.—In the case of any charitable contribution of property to which the second sentence of section 1367(a)(2) applies, paragraph (1) shall not apply to the extent of the excess (if any) of—

"(A) the shareholder's pro rata share of such contribution, over

"(B) the shareholder's pro rata share of the adjusted basis of such property.".

(c) AMENDMENT RELATED TO SECTION 1215 OF THE ACT.—Subclause (I) of section 170(e)(7)(D)(i) is amended by striking "related" and inserting "substantial and related".

(d) AMENDMENTS RELATED TO SECTION 1218 OF THE ACT.—

(1) Section 2055 is amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).

(2) Subsection (e) of section 2522 is amended—

(A) by striking paragraphs (2) and (4),

(B) by redesignating paragraph (3) as paragraph (2), and

(C) by adding at the end of paragraph (2), as so redesignated, the following new subparagraph:

"(C) INITIAL FRACTIONAL CONTRIBUTION.—For purposes of this paragraph, the term 'initial fractional contribution' means, with respect to any donor, the first gift of an undivided portion of the donor's entire interest in any tangible personal property for which a deduction is allowed under subsection (a) or (b).".

(e) AMENDMENTS RELATED TO SECTION 1219 OF THE ACT.—

(1) Paragraph (2) of section 6695A(a) is amended by inserting "a substantial estate or gift tax valuation understatement (within the meaning of section 6662(g))," before "or a gross valuation misstatement".

(2) Paragraph (1) of section 6696(d) is amended by striking "or under section 6695" and inserting ", section 6695, or 6695A".

(f) AMENDMENT RELATED TO SECTION 1221 OF THE ACT.—Subparagraph (A) of section 4940(c)(4) is amended to read as follows:

"(A) There shall not be taken into account any gain or loss from the sale or other disposition of property to the extent that such gain or loss is taken into account for purposes of computing the tax imposed by section 511.".

(g) AMENDMENT RELATED TO SECTION 1225 OF THE ACT.—

(1) Subsection (b) of section 6104 is amended—

(A) by striking "INFORMATION" in the heading, and

(B) by adding at the end the following: "Any annual return which is filed under section 6011 by an organization described in section 501(c)(3) and which relates to any tax imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc., organizations) shall be treated for purposes of this subsection in the same manner as if furnished under section 6033.".

(2) Clause (ii) of section 6104(d)(1)(A) is amended to read as follows:

"(ii) any annual return which is filed under section 6011 by an organization described in section 501(c)(3) and which relates to any tax imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc., organizations),".

(3) Paragraph (2) of section 6104(d) is amended by striking "section 6033" and inserting "section 6011 or 6033".

(h) AMENDMENT RELATED TO SECTION 1231 OF THE ACT.—Subsection (b) of section 4962 is amended by striking "or D" and inserting "D, or G".

(i) AMENDMENT RELATED TO SECTION 1242 OF THE ACT.—

(1) Subclause (II) of section 4958(c)(3)(A)(i) is amended by striking "paragraph (1), (2), or (4) of section 509(a)" and inserting "subparagraph (C)(ii)".

(2) Clause (ii) of section 4958(c)(3)(C) is amended to read as follows:

"(ii) EXCEPTION.—Such term shall not include—

"(I) any organization described in paragraph (1), (2), or (4) of section 509(a), and

"(II) any organization which is treated as described in such paragraph (2) by reason of the last sentence of section 509(a) and which is a supported organization (as defined in section 509(f)(3)) of the organization to which subparagraph (A) applies.".

(j) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which they relate.

SEC. 404. AMENDMENTS RELATED TO THE TAX INCREASE PREVENTION AND RECONCILIATION ACT OF 2005.

(a) AMENDMENTS RELATED TO SECTION 103 OF THE ACT.—Paragraph (6) of section 954(c) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

"(B) EXCEPTION.—Subparagraph (A) shall not apply in the case of any interest, rent, or royalty to the extent such interest, rent, or royalty creates (or increases) a deficit which under section 952(c) may reduce the subpart F income of the payor or another controlled foreign corporation.".

(b) AMENDMENTS RELATED TO SECTION 202 OF THE ACT.—

(1) Subparagraph (A) of section 355(b)(2) is amended to read as follows:

"(A) it is engaged in the active conduct of a trade or business,".

(2) Paragraph (3) of section 355(b) is amended to read as follows:

"(3) SPECIAL RULES FOR DETERMINING ACTIVE CONDUCT IN THE CASE OF AFFILIATED GROUPS.—

"(A) IN GENERAL.—For purposes of determining whether a corporation meets the requirements of paragraph (2)(A), all members of such corporation's separate affiliated group shall be treated as one corporation.

"(B) SEPARATE AFFILIATED GROUP.—For purposes of this paragraph, the term 'separate affiliated group' means, with respect to any corporation, the affiliated group which would be determined under section 1504(a) if such corporation were the common parent and section 1504(b) did not apply.

"(C) TREATMENT OF TRADE OR BUSINESS CONDUCTED BY ACQUIRED MEMBER.—If a corporation became a member of a separate affiliated group as a result of one or more transactions in which gain or loss was recognized in whole or in part, any trade or business conducted by such corporation (at the time that such corporation became such a member) shall be treated for purposes of paragraph (2) as acquired in a transaction in which gain or loss was recognized in whole or in part.

"(D) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which provide for the proper application of subparagraphs (B), (C), and (D) of paragraph (2), and modify the application of subsection (a)(3)(B), in connection with the application of this paragraph.".

(3) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by section 202 of the Tax Increase Prevention and Reconciliation Act of 2005 and by section 410 of division A of the Tax Relief and Health Care Act of 2006 had never been enacted.

(c) AMENDMENT RELATED TO SECTION 515 OF THE ACT.—Subsection (f) of section 911 is amended to read as follows:

"(f) DETERMINATION OF TAX LIABILITY.—

"(1) IN GENERAL.—If, for any taxable year, any amount is excluded from gross income of a taxpayer under subsection (a), then, notwithstanding sections 1 and 55—

"(A) if such taxpayer has taxable income for such taxable year, the tax imposed by section 1 for such taxable year shall be equal to the excess (if any) of—

"(i) the tax which would be imposed by section 1 for such taxable year if the taxpayer's taxable income were increased by the amount excluded under subsection (a) for such taxable year, over

"(ii) the tax which would be imposed by section 1 for such taxable year if the taxpayer's taxable income were equal to the amount excluded under subsection (a) for such taxable year, and

"(B) if such taxpayer has a taxable excess (as defined in section 55(b)(1)(A)(ii)) for such taxable year, the amount determined under the first sentence of section 55(b)(1)(A)(i) for such taxable year shall be equal to the excess (if any) of—

"(i) the amount which would be determined under such sentence for such taxable year (subject to the limitation of section 55(b)(3)) if the taxpayer's taxable excess (as so defined) were increased by the amount excluded under subsection (a) for such taxable year, over

"(ii) the amount which would be determined under such sentence for such taxable year if the taxpayer's taxable excess (as so defined) were equal to the amount excluded under subsection (a) for such taxable year.

"(2) SPECIAL RULES.—

"(A) REGULAR TAX.—In applying section 1(h) for purposes of determining the tax under paragraph (1)(A)(i) for any taxable year in which, without regard to this subsection, the taxpayer's net capital gain exceeds taxable income (hereafter in this subparagraph referred to as the capital gain excess)—

"(i) the taxpayer's net capital gain (determined without regard to section 1(h)(11)) shall be reduced (but not below zero) by such capital gain excess,

"(ii) the taxpayer's qualified dividend income shall be reduced by so much of such capital gain excess as exceeds the taxpayer's net capital gain (determined without regard to section 1(h)(11) and the reduction under clause (i)), and

"(iii) adjusted net capital gain, unrecaptured section 1250 gain, and 28-percent rate gain shall each be determined after increasing the amount described in section 1(h)(4)(B) by such capital gain excess.

"(B) ALTERNATIVE MINIMUM TAX.—In applying section 55(b)(3) for purposes of determining the tax under paragraph (1)(B)(i) for any taxable year in which, without regard to this subsection, the taxpayer's net capital gain exceeds the taxable excess (as defined in section 55(b)(1)(A)(ii))—

"(i) the rules of subparagraph (A) shall apply, except that such subparagraph shall be applied by substituting 'the taxable excess (as defined in section 55(b)(1)(A)(ii))' for 'taxable income', and

"(ii) the reference in section 55(b)(3)(B) to the excess described in section 1(h)(1)(B) shall be treated as a reference to such excess as determined under the rules of subparagraph (A) for purposes of determining the tax under paragraph (1)(A)(i).

"(C) DEFINITIONS.—Terms used in this paragraph which are also used in section 1(h) shall have the respective meanings given such terms by section 1(h), except that in applying subparagraph (B) the adjustments under part VI of subchapter A shall be taken into account.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the Tax Increase Prevention and Reconciliation Act of 2005 to which they relate.

(2) MODIFICATION OF ACTIVE BUSINESS DEFINITION UNDER SECTION 355.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendments made by subsection (b) shall apply to distributions made after May 17, 2006.

(B) TRANSITION RULE.—The amendments made by subsection (b) shall not apply to any distribution pursuant to a transaction which is—

(i) made pursuant to an agreement which was binding on May 17, 2006, and at all times thereafter,

(ii) described in a ruling request submitted to the Internal Revenue Service on or before such date, or

(iii) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

(C) ELECTION OUT OF TRANSITION RULE.—Subparagraph (B) shall not apply if the distributing corporation elects not to have such subparagraph apply to distributions of such corporation. Any such election, once made, shall be irrevocable.

(D) SPECIAL RULE FOR CERTAIN PRE-ENACTMENT DISTRIBUTIONS.—For purposes of determining the continued qualification under section 355(b)(2)(A) of the Internal Revenue Code of 1986 of distributions made on or before May 17, 2006, as a result of an acquisition, disposition, or other restructuring after such date, such distribution shall be treated as made on the date of such acquisition, disposition, or restructuring for purposes of applying subparagraphs (A) through (C) of this paragraph. The preceding sentence shall only apply with respect to the corporation that undertakes such acquisition, disposition, or other restructuring, and only if such application results in continued qualification under section 355(b)(2)(A) of such Code.

(3) AMENDMENT RELATED TO SECTION 515 OF THE ACT.—The amendment made by subsection (c) shall apply to taxable years beginning after December 31, 2006.

SEC. 405. AMENDMENTS RELATED TO THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS.

(a) AMENDMENTS RELATED TO SECTION 11113 OF THE ACT.—

(1) Paragraph (3) of section 6427(i) is amended—

(A) by inserting "or under subsection (e)(2) by any person with respect to an alternative fuel (as defined in section 6426(d)(2))" after "section 6426" in subparagraph (A),

(B) by inserting "or (e)(2)" after "subsection (e)(1)" in subparagraphs (A)(i) and (B), and

(C) by striking "ALCOHOL FUEL AND BIODIESEL MIXTURE CREDIT" and inserting "MIXTURE CREDITS AND THE ALTERNATIVE FUEL CREDIT" in the heading thereof.

(2) Subparagraph (F) of section 6426(d)(2) is amended by striking "hydrocarbons" and inserting "fuel".

(3) Section 6426 is amended by adding at the end the following new subsection:

"(h) DENIAL OF DOUBLE BENEFIT.—No credit shall be determined under subsection (d) or (e) with respect to any fuel with respect to which credit may be determined under subsection (b) or (c) or under section 40 or 40A.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the SAFETEA-LU to which they relate.

SEC. 406. AMENDMENTS RELATED TO THE ENERGY POLICY ACT OF 2005.

(a) AMENDMENT RELATED TO SECTION 1306 OF THE ACT.—Paragraph (2) of section 45J(b) is amended to read as follows:

"(2) AMOUNT OF NATIONAL LIMITATION.—The aggregate amount of national megawatt capacity limitation allocated by the Secretary under paragraph (3) shall not exceed 6,000 megawatts.".

(b) AMENDMENTS RELATED TO SECTION 1342 OF THE ACT.—

(1) So much of subsection (b) of section 30C as precedes paragraph (1) thereof is amended to read as follows:

"(b) LIMITATION.—The credit allowed under subsection (a) with respect to all qualified alternative fuel vehicle refueling property placed in service by the taxpayer during the taxable year at a location shall not exceed—".

(2) Subsection (c) of section 30C is amended to read as follows:

"(c) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—For purposes of this section, the term 'qualified alternative fuel vehicle refueling property' has the same meaning as the term 'qualified clean-fuel vehicle refueling property' would have under section 179A if—

"(1) paragraph (1) of section 179A(d) did not apply to property installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer, and

"(2) only the following were treated as clean-burning fuels for purposes of section 179A(d):

"(A) Any fuel at least 85 percent of the volume of which consists of one or more of the following: ethanol, natural gas, compressed natural gas, liquified natural gas, liquefied petroleum gas, or hydrogen.

"(B) Any mixture—

"(i) which consists of two or more of the following: biodiesel (as defined in section 40A(d)(1)), diesel fuel (as defined in section 4083(a)(3)), or kerosene, and

"(ii) at least 20 percent of the volume of which consists of biodiesel (as so defined) determined without regard to any kerosene in such mixture.".

(c) AMENDMENTS RELATED TO SECTION 1351 OF THE ACT.—

(1) Paragraph (3) of section 41(a) is amended by inserting "for energy research" before the period at the end.

(2) Paragraph (6) of section 41(f) is amended by adding at the end the following new subparagraph:

"(E) ENERGY RESEARCH.—The term 'energy research' does not include any research which is not qualified research.".

(d) AMENDMENTS RELATED TO SECTION 1362 OF THE ACT.—

(1)(A) Paragraph (1) of section 4041(d) is amended by adding at the end the following new sentence: "No tax shall be imposed under the preceding sentence on the sale or use of any liquid if tax was imposed with respect to such liquid under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.".

(B) Paragraph (3) of section 4042(b) is amended to read as follows:

"(3) EXCEPTION FOR FUEL ON WHICH LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE SEPARATELY IMPOSED.—The Leaking Underground Storage Tank Trust Fund financing rate under paragraph (2)(B) shall not apply to the use of any fuel if tax was imposed with respect to such fuel under section 4041(d) or 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.".

(C) Notwithstanding section 6430 of the Internal Revenue Code of 1986, a refund, credit, or payment may be made under subchapter B of chapter 65 of such Code for taxes imposed with respect to any liquid after September 30, 2005, and before the date of the enactment of this Act under section 4041(d)(1) or 4042 of such Code at the Leaking Underground Storage Tank Trust Fund financing rate to the extent that tax was imposed with respect to such liquid under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.

(2)(A) Paragraph (5) of section 4041(d) is amended—

(i) by striking "(other than with respect to any sale for export under paragraph (3) thereof)", and

(ii) by adding at the end the following new sentence: "The preceding sentence shall not apply with respect to subsection (g)(3) and so much of subsection (g)(1) as relates to vessels (within the meaning of section 4221(d)(3)) employed in foreign trade or trade between the United States and any of its possessions.".

(B) Section 4082 is amended—

(i) by striking "(other than such tax at the Leaking Underground Storage Tank Trust Fund financing rate imposed in all cases other than for export)" in subsection (a), and

(ii) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following new subsection:

"(f) EXCEPTION FOR LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.—

"(1) IN GENERAL.—Subsection (a) shall not apply to the tax imposed under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.

"(2) EXCEPTION FOR EXPORT, ETC.—Paragraph (1) shall not apply with respect to any fuel if the Secretary determines that such fuel is destined for export or for use by the purchaser as supplies for vessels (within the meaning of section 4221(d)(3)) employed in foreign trade or trade between the United States and any of its possessions.".

(C) Subsection (e) of section 4082 is amended—

(i) by striking "an aircraft, the rate of tax under section 4081(a)(2)(A)(iii) shall be zero." and inserting "an aircraft—

"(1) the rate of tax under section 4081(a)(2)(A)(iii) shall be zero, and

"(2) if such aircraft is employed in foreign trade or trade between the United States and any of its possessions, the increase in such rate under section 4081(a)(2)(B) shall be zero."; and

(ii) by moving the last sentence flush with the margin of such subsection (following the paragraph (2) added by clause (i)).

(D) Section 6430 is amended to read as follows:

"SEC. 6430. TREATMENT OF TAX IMPOSED AT LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.

"No refunds, credits, or payments shall be made under this subchapter for any tax imposed at the Leaking Underground Storage Tank Trust Fund financing rate, except in the case of fuels—

"(1) which are exempt from tax under section 4081(a) by reason of section 4082(f)(2),

"(2) which are exempt from tax under section 4041(d) by reason of the last sentence of paragraph (5) thereof, or

"(3) with respect to which the rate increase under section 4081(a)(2)(B) is zero by reason of section 4082(e)(2).".

(3) Paragraph (5) of section 4041(d) is amended by inserting "(b)(1)(A)," after "subsections".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(2) NONAPPLICATION OF EXEMPTION FOR OFF-HIGHWAY BUSINESS USE.—The amendment made by subsection (d)(3) shall apply to fuel sold for use or used after the date of the enactment of this Act.

(3) AMENDMENT MADE BY THE SAFETEA-LU.—The amendment made by subsection (d)(2)(C)(ii) shall take effect as if included in section 11161 of the SAFETEA-LU.

SEC. 407. AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.

(a) AMENDMENTS RELATED TO SECTION 339 OF THE ACT.—

(1)(A) Section 45H is amended by striking subsection (d) and by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(B) Subsection (d) of section 280C is amended to read as follows:

"(d) CREDIT FOR LOW SULFUR DIESEL FUEL PRODUCTION.—The deductions otherwise allowed under this chapter for the taxable year shall be reduced by the amount of the credit determined for the taxable year under section 45H(a).".

(C) Subsection (a) of section 1016 is amended by striking paragraph (31) and by redesignating paragraphs (32) through (37) as paragraphs (31) through (36), respectively.

(2)(A) Section 45H, as amended by paragraph (1), is amended by adding at the end the following new subsection:

"(g) ELECTION TO NOT TAKE CREDIT.—No credit shall be determined under subsection (a) for the taxable year if the taxpayer elects not to have subsection (a) apply to such taxable year.".

(B) Subsection (m) of section 6501 is amended by inserting "45H(g)," after "45C(d)(4),".

(3)(A) Subsections (b)(1)(A), (c)(2), (e)(1), and (e)(2) of section 45H (as amended by paragraph (1)) and section 179B(a) are each amended by striking "qualified capital costs" and inserting "qualified costs".

(B) The heading of paragraph (2) of section 45H(c) is amended by striking "CAPITAL".

(C) Subsection (a) of section 179B is amended by inserting "and which are properly chargeable to capital account" before the period at the end.

(b) AMENDMENTS RELATED TO SECTION 710 OF THE ACT.—

(1) Clause (ii) of section 45(c)(3)(A) is amended by striking "which is segregated from other waste materials and".

(2) Subparagraph (B) of section 45(d)(2) is amended by inserting "and" at the end of clause (i), by striking clause (ii), and by redesignating clause (iii) as clause (ii).

(c) AMENDMENTS RELATED TO SECTION 848 OF THE ACT.—

(1) Paragraph (2) of section 470(c) is amended to read as follows:

"(2) TAX-EXEMPT USE PROPERTY.—

"(A) IN GENERAL.—The term 'tax-exempt use property' has the meaning given to such term by section 168(h), except that such section shall be applied—

"(i) without regard to paragraphs (1)(C) and (3) thereof, and

"(ii) as if section 197 intangible property (as defined in section 197), and property described in paragraph (1)(B) or (2) of section 167(f), were tangible property.

"(B) EXCEPTION FOR PARTNERSHIPS.—Such term shall not include any property which would (but for this subparagraph) be tax-exempt use property solely by reason of section 168(h)(6).

"(C) CROSS REFERENCE.—For treatment of partnerships as leases to which section 168(h) applies, see section 7701(e).".

(2) Subparagraph (A) of section 470(d)(1) is amended by striking "(at any time during the lease term)" and inserting "(at all times during the lease term)".

(d) AMENDMENTS RELATED TO SECTION 888 OF THE ACT.—

(1) Subparagraph (A) of section 1092(a)(2) is amended by striking "and" at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

"(iii) if the application of clause (ii) does not result in an increase in the basis of any offsetting position in the identified straddle, the basis of each of the offsetting positions in the identified straddle shall be increased in a manner which—

"(I) is reasonable, consistent with the purposes of this paragraph, and consistently applied by the taxpayer, and

"(II) results in an aggregate increase in the basis of such offsetting positions which is equal to the loss described in clause (ii), and".

(2)(A) Subparagraph (B) of section 1092(a)(2) is amended by adding at the end the following flush sentence:

"A straddle shall be treated as clearly identified for purposes of clause (i) only if such identification includes an identification of the positions in the straddle which are offsetting with respect other positions in the straddle.".

(B) Subparagraph (A) of section 1092(a)(2) is amended—

(i) by striking "identified positions" in clause (i) and inserting "positions",

(ii) by striking "identified position" in clause (ii) and inserting "position", and

(iii) by striking "identified offsetting positions" in clause (ii) and inserting "offsetting positions".

(C) Subparagraph (B) of section 1092(a)(3) is amended by striking "identified offsetting position" and inserting "offsetting position".

(3) Paragraph (2) of section 1092(a) is amended by redesignating subparagraph (C) as subparagraph (D) and inserting after subparagraph (B) the following new subparagraph:

"(C) APPLICATION TO LIABILITIES AND OBLIGATIONS.—Except as otherwise provided by the Secretary, rules similar to the rules of clauses (ii) and (iii) of subparagraph (A) shall apply for purposes of this paragraph with respect to any position which is, or has been, a liability or obligation.".

(4) Subparagraph (D) of section 1092(a)(2), as redesignated by paragraph (3), is amended by inserting "the rules for the application of this section to a position which is or has been a liability or obligation, methods of loss allocation which satisfy the requirements of subparagraph (A)(iii)," before "and the ordering rules".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

(2) IDENTIFICATION REQUIREMENT OF AMENDMENT RELATED TO SECTION 888 OF THE AMERICAN JOBS CREATION ACT OF 2004.—The amendment made by subsection (d)(2)(A) shall apply to straddles acquired after the date of the enactment of this Act.

SEC. 408. AMENDMENTS RELATED TO THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.

(a) AMENDMENTS RELATED TO SECTION 617 OF THE ACT.—

(1) Subclause (II) of section 402(g)(7)(A)(ii) is amended by striking "for prior taxable years" and inserting "permitted for prior taxable years by reason of this paragraph".

(2) Subparagraph (A) of section 3121(v)(1) is amended by inserting "or consisting of designated Roth contributions (as defined in section 402A(c))" before the comma at the end.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 to which they relate.

SEC. 409. AMENDMENTS RELATED TO THE TAX RELIEF EXTENSION ACT OF 1999.

(a) AMENDMENT RELATED TO SECTION 507 OF THE ACT.—Clause (i) of section 45(e)(7)(A) is amended by striking "placed in service by the taxpayer" and inserting "originally placed in service".

(b) AMENDMENT RELATED TO SECTION 542 OF THE ACT.—Clause (ii) of section 856(d)(9)(D) is amended to read as follows:

"(ii) LODGING FACILITY.—The term 'lodging facility' means a—

"(I) hotel,

"(II) motel, or

"(III) other establishment more than one-half of the dwelling units in which are used on a transient basis.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Tax Relief Extension Act of 1999 to which they relate.

SEC. 410. AMENDMENT RELATED TO THE INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998.

(a) AMENDMENT RELATED TO SECTION 3509 OF THE ACT.—Paragraph (3) of section 6110(i) is amended by inserting "and related background file documents" after "Chief Counsel advice" in the matter preceding subparagraph (A).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provision of the Internal Revenue Service Restructuring and Reform Act of 1998 to which it relates.

SEC. 411. CLERICAL CORRECTIONS.

(a) IN GENERAL.—

(1) Paragraph (5) of section 21(e) is amended by striking "section 152(e)(3)(A)" in the flush matter after subparagraph (B) and inserting "section 152(e)(4)(A)".

(2) Paragraph (3) of section 25C(c) is amended by striking "section 3280" and inserting "part 3280".

(3) Paragraph (2) of section 26(b) is amended by redesignating subparagraphs (S) and (T) as subparagraphs (U) and (V), respectively, and by inserting after subparagraph (R) the following new subparagraphs:

"(S) sections 106(e)(3)(A)(ii), 223(b)(8)(B)(i)(II), and 408(d)(9)(D)(i)(II) (relating to certain failures to maintain high deductible health plan coverage),

"(T) section 170(o)(3)(B) (relating to recapture of certain deductions for fractional gifts),".

(4) Subsection (a) of section 34 is amended—

(A) in paragraph (1), by striking "with respect to gasoline used during the taxable year on a farm for farming purposes",

(B) in paragraph (2), by striking "with respect to gasoline used during the taxable year (A) otherwise than as a fuel in a highway vehicle or (B) in vehicles while engaged in furnishing certain public passenger land transportation service", and

(C) in paragraph (3), by striking "with respect to fuels used for nontaxable purposes or resold during the taxable year".

(5) Paragraph (2) of section 35(d) is amended—

(A) by striking "paragraph (2) or (4) of", and

(B) by striking "(within the meaning of section 152(e)(1))" and inserting "(as defined in section 152(e)(4)(A))".

(6) Subsection (b) of section 38 is amended—

(A) by striking "and" each place it appears at the end of any paragraph,

(B) by striking "plus" each place it appears at the end of any paragraph, and

(C) by inserting "plus" at the end of paragraph (30).

(7) Paragraphs (2) and (3) of section 45L(c) are each amended by striking "section 3280" and inserting "part 3280".

(8) Subsection (c) of section 48 is amended by striking "subsection" in the text preceding paragraph (1) and inserting "section".

(9) Paragraphs (1)(B) and (2)(B) of section 48(c) are each amended by striking "paragraph (1)" and inserting "subsection (a)".

(10) Clause (ii) of section 48A(d)(4)(B) is amended by striking "subsection" both places it appears.

(11) The last sentence of section 125(b)(2) is amended by striking "last sentence" and inserting "second sentence".

(12) Subclause (II) of section 167(g)(8)(C)(ii) is amended by striking "section 263A(j)(2)" and inserting "section 263A(i)(2)".

(13)(A) Clause (vii) of section 170(b)(1)(A) is amended by striking "subparagraph (E)" and inserting "subparagraph (F)".

(B) Clause (ii) of section 170(e)(1)(B) is amended by striking "subsection (b)(1)(E)" and inserting "subsection (b)(1)(F)".

(C) Clause (i) of section 1400S(a)(2)(A) is amended by striking "subparagraph (F)" and inserting "subparagraph (G)".

(D) Subparagraph (A) of section 4942(i)(1) is amended by striking "section 170(b)(1)(E)(ii)" and inserting "section 170(b)(1)(F)(ii)".

(14) Subclause (II) of section 170(e)(1)(B)(i) is amended by inserting ", but without regard to clause (ii) thereof" after "paragraph (7)(C)".

(15)(A) Subparagraph (A) of section 170(o)(1) and subparagraph (A) of section 2522(e)(1) are each amended by striking "all interest in the property is" and inserting "all interests in the property are".

(B) Section 170(o)(3)(A)(i), and section 2522(e)(2)(A)(i) (as redesignated by section 403(d)(2)), are each amended—

(i) by striking "interest" and inserting "interests", and

(ii) by striking "before" and inserting "on or before".

(16)(A) Subparagraph (C) of section 852(b)(4) is amended to read as follows:

"(C) DETERMINATION OF HOLDING PERIODS.—For purposes of this paragraph, in determining the period for which the taxpayer has held any share of stock—

"(i) the rules of paragraphs (3) and (4) of section 246(c) shall apply, and

"(ii) there shall not be taken into account any day which is more than 6 months after the date on which such share becomes ex-dividend.".

(B) Subparagraph (B) of section 857(b)(8) is amended to read as follows:

"(B) DETERMINATION OF HOLDING PERIODS.—For purposes of this paragraph, in determining the period for which the taxpayer has held any share of stock or beneficial interest—

"(i) the rules of paragraphs (3) and (4) of section 246(c) shall apply, and

"(ii) there shall not be taken into account any day which is more than 6 months after the date on which such share or interest becomes ex-dividend.".

(17) Paragraph (2) of section 856(l) is amended by striking the last sentence and inserting the following: "For purposes of subparagraph (B), securities described in subsection (m)(2)(A) shall not be taken into account.".

(18) Subparagraph (F) of section 954(c)(1) is amended to read as follows:

"(F) INCOME FROM NOTIONAL PRINCIPAL CONTRACTS.—

"(i) IN GENERAL.—Net income from notional principal contracts.

"(ii) COORDINATION WITH OTHER CATEGORIES OF FOREIGN PERSONAL HOLDING COMPANY INCOME.—Any item of income, gain, deduction, or loss from a notional principal contract entered into for purposes of hedging any item described in any preceding subparagraph shall not be taken into account for purposes of this subparagraph but shall be taken into account under such other subparagraph.".

(19) Paragraph (1) of section 954(c) is amended by redesignating subparagraph (I) as subparagraph (H).

(20) Paragraph (33) of section 1016(a), as redesignated by section 407(a)(1)(C), is amended by striking "section 25C(e)" and inserting "section 25C(f)".

(21) Paragraph (36) of section 1016(a), as redesignated by section 407(a)(1)(C), is amended by striking "section 30C(f)" and inserting "section 30C(e)(1)".

(22) Subparagraph (G) of section 1260(c)(2) is amended by adding "and" at the end.

(23)(A) Section 1297 is amended by striking subsection (d) and by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(B) Subparagraph (G) of section 1260(c)(2) is amended by striking "subsection (e)" and inserting "subsection (d)".

(C) Subparagraph (B) of section 1298(a)(2) is amended by striking "Section 1297(e)" and inserting "Section 1297(d)".

(24) Paragraph (1) of section 1362(f) is amended—

(A) by striking ", section 1361(b)(3)(B)(ii), or section 1361(c)(1)(A)(ii)" and inserting "or section 1361(b)(3)(B)(ii)", and

(B) by striking ", section 1361(b)(3)(C), or section 1361(c)(1)(D)(iii)" in subparagraph (B) and inserting "or section 1361(b)(3)(C)".

(25) Paragraph (2) of section 1400O is amended by striking "under of" and inserting "under".

(26) The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new item:

"Sec. 1400T. Special rules for mortgage revenue bonds.".

(27) Subsection (b) of section 4082 is amended to read as follows:

"(b) NONTAXABLE USE.—For purposes of this section, the term 'nontaxable use' means—

"(1) any use which is exempt from the tax imposed by section 4041(a)(1) other than by reason of a prior imposition of tax,

"(2) any use in a train, and

"(3) any use described in section 4041(a)(1)(C)(iii)(II).

The term 'nontaxable use' does not include the use of kerosene in an aircraft and such term shall not include any use described in section 6421(e)(2)(C).".

(28) Paragraph (4) of section 4101(a) (relating to registration in event of change of ownership) is redesignated as paragraph (5).

(29) Paragraph (6) of section 4965(c) is amended by striking "section 4457(e)(1)(A)" and inserting "section 457(e)(1)(A)".

(30) Subpart C of part II of subchapter A of chapter 51 is amended by redesignating section 5432 (relating to recordkeeping by wholesale dealers) as section 5121.

(31) Paragraph (2) of section 5732(c), as redesignated by section 11125(b)(20)(A) of the SAFETEA-LU, is amended by striking "this subpart" and inserting "this subchapter".

(32) Subsection (b) of section 6046 is amended—

(A) by striking "subsection (a)(1)" and inserting "subsection (a)(1)(A)", and

(B) by striking "paragraph (2) or (3) of subsection (a)" and inserting "subparagraph (B) or (C) of subsection (a)(1)".

(33)(A) Subparagraph (A) of section 6103(b)(5) is amended by striking "the Canal Zone,".

(B) Section 7651 is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(34) Subparagraph (A) of section 6211(b)(4) is amended by striking "and 34" and inserting "34, and 35".

(35) Subparagraphs (A) and (B) of section 6230(a)(3) are each amended by striking "section 6013(e)" and inserting "section 6015".

(36) Paragraph (3) of section 6427(e) (relating to termination), as added by section 11113 of the SAFETEA-LU, is redesignated as paragraph (5) and moved after paragraph (4).

(37) Clause (ii) of section 6427(l)(4)(A) is amended by striking "section 4081(a)(2)(iii)" and inserting "section 4081(a)(2)(A)(iii)".

(38)(A) Section 6427, as amended by section 1343(b)(1) of the Energy Policy Act of 2005, is amended by striking subsection (p) (relating to gasohol used in noncommercial aviation) and redesignating subsection (q) as subsection (p).

(B) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by paragraph (2) of section 11151(a) of the SAFETEA-LU had never been enacted.

(39) Subsection (a) of section 6695A is amended by striking "then such person" in paragraph (2) and inserting the following: "then such person".

(40) Subparagraph (C) of section 6707A(e)(2) is amended by striking "section 6662A(e)(2)(C)" and inserting "section 6662A(e)(2)(B)".

(41)(A) Paragraph (3) of section 9002 is amended by striking "section 309(a)(1)" and inserting "section 306(a)(1)".

(B) Paragraph (1) of section 9004(a) is amended by striking "section 320(b)(1)(B)" and inserting "section 315(b)(1)(B)".

(C) Paragraph (3) of section 9032 is amended by striking "section 309(a)(1)" and inserting "section 306(a)(1)".

(D) Subsection (b) of section 9034 is amended by striking "section 320(b)(1)(A)" and inserting "section 315(b)(1)(A)".

(42) Section 9006 is amended by striking "Comptroller General" each place it appears and inserting "Commission".

(43) Subsection (c) of section 9503 is amended by redesignating paragraph (7) (relating to transfers from the trust fund for certain aviation fuels taxes) as paragraph (6).

(44) Paragraph (1) of section 1301(g) of the Energy Policy Act of 2005 is amended by striking "shall take effect of the date of the enactment" and inserting "shall take effect on the date of the enactment".

(45) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by section 1(a) of Public Law 109–433 had never been enacted.

(b) CLERICAL AMENDMENTS RELATED TO THE TAX RELIEF AND HEALTH CARE ACT OF 2006.—

(1) AMENDMENT RELATED TO SECTION 209 OF DIVISION A OF THE ACT.—Paragraph (3) of section 168(l) is amended by striking "enzymatic".

(2) AMENDMENTS RELATED TO SECTION 419 OF DIVISION A OF THE ACT.—

(A) Clause (iv) of section 6724(d)(1)(B) is amended by inserting "or (h)(1)" after "section 6050H(a)".

(B) Subparagraph (K) of section 6724(d)(2) is amended by inserting "or (h)(2)" after "section 6050H(d)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provision of the Tax Relief and Health Care Act of 2006 to which they relate.

(c) CLERICAL AMENDMENTS RELATED TO THE GULF OPPORTUNITY ZONE ACT OF 2005.—

(1) AMENDMENTS RELATED TO SECTION 402 OF THE ACT.—Subparagraph (B) of section 24(d)(1) is amended—

(A) by striking "the excess (if any) of" in the matter preceding clause (i) and inserting "the greater of", and

(B) by striking "section" in clause (ii)(II) and inserting "section 32".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Gulf Opportunity Zone Act of 2005 to which they relate.

(d) CLERICAL AMENDMENTS RELATED TO THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS.—

(1) AMENDMENTS RELATED TO SECTION 11163 OF THE ACT.—Subparagraph (C) of section 6416(a)(4) is amended—

(A) by striking "ultimate vendor" and all that follows through "has certified" and inserting "ultimate vendor or credit card issuer has certified", and

(B) by striking "all ultimate purchasers of the vendor" and all that follows through "are certified" and inserting "all ultimate purchasers of the vendor or credit card issuer are certified".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to which they relate.

(e) CLERICAL AMENDMENTS RELATED TO THE ENERGY POLICY ACT OF 2005.—

(1) AMENDMENT RELATED TO SECTION 1344 OF THE ACT.—Subparagraph (B) of section 6427(e)(5), as redesignated by subsection (a)(36), is amended by striking "2006" and inserting "2008".

(2) AMENDMENTS RELATED TO SECTION 1351 OF THE ACT.—Subparagraphs (A)(ii) and (B)(ii) of section 41(f)(1) are each amended by striking "qualified research expenses and basic research payments" and inserting "qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums,".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(f) CLERICAL AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.—

(1) AMENDMENT RELATED TO SECTION 301 OF THE ACT.—Section 9502 is amended by striking subsection (e) and redesignating subsection (f) as subsection (e).

(2) AMENDMENT RELATED TO SECTION 413 OF THE ACT.—Subsection (b) of section 1298 is amended by striking paragraph (7) and by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

(3) AMENDMENT RELATED TO SECTION 895 OF THE ACT.—Clause (iv) of section 904(f)(3)(D) is amended by striking "a controlled group" and inserting "an affiliated group".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

(g) CLERICAL AMENDMENTS RELATED TO THE FSC REPEAL AND EXTRATERRITORIAL INCOME EXCLUSION ACT OF 2000.—

(1) Subclause (I) of section 56(g)(4)(C)(ii) is amended by striking "921" and inserting "921 (as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)".

(2) Clause (iv) of section 54(g)(4)(C) is amended by striking "a cooperative described in section 927(a)(4)" and inserting "an organization to which part I of subchapter T (relating to tax treatment of cooperatives) applies which is engaged in the marketing of agricultural or horticultural products".

(3) Paragraph (4) of section 245(c) is amended by adding at the end the following new subparagraph:

"(C) FSC.—The term 'FSC' has the meaning given such term by section 922.".

(4) Subsection (c) of section 245 is amended by inserting at the end the following new paragraph:

"(5) REFERENCES TO PRIOR LAW.—Any reference in this subsection to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.".

(5) Paragraph (4) of section 275(a) is amended by striking "if" and all that follows and inserting "if the taxpayer chooses to take to any extent the benefits of section 901.".

(6)(A) Subsection (a) of section 291 is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(B) Paragraph (1) of section 291(c) is amended by striking "subsection (a)(5)" and inserting "subsection (a)(4)".

(7)(A) Paragraph (4) of section 441(b) is amended by striking "FSC or".

(B) Subsection (h) of section 441 is amended—

(i) by striking "FSC or" each place it appears, and

(ii) by striking "FSC'S AND" in the heading thereof.

(8) Subparagraph (B) of section 884(d)(2) is amended by inserting before the comma "(as in effect before their repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)".

(9) Section 901 is amended by striking subsection (h).

(10) Clause (v) of section 904(d)(2)(B) is amended—

(A) by inserting "and" at the end of subclause (I), by striking subclause (II), and by redesignating subclause (III) as subclause (II),

(B) by striking "a FSC (or a former FSC)" in subclause (II) (as so redesignated) and inserting "a former FSC (as defined in section 922)", and

(C) by adding at the end the following:

"Any reference in subclause (II) to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.".

(11) Subsection (b) of section 906 is amended by striking paragraph (5) and redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(12) Subparagraph (B) of section 936(f)(2) is amended by striking "FSC or".

(13) Section 951 is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

(14) Subsection (b) of section 952 is amended by striking the second sentence.

(15)(A) Paragraph (2) of section 956(c) is amended—

(i) by striking subparagraph (I) and by redesignating subparagraphs (J) through (M) as subparagraphs (I) through (L), respectively, and

(ii) by striking "subparagraphs (J), (K), and (L)" in the flush sentence at the end and inserting "subparagraphs (I), (J), and (K)".

(B) Clause (ii) of section 954(c)(2)(C) is amended by striking "section 956(c)(2)(J)" and inserting "section 956(c)(2)(I)".

(16) Paragraph (1) of section 992(a) is amended by striking subparagraph (E), by inserting "and" at the end of subparagraph (C), and by striking ", and" at the end of subparagraph (D) and inserting a period.

(17) Paragraph (5) of section 1248(d) is amended—

(A) by inserting "(as defined in section 922)" after "a FSC", and

(B) by adding at the end the following new sentence: "Any reference in this paragraph to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.".

(18) Subparagraph (D) of section 1297(b)(2) is amended by striking "foreign trade income of a FSC or".

(19)(A) Paragraph (1) of section 6011(c) is amended by striking "or former DISC or a FSC or former FSC" and inserting ", former DISC, or former FSC (as defined in section 922 as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)".

(B) Subsection (c) of section 6011 is amended by striking "AND FSC'S" in the heading thereof.

(20) Subsection (c) of section 6072 is amended by striking "a FSC or former FSC" and inserting "a former FSC (as defined in section 922 as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)".

(21) Section 6686 is amended by inserting "FORMER" before "FSC" in the heading thereof.

TITLE V—PARITY IN APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS

SEC. 501. PARITY IN APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 9812(f)(3) of the Internal Revenue Code of 1986 is amended by striking "2007" and inserting "2008".

(b) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 712(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a(f)) is amended by striking "2007" and inserting "2008".

(c) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.—Section 2705(f) of the Public Health Service Act (42 U.S.C. 300gg-5(f)) is amended by striking "2007" and inserting "2008".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits for services furnished after December 31, 2007.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Connecticut (Mr. LARSON) and the gentleman from New York (Mr. REYNOLDS) each will control 20 minutes.

The Chair recognizes the gentleman from Connecticut.

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

I want to thank Mr. RANGEL, Mr. NEAL and Mr. MCCRERY, and since this was a bipartisan effort, all the hard work that went into this on both sides of the aisle. This legislation comes at a time when most of us are preparing to head home for the Christmas holidays.

Mr. Speaker, I can't tell you how our hearts all go out to those men and women who serve in our military who have sacrificed so much on our behalf. It is getting more and more difficult for many Americans to make ends meet. Why shouldn't we be doing everything we possibly can to make it easier on our military, our veterans, our first responders and their families? We should be making it easier, as this bill does, for those earning combat pay to qualify for an earned income tax credit. We should make it easier for veterans to get housing, disability assistance, and other benefits. This bill makes it easier for the spouses of fallen soldiers to draw from a loved one's retirement savings without penalty. And it makes tax breaks from State and local governments to volunteer first responders Federal income-tax free.

It wasn't lost on Chairman RANGEL, Chairman NEAL or the entire Ways and Means Committee, as I said previously, that with respect to the events that took place on September 11, it wasn't the military, the FBI, the CIA, the INS that responded at the World Trade Center, at the Pentagon, or in the fields of Pennsylvania. It was first responders. Therefore, Mr. Speaker, it is so vitally important that this legislation pass so that we provide an opportunity for those first responders who are so in need of the very rudiments that our government provides them in order to provide the great depth of service covering over 70 percent of the country in terms of the service they provide for this Nation to make sure that what little incremental benefits they get from their municipality, their county, or their State are not taxed by the IRS.

So I am proud to be part of this legislation that we move forward.

And with that I reserve my time.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as my colleague, the gentleman from Connecticut, has outlined a number of provisions in this bill, we come together today not as Democrats or Republicans, but as Americans. We are united in our respect for those who wear the uniform of the United States Armed Forces, and we are united in our desire to ensure that Federal programs within the Ways and Means Committee's jurisdiction from the Tax Code to the SSI program work effectively for members of the military, veterans, first responders and their families.

Let me begin by also thanking Chairman RANGEL and Ranking Member MCCRERY, as well as Chairman NEAL, Chairman MCDERMOTT, and Ranking Members ENGLISH and WELLER, for their outstanding leadership in crafting this legislation. This bill is a great example of what we can accomplish when we put our differences aside and work together. I am hopeful that the revisions we are making to this legislation today will be taken up in short order by the other body.

I would also like to highlight two specific provisions in the bill that have been of particular interest to me during my time in Congress. The first provision, section 202, is modeled on legislation, the Blind Veterans Fairness Act, that I first introduced in the year 2000. My legislation would correct a problem in the Federal SSI rules and affects blind veterans in four States, New York, New Jersey, Pennsylvania and Massachusetts, that provide these veterans modest annuities in recognition of the substantial sacrifice they have made to serving our country.

□ 1630

Regrettably, under current Federal law, these State annuities actually reduce any SSI payments for which blind veterans would otherwise be eligible. As we heard from Michelle LaRock of our New York City's Division of Veterans Affairs at our Ways and Means hearing in October, this quirk in the Federal SSI rules creates a hardship not only for the affected veterans themselves, but for the States that administer these annuity programs as well. As in years past, the bill I introduced in the 110th Congress, H.R. 649, has enjoyed bipartisan support.

Let me turn briefly to a separate provision, section 107 of the bill, which will permanently allow penalty-free withdrawals from IRAs, 401(k)s, and other retirement funds for Reservists and National Guardsmen called to active duty. As we all know, when Guardsmen and Reservists are called up from our States, they often face significant reductions in pay compared to their civilian salaries, put an economic strain on their families. To lessen this economic hardship, many of them choose to draw down on their retirement funds.

Unfortunately, under prior law, they faced a 10 percent "early withdrawal tax" when they did so, and they faced restrictions on making repayments to their retirement funds upon returning from active duty. Last year's Pension Protection Act provided relief from this 10 percent penalty tax and permitted unlimited repayments within 2 years after leaving active duty, but only for Guardsmen and Reservists called to active duty before December 31, 2007.

To ensure that this important relief remains available on a permanent basis going forward, I introduced H.R. 867, the Guardsmen and Reservists' Tax Fairness Act on February 7 of this year. This legislation has also attracted a bipartisan group of cosponsors, as well as endorsements from several leading veterans service organizations.

Mr. Speaker, we recently got a great reminder of the time-sensitivity of this particular provision from the area I represent in Western New York. Just days ago, it was announced that 100 members of the 107th Air Refueling Wing, stationed at Niagara Falls Air Reserve Station, will be deployed to the Middle East in January as part of the global war on terror. Unless this tax benefit is made permanent, these brave men and women, and countless more just like them across the country, will lose their eligibility simply because the calendar has flipped to 2008 before their date of deployment.

I sincerely hope that our colleagues on the other side of the Capitol will recognize the urgency of this issue and ensure that the provision is sent to the President's desk before adjourning for the year.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, at this time I yield 2 minutes to a senior member of the Ways and Means Committee, Mr. McDERMOTT, from Washington State.

Mr. McDERMOTT. Thank you, Mr. LARSON.

Mr. Speaker, I would like to highlight the importance of two provisions in the bill before us, which relate to how the Supplemental Security Income program, or SSI program, treats military families and others who desire to serve this Nation. Under current law, some military families lose part of their SSI benefits because a portion of their compensation is counted as unearned income. Under current rules, the amount of unearned income a disabled person receives reduces their SSI benefits. H.R. 3997 would stop treating military families this way, which occurs because of a kink in the law.

A similar inequity occurs with respect to AmeriCorps volunteers. For purposes of determining SSI benefits, current law provides disparate treatment to volunteers who are disabled. In some cases, these would-be volunteers would experience a loss or reduction of their SSI benefits if they choose to serve their community, despite their disability, through AmeriCorps. This only occurs because of an oversight in the statute, and the HEART Act corrects it, removing an important barrier to service.

In short, Mr. Speaker, it's important that the bill that the President signs includes these provisions. With the SSI corrections included, H.R. 3997 says to American families that a Nation blessed by your service and sacrifice is one that will treat you fairly and justly.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to the gentleman from California, Mr. HERGER, a very senior member of the Committee on Ways and Means.

Mr. HERGER. Mr. Speaker, an important provision of the HEART Act would help veterans in my home State achieve the American Dream of homeownership. In our pursuit of this provision, I join with my California colleague, SUSAN DAVIS, to introduce a stand-alone legislation on this issue, and I thank her for her leadership.

Currently, several States are allowed to issue what are called Qualified Veteran Mortgage Bonds, which are tax-exempt bonds. In California, the CalVet Home Loan Program uses the proceeds from these bonds to help pay for low-cost mortgages for our Nation's heroes returning from war. For our State and Texas, however, until this provision today, only veterans who ended their military service before 1977 were allowed to receive these low-cost home loans using proceeds from qualified veterans mortgage bonds. Now all veterans, regardless of when they serve, will be eligible under the QVMB-financed program. Governor Arnold Schwarzenegger and his administration deserve credit for their unwavering support of this change.

This provision has been several years in coming. I am very pleased to say that it will help many recent California servicemen and women purchase their own home, regardless of when they served.

Mr. LARSON of Connecticut. Mr. Speaker, at this time I yield 2 minutes to the gentleman from North Dakota (Mr. POMEROY) who brought with us to the committee compelling testimony from Victoria Johnson.

Mr. POMEROY. I thank the gentleman for yielding.

I hold this picture of Major Alan Johnson and his wife Victoria and their daughter Megan. Alan Johnson lost his life last January 26 in service to our country in Iraq. Major Johnson had served in the National Guard and the Army Reserve for 26 years. Additionally, he had a civilian job. He was still in the public sector. He was sergeant of the Corrections Department of Yakima County in the State of Washington, shift supervisor, one of the largest jails in the State of Washington.

You can imagine how awful the surprise for Victoria Johnson, deep in her grief of losing her husband, to learn that his pension in the State of Washington was treated as though, on the day he left on his deployment, he quit work. They offered only return of the amounts he had paid into the pension plan. Now, if he had been an active Washington State employee, she would have received a lifetime annuity benefit. But the law didn't provide for that, and her circumstance has alerted us to a loophole that must be addressed.

Legislation introduced by Congressman DOC HASTINGS and me, the HEROES Act, addresses this flaw in our law, a law that presently allows for reintegration of pension benefits for our returning soldiers. This will also mean that should they lose their life in service to our country during their deployment, they are treated as though their life was lost while a fully employed participant in the pension plan.

This is desperately necessary. Do it because it is right. Do it for the memory of Major Alan Johnson.

Mr. REYNOLDS. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Speaker, I rise in support of this bill on the floor today that will provide additional tax relief to our Nation's veterans, especially those who are seeking to purchase homes.

Among the many important provisions of this bill, it updates current law to ensure that veterans who have served after 1977 can qualify for low-interest home loans financed by Qualified Veterans Mortgage Bonds. It allows veterans who are not first-time homebuyers to also benefit from this special program.

This bill is important to our home State of Texas. This will enable the Texas Veterans Land Board, headed by

Land Commissioner Jerry Paterson, to expand its existing low-interest loan program to thousands of more Texas veterans, helping a new generation of veterans own a piece of the American Dream.

For all the sacrifice our veterans make to defend our country, it is only right that we help them upon their return home to America.

I thank Chairman RANGEL, Mr. LARSON and all of those who have contributed to this bill, as well as Mr. REYNOLDS, who has worked so hard, and Republicans who are supporting this bipartisan bill.

Mr. LARSON of Connecticut. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. DOGGETT), a member of the committee.

Mr. DOGGETT. Mr. Speaker, you would think there would be no disagreement that support for our troops which begins on the battlefield shouldn't end there, yet some Senate Republicans deleted from this very legislation an important provision authorizing eligibility for below-market affordable home loans of up to $325,000 through our Texas Veterans Land Board for our Texas veterans. These are the servicemen and women who served in Iraq and in Afghanistan and over the last 30 years who are excluded from the current program.

Today we say once more to these Senate obstructionists, stop and remember that those who fight to keep our homes safe deserve a fighting chance at homeownership. This bill is truly a way to honor our vets, not only with our words, but with our deeds; in this case, deeds to a home. When our vets are willing to pay the ultimate price for our freedom, we can afford the price of correcting this disparity.

This bill also prevents the expiration of existing group health insurance guarantees for mental health coverage. While maintaining this protection is very important, what we really need is prompt approval of full equity in all health insurance coverage so that mental health services are not treated differently from physical health services. Whether it is a broken leg or a broken spirit, folks need affordable access to professional care that includes treatment for addiction and depression. I salute our colleagues Congressman KENNEDY and Congressman RAMSTAD in their bipartisan effort for mental health parity, including addiction and depression. Let's get it done in 2008.

Approval of today's bill encourages equity, equity in covering veterans whenever they have served, and at least a little equity in mental health coverage.

Mr. REYNOLDS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. I thank the gentleman from New York for yielding to me.

I, like the gentlemen are from Texas, am here in a state of disappointment. But mine is the reverse. A provision that was included in the Senate is not included in the House version of this bill. It is a piece of legislation that I introduced earlier this session and one that was offered as an amendment when this bill was considered by the House Ways and Means Committee, and it failed on a party-line vote. This provision, as I say, is included in the Senate bill, but it was removed when it was returned to the House, and it received unanimous approval by the Senate.

This is a commonsense clarification to the Tax Code to prevent lower income military personnel from being discriminated against when applying to live in affordable housing built under the low income housing tax credit. Our Nation's military families deserve access to safe, decent, affordable housing, and they should be given a fair opportunity to qualify for it.

This provision would clarify that members of the military will not have their military housing allowance counted against them as income when applying for affordable rental housing. The IRS does not consider military housing allowance as income, but, unfortunately, the Department of Housing and Urban Development does. The result is that some servicemembers, particularly enlisted ones, are considered to earn too much and are, thus, disqualified from living in affordable housing. Comparatively low-income civilians will qualify because they are treated differently by the IRS.

This clarification is needed now more than ever. A number of military installations across the country are experiencing housing shortages as a result the 2005 BRAC. For example, Fort Riley, an Army post located in the State of Kansas, is nearly doubling in size and will see an influx of nearly 30,000 people. Without access to adequate affordable housing opportunities, many families stationed at Fort Riley are being forced to live far away from post.

□ 1645

The House acted this year to exempt military housing allowance from income eligibility requirements under Head Start. Unfortunately, this discrimination persists when military families apply to live in affordable housing, and enlisted servicemembers and their families continue to be treated unfairly in communities across the country.

Mr. Speaker, while I support this legislation, I again am here to object to the exclusion of language that would level the playing field for our military enlisted men. I have introduced legislation to correct this issue; and should it not be resolved in this legislation, I urge my colleagues to join me in supporting H.R. 1481.

Mr. LARSON of Connecticut. At this time, I yield 2 minutes to the preeminent authority in this Nation on mental health, and someone who has spoken with great passion and dignity on this floor as a cosponsor, along with Mr. RAMSTAD, of important legislation, Mr. KENNEDY from Rhode Island, for 2 minutes.

Mr. KENNEDY. I thank the gentleman from Connecticut for his great work and for his very kind words. And I would like to thank Chairman RANGEL and Chairman STARK for their work to pass a 1-year extension to the current mental health parity law. I would also like to thank them for their tireless work and dedication to passing H.R. 1424, the Paul Wellstone Mental Health and Addiction Equity Act.

While I am pleased that the current law is being extended in this bill which will ensure that annual and lifetime limits for mental health benefits cannot be more restrictive than physical health benefits, I must express my disappointment that a stronger mental health parity law which includes equitable treatment limits, financial limits, and out-of-network parity has not been passed yet and signed by the President this year. After three hearings, five markups in the House, and with 273 bipartisan cosponsors, this bill has been closely scrutinized by both political parties.

I hope we will return early next year and pass this bill, not as a political victory for some, but for people like Katie Kevlock, a 16-year-old girl from Pennsylvania who lost her battle to addiction. She showed up one day to her mother and said she was addicted, confessed to her mother she was addicted. Her mother took her to the hospital. The hospital said she needed insurance coverage. She went to her insurance system. Her insurer said they couldn't cover her unless she had OD'ed. They couldn't give her residential treatment unless she OD'ed. So she had to wait until she OD'ed. But what happened? As Katie's mom said, not everyone survives that first OD. And it was in the case of Katie, her first OD killed her. Katie died without the treatment that she needed to overcome her addiction. That should not happen in this country. We need to pass parity, and that is why we need to pass 1424.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, I would like to recognize the preeminent authority on smart growth in this country, Mr. BLUMENAUER from Oregon, who cares deeply about veterans concerns in that State and all across the country, for 2 minutes.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy as I appreciate his leadership.

One of the most important things the United States did in the aftermath of World War II was to help returning veterans with housing. In my home State of Oregon, in 1945 we established a veterans home loan program which, for over 60 years, has provided over a third of a million loans, a value that is approaching $8 billion, which has changed the lives of the veterans and their families as it has helped revitalize communities.

Unfortunately, in Oregon, as in other States like Alaska, Wisconsin, California, and Texas, we are bumping up against limits in dealing with this program. We do not have the bonding capacity to be able to deal with the flood of returning veterans from Iraq and Afghanistan, who are every bit as worthy of our help and support as veterans from Korea or World War II.

The House legislation that went forward corrected this situation, adding an increase in the bond cap; and it made a modification for eligible veterans of more recent wars to be included. Unfortunately, the other body, inexplicably, following rules that Daniel Webster and John C. Calhoun would recognize today, allowed a minority to strip away these important provisions.

It is important for us to repass this legislation that affirms that we are going to do right by veterans in Alaska, Oregon, Wisconsin, California and Texas, raise those limits, and extend the coverage to warriors that are returning from these conflicts.

I strongly urge my colleagues to not just pass this legislation but to make clear to our friends in the other body that this is one of our go-home items of legislation that we are going to insist upon.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, might I inquire how much time we have left.

The SPEAKER pro tempore. The gentleman from Connecticut has 8 minutes; the gentleman from New York controls 9 minutes.

Mr. LARSON of Connecticut. Mr. Speaker, I would like to refer Members to the "Technical Explanation of the Tax Technical Correction Act of 2007," JCX-119-07, prepared by the nonpartisan Joint Committee on Taxation, for a description of the legislative intent behind the technical corrections contained in title IV of this bill, H. Res. 884.

Mr. Speaker, at this time I recognize one of the leaders in this body and part of the Firefighter Caucus, the gentleman from New Jersey, my dear friend, Mr. PASCRELL, for 2 minutes.

Mr. PASCRELL. Mr. Speaker, I would like to reiterate the words of the gentleman from New York. This bill is a significant reminder of why we are here. Beyond the acrimony of the last few weeks, this bill goes to the center of what we should be all about. I commend the gentleman from New York.

With this bill, we take up a tax measure that is not geared towards increasing the fortunes of the already fortunate, but instead we provide a measure of relief for those brave men and women serving in the military and as first responders.

I am glad to see that this bill excludes from income certain reimbursable expenses incurred in the line of duty by volunteer firefighters. And I commend my friend, JOHN LARSON, who has worked on this issue for some time now. I am truly heartened that we are permanently extending combat pay in the calculations of the earned income tax credit.

Recent law allowed members of the Armed Forces to include combat pay, which is generally nontaxable for purposes of computing their earned income credit. But this will only last through the 2006 tax year. Many of us have worked for some time to make this proposal permanent. I am tremendously pleased that this provision has been made.

There is no reason a member of the Armed Forces should lose their earned income tax credit when they are mobilized to serve this country. This is unacceptable. I want to thank Chairman RANGEL for all his work and diligence on this critical issue. And I want to say, Mr. Speaker, I hope we have many more bills like this between now and the time we take off, because it is important to indicate to the American people that we can cross party lines.

Mr. REYNOLDS. Mr. Speaker, I certainly agree with the gentleman from New Jersey, our distinguished member from Ways and Means. This is a bipartisan piece of legislation. As both the manager of the bill, Mr. LARSON of Connecticut, has outlined and as I have outlined, as we share strong support and we put Democrat and Republican views aside, and represented clearly what is best for America as we deal with our veterans and as we deal with our firefighters. And so both sides of the aisle today join strongly in a clear message of support of this legislation as it comes again before the House and goes to the other body, in hopes that the other body will see fit to support the type of legislation that is coming with such bipartisan support of not only the Ways and Means Committee but through what I believe will be the entire House.

I reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, at this time I recognize the gentlelady from San Diego, California, SUSAN DAVIS, for 1 minute.

Mrs. DAVIS of California. I thank my colleague.

Mr. Speaker, on November 6, we passed the Heroes Earnings Assistance and Relief Tax Act, and today we reaffirm our commitment to those who volunteer to protect the United States by putting forward a final product that reflects our commitment to veterans and servicemembers. I want to thank the hard work of the House Ways and Means Committee and the Senate Finance Committee for the hard act.

My colleagues have highlighted a number of provisions. I wanted to just do two. One provision adjusts how the Social Security Administration calculates income for SSI eligibility to help military families keep their SSI benefits.

I really want to thank a number of my families in my district in San Diego who shared their stories with me and gave me this opportunity to help make a change in this legislation. And the second I believe has already been mentioned, and that removes a date of service requirement, preventing those returning from Iraq and Afghanistan to fully take advantage of the federally supported Qualified Veterans Mortgage Bond program. This legislation, I believe, Mr. Speaker, demonstrates our Nation's appreciation for our military families and veterans, and I encourage my colleagues to vote for it.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. At this time, Mr. Speaker, I recognize the distinguished gentleman from California (Mr. FARR) for 1 minute.

Mr. FARR. Mr. Speaker, I thank the gentleman for yielding. Mr. Speaker, I rise today in strong support of this legislation, the Heroes Earnings Assistance and Tax Relief Act of 2007.

This holiday season, Congress can provide tax relief to members of our military, our veterans, our volunteer firefighters, and to Peace Corps volunteers through the passage of this legislation. I am pleased that the committee included in the legislation a section of the bill that I authored which became section 106 earlier this year, and The Military Coalition who wrote in support of this language said: "The consortium of uniformed services and veterans associations representing more than 5 million current and former military servicemembers and their families and survivors is writing in support of your planned legislation to rectify the longstanding problem encountered by many disabled veterans when filing for disability compensation with the Department of Veterans Affairs."

This bill corrects that, and I am very pleased with it and ask my colleagues to support the bill.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, I recognize the gentlelady from New York City, Ms. CLARKE, for 1½ minutes.

Ms. CLARKE. I thank the gentleman from Connecticut (Mr. LARSON) for his leadership in this body and the management of this bill.

Mr. Speaker, the extended military deployments in Iraq and Afghanistan have placed a great economic burden and hardship on many of our military families. Countless thousands of families are forced to not only cope with anguish of having a family member serving in harm's way, but also must deal with the economic hardships. That is why I am proud that H.R. 3933, a bill that I introduced, has a significant place in the heart of the HEART Act, which makes permanent three provisions that bring vital tax relief to help our soldiers and their families.

This bill assures military compensation is excluded from income if it is earned in the combat zone or while hospitalized for wounds, diseases, or injuries received in combat, and permits active duty Reservists to make penalty free withdrawals from retirement plans and ends the penalties.

I want to thank Mr. RANGEL for his consistent leadership on this issue and for including my bill, H.R. 3933, as part of the HEART Act of 2007. I am just proud to have been able to play a part in paying down on the debt of gratitude we owe to our women and men that serve and protect us on the front lines.

Mr. REYNOLDS. Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. LARSON of Connecticut. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 3997, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. REYNOLDS. Mr. Speaker, I yield myself such time as I may consume to close debate on our side.

Let me first take a moment again to thank Chairman RANGEL and Ranking Member MCCRERY for their ongoing work on this important bill and for including two specific provisions I described earlier regarding SSI benefits for blind veterans and penalty-free withdrawals by National Guardsmen and Reservists.

Even more importantly, I want to thank my chairman and ranking member for working so hard to cultivate a true spirit of bipartisanship when we deal with issues where we can find common ground.

□ 1700

Today on this legislation, which is very important for both Guardsmen and Reservists and veterans who are serving our country and have served our country, and for our first responders and our firefighters, today is one where we have worked hard to take a number of bills and put them together and make it an opportunity to get results in 2007 that will be the Heroes Earnings Assistance and Relief Tax Act. I urge a "yes" vote.

I yield back the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, let me rise and join the sentiment expressed by the gentleman from New York (Mr. REYNOLDS), and I think everybody on our committee, in expressing not only the sheer joy and delight of having a ranking member and the chairman of the committee work as closely as they have throughout the year, whether we agreed or disagreed. It is quite a contrast from previous years. I think that Mr. RANGEL deserves an incredible amount of credit for the manner in which he has conducted himself, as does Mr. MCCRERY, as evident by the concern that has been expressed by both sides as we take up this important legislation today.

Further, let me add, as has been expressed here by many, we should make sure that this bill is taken up in the Senate. They have a responsibility over in that body to make sure that they address the concerns of so many in our military, as eloquently expressed here today by so many Members on and off the committee who care deeply about issues that impact veterans and our volunteer firefighters as well.

I also want to thank the members of the Ways and Means staff, and especially Eileen Shatz, who is serving for her last week on the Ways and Means Committee; Janice Mays; John Buckley; Aruna Kalyanam, who has been here throughout the day; Kase Jubboori; Mildeen Worrell, who have all done great work on behalf of the committee; Chairman NEAL, who also has been outstanding with this legislation and the hearings that he conducted in our committee; Melissa Mueller from the subcommittee staff, who was key. And also from my staff, I want to thank Amy O'Donnell. We call her the tax missionary. And also Jonathan Renfrew and Jackie Primeau, who have done such an outstanding job.

Mr. RAMSTAD. Mr. Speaker, I rise in strong support of the Defenders of Freedom Tax Relief Act, which provides important tax relief to the heroes who are defending our country, both abroad and here at home.

I also appreciate that the bill includes a one-year extension of the 1996 mental health parity law, which prohibits insurers from discriminating against mental health treatment with aggregate lifetime or annual dollar limits.

But we must go much further to end insurance discrimination and expand access to treatment for mental illness and chemical addiction. We must knock down the barriers of higher copays and deductibles, limited treatment stays, and the lack of out-of-network benefits that do not apply to any other disease. We must pass the Paul Wellstone Mental Health and Addiction Equity Act.

It's a national disgrace that 270,000 Americans were denied addiction treatment last year. It's a national tragedy that 150,000 of our fellow Americans died last year from chemical addiction and 30,000 Americans committed suicide from depression. And it's a national crisis that untreated addiction and mental illness cost our economy over $550 billion last year.

And think of the costs that can't be measured in dollars and cents—human suffering, broken families, shattered dreams; ruined careers and destroyed lives.

Passing mental health parity is not only the right things to do; it's the cost-effective thing to do. We have all the empirical data to prove that equity for mental health and addiction treatment will save billions of dollars nationally while not raising premiums more than two-tenths of one percent.

This legislation has 273 cosponsors and passed three House committees with wide bipartisan support. It must absolutely be one of the first orders of business when Congress reconvenes in January.

It's time to end the discrimination against people who need treatment for mental illness and addiction. It's time to prohibit health insurers from placing discriminatory restrictions on treatment. It's time to provide greater access to treatment. It's time to pass the Paul Wellstone Mental Health and Addiction Equity Act.

The American people cannot afford to wait any longer for Congress to act.

Mr. UDALL of New Mexico. Mr. Speaker, the Heroes Earnings and Assistance and Relief Tax (HEART) Act of 2007 is an important piece of legislation that goes a long way toward helping the financial difficulties faced by American soldiers. This bill helps honor those who are serving so bravely during this time of war.

The HEART Act would make permanent the inclusion of combat pay as earned income, ensuring that soldiers' families receive much needed tax relief. It also would help thousands of veterans and their families to become homeowners through low-interest home loans, would support those small business employers who continue to pay National Guardsmen and Reservists when they are called to serve, and expands other tax credit and tax relief provisions to help ease any financial difficulties faced by these soldiers.

Those who answer the call of duty should be rewarded for their actions by being assured they will not be unduly and negatively affected due to their patriotism. I support this legislation and join the many veterans' organizations in encouraging its passage into law.

Mr. LARSON of Connecticut. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SNYDER). The question is on the motion offered by the gentleman from Connecticut (Mr. LARSON) that the House suspend the rules and agree to the resolution, H. Res. 884.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LARSON of Connecticut. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

OPEN GOVERNMENT ACT OF 2007

Mr. CLAY. Mr. Speaker, I move to suspend the rules and pass the Senate

bill (S. 2488) to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2488

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Openness Promotes Effectiveness in our National Government Act of 2007" or the "OPEN Government Act of 2007".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Freedom of Information Act was signed into law on July 4, 1966, because the American people believe that—

(A) our constitutional democracy, our system of self-government, and our commitment to popular sovereignty depends upon the consent of the governed;

(B) such consent is not meaningful unless it is informed consent; and

(C) as Justice Black noted in his concurring opinion in Barr v. Matteo (360 U.S. 564 (1959)), "The effective functioning of a free government like ours depends largely on the force of an informed public opinion. This calls for the widest possible understanding of the quality of government service rendered by all elective or appointed public officials or employees.";

(2) the American people firmly believe that our system of government must itself be governed by a presumption of openness;

(3) the Freedom of Information Act establishes a "strong presumption in favor of disclosure" as noted by the United States Supreme Court in United States Department of State v. Ray (502 U.S. 164 (1991)), a presumption that applies to all agencies governed by that Act;

(4) "disclosure, not secrecy, is the dominant objective of the Act," as noted by the United States Supreme Court in Department of Air Force v. Rose (425 U.S. 352 (1976));

(5) in practice, the Freedom of Information Act has not always lived up to the ideals of that Act; and

(6) Congress should regularly review section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), in order to determine whether further changes and improvements are necessary to ensure that the Government remains open and accessible to the American people and is always based not upon the "need to know" but upon the fundamental "right to know".

SEC. 3. PROTECTION OF FEE STATUS FOR NEWS MEDIA.

Section 552(a)(4)(A)(ii) of title 5, United States Code, is amended by adding at the end the following:

"In this clause, the term 'a representative of the news media' means any person or entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience. In this clause, the term 'news' means information that is about current events or that would be of current interest to the public. Examples of news-media entities are television or radio stations broadcasting to the public at large and publishers of periodicals (but only if such entities qualify as disseminators of 'news') who make their products available for purchase by or subscription by or free distribution to the general public. These examples are not all-inclusive. Moreover, as methods of news delivery evolve (for example, the adoption of the electronic dissemination of newspapers through telecommunications services), such alternative media shall be considered to be news-media entities. A freelance journalist shall be regarded as working for a news-media entity if the journalist can demonstrate a solid basis for expecting publication through that entity, whether or not the journalist is actually employed by the entity. A publication contract would present a solid basis for such an expectation; the Government may also consider the past publication record of the requester in making such a determination.".

SEC. 4. RECOVERY OF ATTORNEY FEES AND LITIGATION COSTS.

(a) In General.—Section 552(a)(4)(E) of title 5, United States Code, is amended—

(1) by inserting "(i)" after "(E)"; and

(2) by adding at the end the following:

"(ii) For purposes of this subparagraph, a complainant has substantially prevailed if the complainant has obtained relief through either—

"(I) a judicial order, or an enforceable written agreement or consent decree; or

"(II) a voluntary or unilateral change in position by the agency, if the complainant's claim is not insubstantial.".

(b) Limitation.—Notwithstanding section 1304 of title 31, United States Code, no amounts may be obligated or expended from the Claims and Judgment Fund of the United States Treasury to pay the costs resulting from fees assessed under section 552(a)(4)(E) of title 5, United States Code. Any such amounts shall be paid only from funds annually appropriated for any authorized purpose for the Federal agency against which a claim or judgment has been rendered.

SEC. 5. DISCIPLINARY ACTIONS FOR ARBITRARY AND CAPRICIOUS REJECTIONS OF REQUESTS.

Section 552(a)(4)(F) of title 5, United States Code, is amended—

(1) by inserting "(i)" after "(F)"; and

(2) by adding at the end the following:

"(ii) The Attorney General shall—

"(I) notify the Special Counsel of each civil action described under the first sentence of clause (i); and

"(II) annually submit a report to Congress on the number of such civil actions in the preceding year.

"(iii) The Special Counsel shall annually submit a report to Congress on the actions taken by the Special Counsel under clause (i).".

SEC. 6. TIME LIMITS FOR AGENCIES TO ACT ON REQUESTS.

(a) Time Limits.—

(1) In general.—Section 552(a)(6)(A) of title 5, United States Code, is amended by inserting after clause (ii) the following:

"The 20-day period under clause (i) shall commence on the date on which the request is first received by the appropriate component of the agency, but in any event not later than ten days after the request is first received by any component of the agency that is designated in the agency's regulations under this section to receive requests under this section. The 20-day period shall not be tolled by the agency except—

"(I) that the agency may make one request to the requester for information and toll the 20-day period while it is awaiting such information that it has reasonably requested from the requester under this section; or

"(II) if necessary to clarify with the requester issues regarding fee assessment. In either case, the agency's receipt of the requester's response to the agency's request for information or clarification ends the tolling period.".

(2) Effective date.—The amendment made by this subsection shall take effect 1 year after the date of enactment of this Act.

(b) Compliance With Time Limits.—

(1) In general.—

(A) Search fees.—Section 552(a)(4)(A) of title 5, United States Code, is amended by adding at the end the following:

"(viii) An agency shall not assess search fees (or in the case of a requester described under clause (ii)(II), duplication fees) under this subparagraph if the agency fails to comply with any time limit under paragraph (6), if no unusual or exceptional circumstances (as those terms are defined for purposes of paragraphs (6)(B) and (C), respectively) apply to the processing of the request.".

(B) Public liaison.—Section 552(a)(6)(B)(ii) of title 5, United States Code, is amended by inserting after the first sentence the following: "To aid the requester, each agency shall make available its FOIA Public Liaison, who shall assist in the resolution of any disputes between the requester and the agency.".

(2) Effective date and application.—The amendment made by this subsection shall take effect 1 year after the date of enactment of this Act and apply to requests for information under section 552 of title 5, United States Code, filed on or after that effective date.

SEC. 7. INDIVIDUALIZED TRACKING NUMBERS FOR REQUESTS AND STATUS INFORMATION.

(a) In General.—Section 552(a) of title 5, United States Code, is amended by adding at the end the following:

"(7) Each agency shall—

"(A) establish a system to assign an individualized tracking number for each request received that will take longer than ten days to process and provide to each person making a request the tracking number assigned to the request; and

"(B) establish a telephone line or Internet service that provides information about the status of a request to the person making the request using the assigned tracking number, including—

"(i) the date on which the agency originally received the request; and

"(ii) an estimated date on which the agency will complete action on the request.".

(b) Effective Date and Application.—The amendment made by this section shall take effect 1 year after the date of enactment of this Act and apply to requests for information under section 552 of title 5, United States Code, filed on or after that effective date.

SEC. 8. REPORTING REQUIREMENTS.

(a) In General.—Section 552(e)(1) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by inserting after the first comma "the number of occasions on which each statute was relied upon,";

(2) in subparagraph (C), by inserting "and average" after "median";

(3) in subparagraph (E), by inserting before the semicolon ", based on the date on which the requests were received by the agency";

(4) by redesignating subparagraphs (F) and (G) as subparagraphs (N) and (O), respectively; and

(5) by inserting after subparagraph (E) the following:

"(F) the average number of days for the agency to respond to a request beginning on the date on which the request was received by the agency, the median number of days for the agency to respond to such requests, and the range in number of days for the agency to respond to such requests;

"(G) based on the number of business days that have elapsed since each request was originally received by the agency—

"(i) the number of requests for records to which the agency has responded with a determination within a period up to and including 20 days, and in 20-day increments up to and including 200 days;

"(ii) the number of requests for records to which the agency has responded with a determination within a period greater than 200 days and less than 301 days;

"(iii) the number of requests for records to which the agency has responded with a determination within a period greater than 300 days and less than 401 days; and

"(iv) the number of requests for records to which the agency has responded with a determination within a period greater than 400 days;

"(H) the average number of days for the agency to provide the granted information beginning on the date on which the request was originally filed, the median number of days for the agency to provide the granted information, and the range in number of days for the agency to provide the granted information;

"(I) the median and average number of days for the agency to respond to administrative appeals based on the date on which the appeals originally were received by the agency, the highest number of business days taken by the agency to respond to an administrative appeal, and the lowest number of business days taken by the agency to respond to an administrative appeal;

"(J) data on the 10 active requests with the earliest filing dates pending at each agency, including the amount of time that has elapsed since each request was originally received by the agency;

"(K) data on the 10 active administrative appeals with the earliest filing dates pending before the agency as of September 30 of the preceding year, including the number of business days that have elapsed since the requests were originally received by the agency;

"(L) the number of expedited review requests that are granted and denied, the average and median number of days for adjudicating expedited review requests, and the number adjudicated within the required 10 days;

"(M) the number of fee waiver requests that are granted and denied, and the average and median number of days for adjudicating fee waiver determinations;".

(b) Applicability to Agency and Each Principal Component of the Agency.—Section 552(e) of title 5, United States Code, is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) Information in each report submitted under paragraph (1) shall be expressed in terms of each principal component of the agency and for the agency overall.".

(c) Public Availability of Data.—Section 552(e)(3) of title 5, United States Code, (as redesignated by subsection (b) of this section) is amended by adding at the end "In addition, each agency shall make the raw statistical data used in its reports available electronically to the public upon request.".

SEC. 9. OPENNESS OF AGENCY RECORDS MAINTAINED BY A PRIVATE ENTITY.

Section 552(f) of title 5, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) 'record' and any other term used in this section in reference to information includes—

"(A) any information that would be an agency record subject to the requirements of this section when maintained by an agency in any format, including an electronic format; and

"(B) any information described under subparagraph (A) that is maintained for an agency by an entity under Government contract, for the purposes of records management.".

SEC. 10. OFFICE OF GOVERNMENT INFORMATION SERVICES.

(a) In General.—Section 552 of title 5, United States Code, is amended by adding at the end the following.

"(h)(1) There is established the Office of Government Information Services within the National Archives and Records Administration.

"(2) The Office of Government Information Services shall—

"(A) review policies and procedures of administrative agencies under this section;

"(B) review compliance with this section by administrative agencies; and

"(C) recommend policy changes to Congress and the President to improve the administration of this section.

"(3) The Office of Government Information Services shall offer mediation services to resolve disputes between persons making requests under this section and administrative agencies as a non-exclusive alternative to litigation and, at the discretion of the Office, may issue advisory opinions if mediation has not resolved the dispute.

"(i) The Government Accountability Office shall conduct audits of administrative agencies on the implementation of this section and issue reports detailing the results of such audits.

"(j) Each agency shall designate a Chief FOIA Officer who shall be a senior official of such agency (at the Assistant Secretary or equivalent level).

"(k) The Chief FOIA Officer of each agency shall, subject to the authority of the head of the agency—

"(1) have agency-wide responsibility for efficient and appropriate compliance with this section;

"(2) monitor implementation of this section throughout the agency and keep the head of the agency, the chief legal officer of the agency, and the Attorney General appropriately informed of the agency's performance in implementing this section;

"(3) recommend to the head of the agency such adjustments to agency practices, policies, personnel, and funding as may be necessary to improve its implementation of this section;

"(4) review and report to the Attorney General, through the head of the agency, at such times and in such formats as the Attorney General may direct, on the agency's performance in implementing this section;

"(5) facilitate public understanding of the purposes of the statutory exemptions of this section by including concise descriptions of the exemptions in both the agency's handbook issued under subsection (g), and the agency's annual report on this section, and by providing an overview, where appropriate, of certain general categories of agency records to which those exemptions apply; and

"(6) designate one or more FOIA Public Liaisons.

"(l) FOIA Public Liaisons shall report to the agency Chief FOIA Officer and shall serve as supervisory officials to whom a requester under this section can raise concerns about the service the requester has received from the FOIA Requester Center, following an initial response from the FOIA Requester Center Staff. FOIA Public Liaisons shall be responsible for assisting in reducing delays, increasing transparency and understanding of the status of requests, and assisting in the resolution of disputes.".

(b) Effective Date.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 11. REPORT ON PERSONNEL POLICIES RELATED TO FOIA.

Not later than 1 year after the date of enactment of this Act, the Office of Personnel Management shall submit to Congress a report that examines—

(1) whether changes to executive branch personnel policies could be made that would—

(A) provide greater encouragement to all Federal employees to fulfill their duties under section 552 of title 5, United States Code; and

(B) enhance the stature of officials administering that section within the executive branch;

(2) whether performance of compliance with section 552 of title 5, United States Code, should be included as a factor in personnel performance evaluations for any or all categories of Federal employees and officers;

(3) whether an employment classification series specific to compliance with sections 552 and 552a of title 5, United States Code, should be established;

(4) whether the highest level officials in particular agencies administering such sections should be paid at a rate of pay equal to or greater than a particular minimum rate; and

(5) whether other changes to personnel policies can be made to ensure that there is a clear career advancement track for individuals interested in devoting themselves to a career in compliance with such sections; and

(6) whether the executive branch should require any or all categories of Federal employees to undertake awareness training of such sections.

SEC. 12. REQUIREMENT TO DESCRIBE EXEMPTIONS AUTHORIZING DELETIONS OF MATERIAL PROVIDED UNDER FOIA.

Section 552(b) of title 5, United States Code, is amended in the matter after paragraph (9)—

(1) in the second sentence, by inserting after "amount of information deleted" the following: ", and the exemption under which the deletion is made,"; and

(2) in the third sentence, by inserting after "amount of the information deleted" the following: ", and the exemption under which the deletion is made,".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. Clay) and the gentleman from Virginia (Mr. Davis) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. CLAY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of final passage of S. 2488, the Openness Promotes Effectiveness in Our National Government Act of 2007, or the OPEN Government Act.

This bill is a companion measure to legislation that I introduced earlier this session, H.R. 1309, the Freedom of Information Act Amendments of 2007, which was passed by the House in March. After months of negotiations between both Chambers, S. 2488 provides a strong, reasonable and bipartisan approach to streamlining the FOIA process and increasing transparency in government.

Two key provisions within the OPEN Government Act include expanding access to attorneys' fees for citizens who successfully challenge an agency's denial of information, along with the creation of a new FOIA tracking system for pending requests.

In addition, the bill will require agencies to disclose the type of FOIA exemptions used to redact specific information sought after in many requests.

Lastly, the bill will establish a government-wide ombudsman to help reduce the number of requests that are eventually resolved through costly and time-consuming litigation.

S. 2488 provides actual access to government information to which the American people are entitled. I want to thank all of the Members and staff who have contributed to the development of this legislation. I urge my colleagues to support its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of S. 2488, legislation to reform the process for the public to request and receive information under the Freedom of Information Act.

For 40 years, FOIA has ensured the public's access to government records. The 1966 act replaced the old need-to-know standard with today's right-to-know practice, placing the burden on the government to justify any need for secrecy.

However, the FOIA process has recently struggled to keep up with the public's demand for documents. Since 2002, FOIA requests have increased dramatically. This additional volume has delayed processing and created backlogs.

Legislation designed to streamline and improve the FOIA process was championed last Congress by Mr. SMITH from Texas. His bill moved through subcommittee to the full committee with the assistance of the chairman of the Government Management Subcommittee, Mr. PLATTS.

In addition, President Bush issued an executive order in December 2005 which adopted many of the process improvements contained in Mr. SMITH's legislation, making FOIA operations more citizen-centric and results oriented.

This Congress, the majority took this bill and made additional changes but moved beyond process reforms and into substantive changes to FOIA policy. Although I had a number of concerns with the House legislation, I supported it in an effort to improve FOIA overall. In the intervening months since the House passed its version, we have been able to work with the Senate and the administration to improve the House bill and make it more balanced. I urge my colleagues to support this compromise legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I would like to thank the gentleman from Virginia, the ranking member, for working with the majority on this important piece of legislation and getting this product to the floor.

At this time, Mr. Speaker, I would also like to thank our esteemed chairman of the Oversight and Government Reform Committee, Mr. WAXMAN, for his leadership on shepherding this bill through the Congress and would like to recognize the gentleman from California for such time as he may consume.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding to me and I want to congratulate him on this accomplishment. This is a very good bill. Many people have played an important role in getting this bill to us today, and none any less than the chairman of the subcommittee who has shepherded it through to this point.

I rise in support of the OPEN Government Act. The bill contains important provisions to improve public access to government records. This year the House of Representatives passed a series of good government bills to improve openness and accountability in the executive branch. These bills include legislation to increase access to Presidential records, improve contractor accountability, strengthen whistleblower protections, disclose information about donors to Presidential libraries, and enhance the independence of agency inspectors general.

This bill, S. 2488, is the first part of this reform agenda that Congress will enact into law.

The Senate bill is not as strong as the House-passed bill. It does not include a provision which I thought was a key one establishing a presumption that government records should be released to the public unless there is a good reason to keep them secret. But the legislation does include important reforms to the Freedom of Information Act, our Nation's best-known and most widely used open government law.

The provisions in this bill will help FOIA requesters obtain responses to their requests, reduce backlog at all agencies, and increase transparency in agency compliance, improve access to attorneys' fees for requesters who are improperly denied information, and provide an alternative to litigation for requesters who are facing delay or denials.

The Bush administration has an obsession with secrecy. Over the last 7 years, it has systematically undermined our open government laws, while radically expanding its powers to operate in secret. Government today has more power than ever to peer into the private lives of American citizens; yet American citizens know less and less about what their government is actually doing.

It will take a concerted effort over many years to peel back this curtain of secrecy. We need to restore the presumption that government records belong to the taxpayer. We need more certain deadlines and stronger penalties if this legislation makes little headway in reducing FOIA delays. And we still need to enact the other good government reforms that this body has already passed but that remain stalled in the Senate.

But this bill is a good first step. I am proud that this Congress is fighting for the public's right to know and urge adoption of this legislation.

Mr. DAVIS of Virginia. Mr. Speaker, before I yield to my friend from Texas, I also want to thank Mr. CLAY, the subcommittee chairman, for helping to mold this and bring it to the floor; Mr. TURNER from Ohio, who is the ranking member; Mr. PLATTS; and of course Chairman WAXMAN for his leadership on this issue.

Let me also add, on the majority staff, Anna Laitan has taken a lead role, and we appreciate the work of she and other staff members. And on the minority staff, Mason Allinger, Chas Phillips and Ellen Brown for their work on this.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. I thank the gentleman from Virginia (Mr. DAVIS) not only for yielding me time, but also for his favorable mention a few minutes ago when he was speaking.

Mr. Speaker, I strongly support the Openness Promotes Effectiveness in our National Government Act of 2007.

This legislation gives the public more information and better insight into the workings of the government by strengthening the Freedom of Information Act, called FOIA. FOIA performs a vital check and balance on the Federal branch. It protects our open system of government and ensures that the government responds as it should to the American people. Unfortunately, the process for obtaining information is overly burdensome and Federal agencies have become less and less responsive to the requests for information. This deters citizens from obtaining information to which they are entitled.

Taxpayers should have the opportunity to obtain information from the Federal Government quickly and easily. This legislation contains several provisions similar to those in a bill I introduced last March. These include provisions regarding recovery of attorneys' fees, penalties for agencies that do not comply within the specified FOIA time limits, and additional agency reporting requirements.

I am pleased that the bill under consideration today creates a more open government without threatening national security or invading personal privacy. The ability to obtain records from the Federal Government is one of the fundamental rights of the American people. When the government closes the doors on information, the people cannot monitor their government. Democracy is based on the people's right to know. That is why I support the Freedom of Information Act.

Mr. Speaker, this bill rightly makes it easier for citizens to get answers to their requests for information, and that's why I hope all of my colleagues will support it.

Mr. CLAY. Mr. Speaker, I reserve the balance of my time.

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Mr. DAVIS of Virginia. Mr. Speaker, I want to just take a moment to highlight some of the improvements that have been made to this legislation since the House-passed version last March.

First, we clarified the definition of news media for purposes of fee waiver requests. New methods for gathering and delivering news are constantly developing. The definition of news, indeed, the definition of a journalist is evolving rapidly. We provided a balanced framework for making that determination, one that we think makes sense in the era of new media.

Second, this legislation raises the threshold for the recovery of attorneys' fees, compared to what was included in the House-passed bill. The new threshold is a step in the right direction, but I remained concerned the threshold in S. 2488 is still too low. I hope we'll continue to take a close look at the substance of this provision because ultimately attorneys' fees come out of the taxpayers' pockets.

Finally, I am pleased to note the provision repealing the so-called Ashcroft memorandum was eliminated, and I know this was also of concern to the gentleman from Texas. The Ashcroft memorandum established that the administration would defend agency decisions to withhold records under a FOIA exemption if the decision was supported by a sound legal basis, replacing the pre-9/11 Janet Reno standard of always releasing information absent foreseeable harm. I think preservation of the Ashcroft policy is the right policy to adopt in the current environment.

As I've stated since we began work on this legislation, improving the procedural aspects of FOIA should be our goal. It's something we all agree on, and this bill moves us closer to that. Although the debate on the appropriate balance between open access and protected records will go on, I trust we'll continue to try to balance national security with the vital principles of open government.

Once again, I urge my colleagues to support this legislation. I again want to commend the gentleman from Missouri for his work on this.

Mr. Speaker, I yield back.

Mr. CLAY. Mr. Speaker, in closing, let me thank all of my colleagues too for the work that they did to craft this piece of legislation that I think goes a long way in improving FOIA. And S. 2488 provides a strong, reasonable, and bipartisan approach to streamlining the FOIA process and increasing transparency in our government. It also provides actual access to government information to which the American people are entitled.

Again, let me thank all of my colleagues for their support and help and effort on this legislation. And I urge my colleagues to support its passage.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in strong support of the "OPEN Government Act."

Since coming to Congress, I have been working for an improved Freedom of Information Act process, a critical component to ensuring an open and transparent government. In 1996 Congress passed important legislation that reflected the changing technological times, the "Electronic Freedom of Information Act of 1996." This important law helped to make FOIA more efficient by providing public access to information including in an electronic format.

The Oversight and Government Reform Committee, of which I am a member, has held several hearings during the past few years about the FOIA process where we learned that it has not progressed as well as we had hoped. Some agencies and departments are doing a better job of fulfilling freedom of information requests while some continue to lag behind.

Requesters often wait months or years to find out the status of their requests or to obtain the information. As a result, the backlogs at agencies and departments continue to grow. Frequently, the only recourse for the denial of requested information is to file lawsuits. However, many requesters cannot afford the high costs associated with court cases.

The "OPEN Government Act" includes many important provisions that I hope will improve the process and eliminate many of the problems that exist in today's system including an amendment that I offered in committee that would provide for greater disclosure to the FOIA requester about the exemption under which a deletion has been made from requested material.

I have heard from constituents who say that when they receive a response from the agency, they are unable to determine why certain information was redacted. While I recognize that in some cases linking a redaction to an exemption may reveal sensitive information, where possible I believe that agencies should specify which exemption applies to which redaction.

Passage of today's legislation is long overdue, and I commend Chairman WAXMAN and Ranking Member DAVIS and their staffs for bringing this bill to the Floor today.

Mr. CLAY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. CLAY) that the House suspend the rules and pass the Senate bill, S. 2488.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE AND TECHNOLOGY

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science and Technology:

December 18, 2007.

Hon. NANCY PELOSI,
Speaker of the House,
Washington, DC.

DEAR SPEAKER PELOSI: This letter serves as my intent to resign from the Committee on Science and Technology, effective today.

Sincerely,

ROBERT J. WITTMAN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE AND TECHNOLOGY

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Science and Technology:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 18, 2007.

Hon. NANCY PELOSI,
Speaker of the House,
Washington, DC.

DEAR SPEAKER PELOSI: This letter serves as my intent to resign from the Committee on Science and Technology, effective today.

Sincerely,

ROBERT E. LATTA,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

U.S. CAPITOL POLICE AND LIBRARY OF CONGRESS POLICE MERGER IMPLEMENTATION ACT OF 2007

Mr. BRADY of Pennsylvania. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3690) to provide for the transfer of the Library of Congress police to the United States Capitol Police, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007".

SEC. 2. TRANSFER OF PERSONNEL.

(a) TRANSFERS.—

(1) LIBRARY OF CONGRESS POLICE EMPLOYEES.—Effective on the employee's transfer date, each Library of Congress Police employee shall be transferred to the United States Capitol Police and shall become either a member or civilian employee of the Capitol Police, as determined by the Chief of the Capitol Police under subsection (b).

(2) LIBRARY OF CONGRESS POLICE CIVILIAN EMPLOYEES.—Effective on the employee's transfer date, each Library of Congress Police civilian employee shall be transferred to the United States Capitol Police and shall become a civilian employee of the Capitol Police.

(b) TREATMENT OF LIBRARY OF CONGRESS POLICE EMPLOYEES.—

(1) DETERMINATION OF STATUS WITHIN CAPITOL POLICE.—

(A) ELIGIBILITY TO SERVE AS MEMBERS OF THE CAPITOL POLICE.—A Library of Congress Police employee shall become a member of the Capitol Police on the employee's transfer date if the Chief of the Capitol Police determines and issues a written certification that the employee meets each of the following requirements:

(i) Based on the assumption that such employee would perform a period of continuous Federal service after the transfer date, the employee would be entitled to an annuity for immediate retirement under section 8336(b) or 8412(b) of title 5, United States Code (as determined by taking into account paragraph (3)(A)), on the date such employee becomes 60 years of age.

(ii) During the transition period, the employee successfully completes training, as determined by the Chief of the Capitol Police.

(iii) The employee meets the qualifications required to be a member of the Capitol Police, as determined by the Chief of the Capitol Police.

(B) SERVICE AS CIVILIAN EMPLOYEE OF CAPITOL POLICE.—If the Chief of the Capitol Police determines that a Library of Congress Police employee does not meet the eligibility requirements, the employee shall become a civilian employee of the Capitol Police on the employee's transfer date.

(C) FINALITY OF DETERMINATIONS.—Any determination of the Chief of the Capitol Police under this paragraph shall not be appealable or reviewable in any manner.

(D) DEADLINE FOR DETERMINATIONS.—The Chief of the Capitol Police shall complete the determinations required under this paragraph for all Library of Congress Police employees not later than September 30, 2009.

(2) EXEMPTION FROM MANDATORY SEPARATION.—Section 8335(c) or 8425(c) of title 5, United States Code, shall not apply to any Library of Congress Police employee who becomes a member of the Capitol Police under this subsection, until the earlier of—

(A) the date on which the individual is entitled to an annuity for immediate retirement under section 8336(b) or 8412(b) of title 5, United States Code; or

(B) the date on which the individual—

(i) is 57 years of age or older; and

(ii) is entitled to an annuity for immediate retirement under section 8336(m) or 8412(d) of title 5, United States Code, (as determined by taking into account paragraph (3)(A)).

(3) TREATMENT OF PRIOR CREDITABLE SERVICE FOR RETIREMENT PURPOSES.—

(A) PRIOR SERVICE FOR PURPOSES OF ELIGIBILITY FOR IMMEDIATE RETIREMENT AS MEMBER OF CAPITOL POLICE.—Any Library of Congress Police employee who becomes a member of the Capitol Police under this subsection shall be entitled to have any creditable service under section 8332 or 8411 of title 5, United States Code, that was accrued prior to becoming a member of the Capitol Police included in calculating the employee's service as a member of the Capitol Police for purposes of section 8336(m) or 8412(d) of title 5, United States Code.

(B) PRIOR SERVICE FOR PURPOSES OF COMPUTATION OF ANNUITY.—Any creditable service under section 8332 or 8411 of title 5, United States Code, of an individual who becomes a member of the Capitol Police under this subsection that was accrued prior to becoming a member of the Capitol Police—

(i) shall be treated and computed as employee service under section 8339 or section 8415 of such title; but

(ii) shall not be treated as service as a member of the Capitol Police or service as a congressional employee for purposes of applying any formula under section 8339(b), 8339(q), 8415(c), or 8415(d) of such title under which a percentage of the individual's average pay is multiplied by the years (or other period) of such service.

(c) DUTIES OF EMPLOYEES TRANSFERRED TO CIVILIAN POSITIONS.—

(1) DUTIES.—The duties of any individual who becomes a civilian employee of the Capitol Police under this section, including a Library of Congress Police civilian employee under subsection (a)(2) and a Library of Congress Police employee who becomes a civilian employee of the Capitol Police under subsection (b)(1)(B), shall be determined solely by the Chief of the Capitol Police, except that a Library of Congress Police civilian employee under subsection (a)(2) shall continue to support Library of Congress police operations until all Library of Congress Police employees are transferred to the United States Capitol Police under this section.

(2) FINALITY OF DETERMINATIONS.—Any determination of the Chief of the Capitol Police under this subsection shall not be appealable or reviewable in any manner.

(d) PROTECTING STATUS OF TRANSFERRED EMPLOYEES.—

(1) NONREDUCTION IN PAY, RANK, OR GRADE.—The transfer of any individual under this section shall not cause that individual to be separated or reduced in basic pay, rank or grade.

(2) LEAVE AND COMPENSATORY TIME.—Any annual leave, sick leave, or other leave, or compensatory time, to the credit of an individual transferred under this section shall be transferred to the credit of that individual as a member or an employee of the Capitol Police (as the case may be). The treatment of leave or compensatory time transferred under this section shall be governed by regulations of the Capitol Police Board.

(3) PROHIBITING IMPOSITION OF PROBATIONARY PERIOD.—The Chief of the Capitol Police may not impose a period of probation with respect to the transfer of any individual who is transferred under this section.

(e) RULES OF CONSTRUCTION RELATING TO EMPLOYEE REPRESENTATION.—

(1) EMPLOYEE REPRESENTATION.—Nothing in this Act shall be construed to authorize any labor organization that represented an individual who was a Library of Congress police employee or a Library of Congress police civilian employee before the individual's transfer date to represent that individual as a member of the Capitol Police or an employee of the Capitol Police after the individual's transfer date.

(2) AGREEMENTS NOT APPLICABLE.—Nothing in this Act shall be construed to authorize any collective bargaining agreement (or any related court order, stipulated agreement, or agreement to the terms or conditions of employment) applicable to Library of Congress police employees or to Library of Congress police civilian employees to apply to members of the Capitol Police or to civilian employees of the Capitol Police.

(f) RULE OF CONSTRUCTION RELATING TO PERSONNEL AUTHORITY OF THE CHIEF OF THE CAPITOL POLICE.—Nothing in this Act shall be construed to affect the authority of the Chief of the Capitol Police to—

(1) terminate the employment of a member of the Capitol Police or a civilian employee of the Capitol Police; or

(2) transfer any individual serving as a member of the Capitol Police or a civilian employee of the Capitol Police to another position with the Capitol Police.

(g) TRANSFER DATE DEFINED.—In this Act, the term "transfer date" means, with respect to an employee—

(1) in the case of a Library of Congress Police employee who becomes a member of the Capitol Police, the first day of the first pay period applicable to members of the United States Capitol Police which begins after the date on which the Chief of the Capitol Police issues the written certification for the employee under subsection (b)(1);

(2) in the case of a Library of Congress Police employee who becomes a civilian employee of the Capitol Police, the first day of the first pay period applicable to employees of the United States Capitol Police which begins after September 30, 2009; or

(3) in the case of a Library of Congress Police civilian employee, the first day of the first pay period applicable to employees of the United States Capitol Police which begins after September 30, 2008.

(h) CANCELLATION IN PORTION OF UNOBLIGATED BALANCE OF FEDLINK REVOLVING FUND.—Amounts available for obligation by the Librarian of Congress as of the date of the enactment of this Act from the unobligated balance in the revolving fund established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (2 U.S.C. 182c) for the Federal Library and Information Network program of the Library of Congress and the Federal Research program of the Library of Congress are reduced by a total of $560,000, and the amount so reduced is hereby cancelled.

SEC. 3. TRANSITION PROVISIONS.

(a) TRANSFER AND ALLOCATIONS OF PROPERTY AND APPROPRIATIONS.—

(1) IN GENERAL.—Effective on the transfer date of any Library of Congress Police employee and Library of Congress Police civilian employee who is transferred under this Act—

(A) the assets, liabilities, contracts, property, and records associated with the employee shall be transferred to the Capitol Police; and

(B) the unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the employee shall be transferred to and made available under the appropriations accounts for the Capitol Police for "Salaries" and "General Expenses", as applicable.

(2) JOINT REVIEW.—During the transition period, the Chief of the Capitol Police and the Librarian of Congress shall conduct a joint review of the assets, liabilities, contracts, property records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, used, held, arising from, available to, or to be made available in connection with the transfer under this Act.

(b) TREATMENT OF ALLEGED VIOLATIONS OF CERTAIN EMPLOYMENT LAWS WITH RESPECT TO TRANSFERRED INDIVIDUALS.—

(1) IN GENERAL.—Notwithstanding any other provision of law and except as provided in paragraph (3), in the case of an alleged violation of any covered law (as defined in paragraph (4)) which is alleged to have occurred prior to the transfer date with respect to an individual who is transferred under this Act, and for which the individual has not exhausted all of the remedies available for the consideration of the alleged violation which are provided for employees of the Library of Congress under the covered law prior to the transfer date, the following shall apply:

(A) The individual may not initiate any procedure which is available for the consideration of the alleged violation of the covered law which is provided for employees of the Library of Congress under the covered law.

(B) To the extent that the individual has initiated any such procedure prior to the transfer date, the procedure shall terminate and have no legal effect.

(C) Subject to paragraph (2), the individual may initiate and participate in any procedure which is available for the resolution of grievances of officers and employees of the Capitol Police under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) to provide for consideration of the alleged violation. The previous sentence does not apply in the case of an alleged violation for which the individual exhausted all of the available remedies which are provided for employees of the Library of Congress under the covered law prior to the transfer date.

(2) SPECIAL RULES FOR APPLYING CONGRESSIONAL ACCOUNTABILITY ACT OF 1995.—In applying paragraph (1)(C) with respect to an individual to whom this subsection applies, for purposes of the consideration of the alleged violation under the Congressional Accountability Act of 1995—

(A) the date of the alleged violation shall be the individual's transfer date;

(B) notwithstanding the third sentence of section 402(a) of such Act (2 U.S.C. 1402(a)), the individual's request for counseling under such section shall be made not later than 60 days after the date of the alleged violation; and

(C) the employing office of the individual at the time of the alleged violation shall be the Capitol Police Board.

(3) EXCEPTION FOR ALLEGED .VIOLATIONS SUBJECT TO HEARING PRIOR TO TRANSFER.—Paragraph (1) does not apply with respect to an alleged violation for which a hearing has commenced in accordance with the covered law on or before the transfer date.

(4) COVERED LAW DEFINED.—In this subsection, a "covered law" is any law for which the remedy for an alleged violation is provided for officers and employees of the Capitol Police under the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.).

(c) AVAILABILITY OF DETAILEES DURING TRANSITION PERIOD.—During the transition period, the Chief of the Capitol Police may detail additional members of the Capitol Police to the Library of Congress, without reimbursement.

(d) EFFECT ON EXISTING MEMORANDUM OF UNDERSTANDING.—The Memorandum of Understanding between the Library of Congress and the Capitol Police entered into on December 12, 2004, shall remain in effect during the transition period, subject to—

(1) the provisions of this Act; and

(2) such modifications as may be made in accordance with the modification and dispute resolution provisions of the Memorandum of Understanding, consistent with the provisions of this Act.

(e) RULE OF CONSTRUCTION RELATING TO PERSONNEL AUTHORITY OF THE LIBRARIAN OF CONGRESS.—Nothing in this Act shall be construed to affect the authority of the Librarian of Congress to—

(1) terminate the employment of a Library of Congress Police employee or Library of Congress Police civilian employee; or

(2) transfer any individual serving in a Library of Congress Police employee position or Library of Congress Police civilian employee position to another position at the Library of Congress.

SEC. 4. POLICE JURISDICTION, UNLAWFUL ACTIVITIES, AND PENALTIES.

(a) JURISDICTION.—

(1) EXTENSION OF CAPITOL POLICE JURISDICTION.—Section 9 of the Act entitled "An Act to define the area of the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946 (2 U.S.C. 1961) is amended by adding at the end the following:

"(d) For purposes of this section, 'United States Capitol Buildings and Grounds' shall include the Library of Congress buildings and grounds described under section 11 of the Act entitled 'An Act relating to the policing of the buildings of the Library of Congress', approved August 4, 1950 (2 U.S.C. 167j), except that in a case of buildings or grounds not located in the District of Columbia, the authority granted to the Metropolitan Police Force of the District of Columbia shall be granted to any police force within whose jurisdiction the buildings or grounds are located.".

(2) REPEAL OF LIBRARY OF CONGRESS POLICE JURISDICTION.—The first section and sections 7 and 9 of the Act of August 4, 1950 (2 U.S.C. 167, 167f, 167h) are repealed on October 1, 2009.

(b) UNLAWFUL ACTIVITIES AND PENALTIES.—

(1) EXTENSION OF UNITED STATES CAPITOL BUILDINGS AND GROUNDS PROVISIONS TO THE LIBRARY OF CONGRESS BUILDINGS AND GROUNDS.—

(A) CAPITOL BUILDINGS.—Section 5101 of title 40, United States Code, is amended by inserting "all buildings on the real property described under section 5102(d)" after "(including the Administrative Building of the United States Botanic Garden)".

(B) CAPITOL GROUNDS.—Section 5102 of title 40, United States Code, is amended by adding at the end the following:

"(d) LIBRARY OF CONGRESS BUILDINGS AND GROUNDS.—

"(1) IN GENERAL.—Except as provided under paragraph (2), the United States Capitol Grounds shall include the Library of Congress grounds described under section 11 of the Act entitled 'An Act relating to the policing of the buildings of the Library of Congress', approved August 4, 1950 (2 U.S.C. 167j).

"(2) AUTHORITY OF LIBRARIAN OF CONGRESS.—Notwithstanding subsections (a) and (b), the Librarian of Congress shall retain authority over the Library of Congress buildings and grounds in accordance with section 1 of the Act of June 29, 1922 (2 U.S.C. 141; 42 Stat. 715).".

(C) CONFORMING AMENDMENT RELATING TO DISORDERLY CONDUCT.—Section 5104(e)(2) of title 40, United States Code, is amended by striking subparagraph (C) and inserting the following:

"(C) with the intent to disrupt the orderly conduct of official business, enter or remain in a room in any of the Capitol Buildings set aside or designated for the use of—

"(i) either House of Congress or a Member, committee, officer, or employee of Congress, or either House of Congress; or

"(ii) the Library of Congress;".

(2) REPEAL OF OFFENSES AND PENALTIES SPECIFIC TO THE LIBRARY OF CONGRESS.—Sections 2, 3, 4, 5, 6, and 8 of the Act of August 4, 1950 (2 U.S.C. 167a, 167b, 167c, 167d, 167e, and 167g) are repealed.

(3) SUSPENSION OF PROHIBITIONS AGAINST USE OF LIBRARY OF CONGRESS BUILDINGS AND GROUNDS.—Section 10 of the Act of August 4, 1950 (2 U.S.C. 167i) is amended by striking "2 to 6, inclusive, of this Act" and inserting "5103 and 5104 of title 40, United States Code".

(4) CONFORMING AMENDMENT TO DESCRIPTION OF LIBRARY OF CONGRESS GROUNDS.—Section 11 of the Act of August 4, 1950 (2 U.S.C. 167j) is amended—

(A) in subsection (a), by striking "For the purposes of this Act the" and inserting "The";

(B) in subsection (b), by striking "For the purposes of this Act, the" and inserting "The";

(C) in subsection (c), by striking "For the purposes of this Act, the" and inserting "The"; and

(D) in subsection (d), by striking "For the purposes of this Act, the" and inserting "The".

(c) CONFORMING AMENDMENT RELATING TO JURISDICTION OF INSPECTOR GENERAL OF LIBRARY OF CONGRESS.—Section 1307(b)(1) of the Legislative Branch Appropriations Act, 2006 (2 U.S.C. 185(b)), is amended by striking the semicolon at the end and inserting the following: ", except that nothing in this paragraph may be construed to authorize the Inspector General to audit or investigate any operations or activities of the United States Capitol Police;".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect October 1, 2009.

SEC. 5. COLLECTIONS, PHYSICAL SECURITY, CONTROL, AND PRESERVATION OF ORDER AND DECORUM WITHIN THE LIBRARY.

(a) ESTABLISHMENT OF REGULATIONS.—The Librarian of Congress shall establish standards and regulations for the physical security, control, and preservation of the Library of Congress collections and property, and for the maintenance of suitable order and decorum within Library of Congress.

(b) TREATMENT OF SECURITY SYSTEMS.—

(1) RESPONSIBILITY FOR SECURITY SYSTEMS.—In accordance with the authority of the Capitol Police and the Librarian of Congress established under this Act, the amendments made by this Act, and the provisions of law referred to in paragraph (3), the Chief of the Capitol Police and the Librarian of Congress shall be responsible for the operation of security systems at the Library of Congress buildings and grounds described under section 11 of the Act of August 4, 1950, in consultation and coordination with each other, subject to the following:

(A) The Librarian of Congress shall be responsible for the design of security systems for the control and preservation of Library collections

and property, subject to the review and approval of the Chief of the Capitol Police.

(B) The Librarian of Congress shall be responsible for the operation of security systems at any building or facility of the Library of Congress which is located outside of the District of Columbia, subject to the review and approval of the Chief of the Capitol Police.

(2) INITIAL PROPOSAL FOR OPERATION OF SYSTEMS.—Not later than October 1, 2008, the Chief of the Capitol Police, in coordination with the Librarian of Congress, shall prepare and submit to the Committee on House Administration of the House of Representatives, the Committee on Rules and Administration of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate an initial proposal for carrying out this subsection.

(3) PROVISIONS OF LAW.—The provisions of law referred to in this paragraph are as follows:

(A) Section 1 of the Act of June 29, 1922 (2 U.S.C. 141).

(B) The undesignated provision under the heading "General Provision, This Chapter" in chapter 5 of title II of division B of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (2 U.S.C. 141a).

(C) Section 308 of the Legislative Branch Appropriations Act, 1996 (2 U.S.C. 1964).

(D) Section 308 of the Legislative Branch Appropriations Act, 1997 (2 U.S.C. 1965).

SEC. 6. PAYMENT OF CAPITOL POLICE SERVICES PROVIDED IN CONNECTION WITH RELATING TO LIBRARY OF CONGRESS SPECIAL EVENTS.

(a) PAYMENTS OF AMOUNTS DEPOSITED IN REVOLVING FUND.—Section 102(e) of the Library of Congress Fiscal Operations Improvement Act of 2000 (2 U.S.C. 182b(e)) is amended to read as follows:

"(e) USE OF AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), amounts in the accounts of the revolving fund under this section shall be available to the Librarian, in amounts specified in appropriations Acts and without fiscal year limitation, to carry out the programs and activities covered by such accounts.

"(2) SPECIAL RULE FOR PAYMENTS FOR CERTAIN CAPITOL POLICE SERVICES.—In the case of any amount in the revolving fund consisting of a payment received for services of the United States Capitol Police in connection with a special event or program described in subsection (a)(4), the Librarian shall transfer such amount upon receipt to the Capitol Police for deposit into the applicable appropriations accounts of the Capitol Police.".

(b) USE OF OTHER LIBRARY FUNDS TO MAKE PAYMENTS.—In addition to amounts transferred pursuant to section 102(e)(2) of the Library of Congress Fiscal Operations Improvement Act of 2000 (as added by subsection (a)), the Librarian of Congress may transfer amounts made available for salaries and expenses of the Library of Congress during a fiscal year to the applicable appropriations accounts of the United States Capitol Police in order to reimburse the Capitol Police for services provided in connection with a special event or program described in section 102(a)(4) of such Act.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to services provided by the United States Capitol Police on or after the date of the enactment of this Act.

SEC. 7. OTHER CONFORMING AMENDMENTS.

(a) IN GENERAL.—Section 1015 of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 1901 note) and section 1006 of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 1901 note; Public Law 108–83; 117 Stat. 1023) are repealed.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect October 1, 2009.

SEC. 8. DEFINITIONS.

In this Act—

(1) the term "Act of August 4, 1950" means the Act entitled "An Act relating to the policing of the buildings and grounds of the Library of Congress," (2 U.S.C. 167 et seq.);

(2) the term "Library of Congress Police employee" means an employee of the Library of Congress designated as police under the first section of the Act of August 4, 1950 (2 U.S.C. 167);

(3) the term "Library of Congress Police civilian employee" means an employee of the Library of Congress Office of Security and Emergency Preparedness who provides direct administrative support to, and is supervised by, the Library of Congress Police, but shall not include an employee of the Library of Congress who performs emergency preparedness or collections control and preservation functions; and

(4) the term "transition period" means the period the first day of which is the date of the enactment of this Act and the final day of which is September 30, 2009.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. BRADY) and the gentleman from Michigan (Mr. EHLERS) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. BRADY of Pennsylvania. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House passed H.R. 3690 on December 5. Aware of the urgency of this bill, the Senate passed it last night by unanimous consent with two amendments. One is a technical correction, and the other is a clarification. Neither makes a policy change.

I know of no controversy and urge the House to concur in the Senate amendment, clear the bill for the President, and expedite implementation of this long overdue merger.

Mr. Speaker, I reserve the balance of my time.

Mr. EHLERS. Mr. Speaker, I continue to support H.R. 3690, after its amendment by the Senate. This bill would provide for the merger between the Library of Congress Police and the United States Capitol Police. The Senate has returned this bill with minor technical changes and clarifying language regarding the computation of annuities for retiring police officers with prior service. These changes are both accurate and appropriate, and I thank my colleagues in the other body for their work on this bill.

As I've said before, I'm confident that while the Library of Congress Police and the U.S. Capitol Police Force have different protocols and objectives, this merger will leverage the institutional knowledge of the Library staff with the expertise of the Capitol Police for the benefit of both organizations.

I look forward to partnering with Chairman BRADY, who's done yeoman work on this issue, to ensure that the committee maintains ongoing communications with the Library and Capitol Police so that going forward both organizations have the resources and assistance they need to successfully integrate their law enforcement divisions. In particular, we wish to provide the Library and the Capitol Police with a means to communicate with the Congress on the progress of the merger and consider any guidance or resources that they require to achieve long-term success.

I urge my colleagues to join me in supporting this bill, as amended; and it will ensure that the Library's treasures are protected from harm and preserved for generations to come.

Mr. Speaker, I yield back the balance of my time.

Mr. BRADY of Pennsylvania. Mr. Speaker, I urge an "aye" vote, and yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3690.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BRADY of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. BRADY of Pennsylvania. Mr. Speaker, I ask unanimous consent for Members to have 5 legislative days within which to revise and extend their remarks on the matter just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 884, by the yeas and nays;

Concurring in the Senate amendment to H.R. 3690, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

PROVIDING FOR CONCURRENCE BY HOUSE WITH AMENDMENT IN SENATE AMENDMENTS TO H.R. 3997, HEROES EARNINGS ASSISTANCE AND RELIEF TAX ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 884, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Connecticut (Mr. LARSON) that the House suspend the rules and agree to the resolution, H. Res. 884.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 21, as follows:

[Roll No. 1181]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—21

Andrews
Bishop (UT)
Butterfield
Cubin
Gilchrest
Hastings (FL)
Hooley
Jindal
Johnson, E. B.
Miller, Gary
Ortiz
Pastor
Paul
Pryce (OH)
Simpson
Sutton
Thompson (CA)
Udall (NM)
Weller
Wexler
Woolsey

☐ 1747

Ms. GRANGER and Mr. UDALL of Colorado changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SUTTON. Madam Speaker, on rollcall vote No. 1181, I was unavoidably detained. Had I been present, I would have voted "yea."

U.S. CAPITOL POLICE AND LIBRARY OF CONGRESS POLICE MERGER IMPLEMENTATION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendment to the bill, H.R. 3690, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. BRADY) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3690.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 19, as follows:

[Roll No. 1182]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski

Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—19

Boustany
Butterfield
Cubin
Gilchrest
Hastings (FL)
Hooley
Jindal
Johnson, E. B.
Lynch
Miller, Gary
Ortiz
Pastor
Paul
Pryce (OH)
Thompson (CA)
Udall (NM)
Weller
Wexler
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1756

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, on December 18, 2007, I missed nine votes because of scheduled eye surgery in Dallas.

Were I able to attend today's session in the House of Representatives, I would have voted "yea" on rollcall votes Nos. 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181 and 1182.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 2499. An act to amend titles XVIII, XIX, and XXI of the Social Security Act to extend provisions under the Medicare, Medicaid, and SCHIP programs, and for other purposes.

☐ 1800

HONORING BUCHANAN, GEORGIA ON THE OCCASION OF ITS 150TH ANNIVERSARY

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Madam Speaker, I rise today to honor the City of Buchanan, Georgia, on the occasion of its 150th anniversary.

The City of Buchanan, which is located in the southwest corner of Georgia's 11th Congressional District, was incorporated on December 22, 1857. Named after former President James Buchanan, Buchanan, Georgia, has served as the county seat of Haralson County since its incorporation back in 1857.

As Americans, we celebrate the role of history in our daily lives, and we strive to preserve the heritage that has shaped us both as a people and as a Nation. Buchanan is truly a living example of that heritage, a city that is small in population, but abundant in heart, and that represents Georgia's warm and welcoming character so well.

Madam Speaker, Georgians take great pride in celebrating the traditions of our communities. The growth, rebirth and preservation of these historic towns are important to us all, for these communities are the very backbone of our great Nation.

And so, therefore, I ask that my colleagues join me in congratulating the citizens of Buchanan on the city's sesquicentennial celebration of 150 years.

APPOINTMENT OF HON. STENY H. HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH JANUARY 15, 2008

The SPEAKER pro tempore (Ms. BALDWIN) laid before the House the following communication from the Speaker:

WASHINGTON, DC.
December 18, 2007.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through January 15, 2008.

NANCY PELOSI,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING CONGRESSWOMAN JULIA CARSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. KENNEDY) is recognized for 5 minutes.

Mr. KENNEDY. Madam Speaker, I rise today to stand with my colleagues to honor a truly remarkable Member of Congress, my friend, JULIA CARSON.

There are a lot of people in Washington, D.C., that sometimes forget their roots or why they want to be here; not JULIA CARSON. JULIA never forgot why she was here or who she represented. She was here to expand the opportunities for others, to end inequalities in our society, and to seek justice for every American.

One of her most significant and meaningful accomplishments in the House was her effort to honor Rosa Parks with a Congressional Gold Medal. In the remarks that JULIA delivered when she introduced this bill, she said, "the quiet courage of Rosa Parks changed the course of American history."

For those of us who knew and worked with JULIA, we knew that she was not always quiet, but that the course of American history has always been changed by her courage. One of JULIA's greatest attributes was that it didn't matter who you were or where you came from or the color of your skin or the money in your pocket. She was happy to work with anyone who shared her commitment to treating everyone with respect and dignity.

Her relationship with a good friend of hers, Alan Hogan, comes to mind. Somehow, at age 17, a suburban boy from southeastern Indiana found a mentor in Ms. JULIA. Their mutual affection for each other and their work to promote justice and equality resonated with Alan and turned into a lifelong friendship. Her actions inspired Alan to fight to end social injustices, including working to ensure that young African American athletes were not exploited for their talents and that they received quality education when recruited to top-notch colleges and universities for their athletic scholarships.

Ms. JULIA affected Alan's life in a profound way, and I know she has uplifted countless others that I cannot begin to list here tonight. While she may have had many pieces of legislation that she could acknowledge as great accomplishments, I see an army of volunteers, like Alan, who will continue to carry her work as the greatest of her legacies.

JULIA's humanity always pierced through people's preconceived notions of what kind of stereotype she should fit into. You could never pigeonhole JULIA CARSON or predict what she could do or what she would say next. And it often left all of us at the edge of our seat, trying to predict what she would say next.

JULIA has said that it was Rosa Parks who paved the way for her to come to Congress. I believe that JULIA's work as a representative has paved the way and opened the doors for countless young Americans who I hope will follow in her footsteps and achieve great things.

Thank you, Ms. JULIA CARSON, for your friendship and for your legacy of justice and equality for all. We love you, and we will always miss you.

UNJUST PROSECUTION AND APPEAL OF FORMER BORDER PATROL AGENTS RAMOS AND COMPEAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, it has been 336 days since two United States Border Patrol agents entered Federal prison. Agents Ramos and Compean were convicted in March of 2006 for shooting a Mexican drug smuggler who brought 743 pounds of marijuana across our border into Texas. They're serving 11 and 12 years in prison.

Earlier this month, the White House released its list of 29 pardons which are traditionally granted around Christmastime. Among the list of pardons were those convicted of conspiring to import marijuana, possessing a stolen motor vehicle and distributing cocaine.

Madam Speaker, there are 7 days until Christmas, yet Agents Ramos and Compean, who were doing their duty to protect the American people from an illegal alien drug smuggler, are still in Federal prison, away from their families and loved ones.

There is bipartisan agreement among Members of Congress that the overzealous prosecution of these agents and their excessive prison sentence is a tremendous miscarriage of justice. In recent days, I was pleased to join Congressman ED ROYCE and other House colleagues in writing the President to urge him to ensure that Agents Ramos and Compean are released from jail by Christmas. I was also happy to join Congressman BILL DELAHUNT and others in cosponsoring a resolution calling on the President to commute the agents' sentences to time already served.

A ruling on this case from the 5th United States Circuit Court of Appeals in New Orleans is expected within weeks. Nothing can erase the suffering these agents and their families have undergone and the months they have spent in prison in solitary confinement away from their families; however, a judgment in favor of Ramos and Compean in this appeal would be an important victory and the first act of justice these agents have seen since their arrest.

During the appeal hearing, one of the three judges on this case, Judge E. Grady Jolly, said, "It does seem to me that the government overreacted here. For some reason, this got way out of hand."

Madam Speaker, in the eyes of many Americans, the prosecution of these border agents was not justified. An unbiased review of this case by Attorney General Mukasey, a hearing by the House Judiciary Committee and a Presidential pardon for these agents are all steps that can and should be taken to rectify this gross miscarriage of justice.

Through the efforts of this Congress and the American people, I am hopeful that justice will soon prevail for Ramos and Compean, that the nightmare of their imprisonment will end, and they will soon return home to their families and those they long to be with.

Madam Speaker, before I close, I want to ensure the families of Ramos and Compean that those of us in Congress will not forget this injustice until these men are released.

With that, Madam Speaker, I ask God to bless our men and women in uniform and their families, and ask God to continue to bless America.

□ 1815

PUBLIC HOUSING IN NEW ORLEANS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Madam Speaker and Members, I rise this evening to basically talk about what is happening in New Orleans and the fact that the city council is going to take a vote on Thursday to determine whether or not they're going to dismantle the big four public housing developments in that city. If they dismantle these public housing units, the City of New Orleans will lose 4,500 units.

These units have been boarded up for 2 years. The citizens who lived in these units were evacuated as a result of Katrina and Rita. They are now living in other cities, Houston and Dallas and Austin and Atlanta, all over the place, and they thought they would be able to return once these units were rehabbed.

These units, many of them, were not destroyed. Some of them had minimal damage. For example, the one housing development, La Fete, only had water damage on the first level. And they could have not only rehabbed that first level of La Fete projects, they could have opened up those other units, but they did not. They have been boarded up. And people's lives have been in limbo living in these other cities, without the opportunity to come home and without the support that they needed.

In my committee, the Subcommittee on Housing and Community Opportunity, we worked and we put together a bill, H.R. 1227. That bill passed out of that committee and off the floor in March, and we sent it over to the Senate, where it has languished.

But basically, that bill laid out not only the fact that we would do a survey, because HUD was saying, well, many of the people had left, they did not want to come back. In that bill, we asked for a survey to be taken. We also placed in that bill that 3,000 units would be rehabbed right away, people would be given an opportunity to come back who wanted to come back, then the residents would be involved, working with HUD and HANO, that is the local housing authority, and the City of New Orleans to talk about the future of public housing development, what they would like to see.

We are not against redevelopment. We think that there should be planned development. We think that, first of all, they should look at these units and see which of them should remain. They should work with the residents and the local elected officials to talk about what would be redeveloped. And we were very surprised. We were very surprised when just a few days ago they started to dismantle the "Big Four" public housing units.

Well, because they started, two different entities went ahead and got restraining orders. They have been working with a non-profit group, the Advancement Project, and Ms. Tracy Washington and Mr. Bill Quigley, two lawyers that got involved and got a restraining order to stop the bulldozers. And then the AFL–CIO that had been working on one of the big developments known in New Orleans to stop that development. So now a lot of people have gotten involved.

The conservancy got involved because some of these are historic properties. And now the city council, it has been thrown into their laps because when they started to look at what HUD was doing in dismantling, they found that they were breaking any number of laws. They had not gotten the permits, and perhaps they don't even have the legal authority by which to do it because they had taken over these public housing projects. They were in receivership. But the time frame for the receivership had run out. And so we don't even know if they have the authority.

So now we have at least one restraining order that remains and the city council that is going to take a vote about each of those. AFL–CIO was involved in the one called St. Bernard, one of the biggest ones.

I have drafted a letter to the members of the city council explaining to them what we thought was an arrangement that we had worked out with the HUD Secretary, Mr. JACKSON, that would do the rehab of a limited number of units and involve the tenants and the plan for the redevelopment of all these units. We are surprised they want to bulldoze them. We are very surprised because homelessness has doubled in New Orleans. There are no rental units. Many of those units were destroyed. People are still living in FEMA's trailers. And to think that they would dismantle 4,500 units of public housing is unconscionable when people are looking for places to live.

So I have developed a letter that is going to the members of the city council and will try to engage them as much as I can to explain what we have done here. We also asked Speaker PELOSI, along with Senator REID, to put together a letter asking the President not to dismantle these units. That letter has gone out. My letter is going out. The telephone calls are going forth. But it is important for the people of this country to understand what is going on.

There were rumors following Rita and Katrina that perhaps some people wanted to change the make-up of New Orleans. Some people wanted to get rid of the poor people and thought that all of that city should really become the tourist attraction with all of the hotels and the gambling and all of the other things, and workers should live outside and not inside New Orleans. And some people think that they are carrying out that kind of a mission and that kind of program. I would just ask the Secretary to not demolish these public housing units. It is Christmastime. To give to the people of New Orleans a Christmas present of tearing down these units is unconscionable.

HONORING THE MEMORY OF SPEAKER TOM MURPHY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

Mr. GINGREY. Madam Speaker, I rise tonight with a heavy heart, saddened by the loss of not only a constituent, but also one of the most important figures in Georgia government in the modern history of our State. Thomas Bailey Murphy of Bremen, Georgia, Speaker Tom Murphy, was called home to be with the Lord last night at 10 p.m.

A native of Haralson County, Speaker Murphy was born on March 10, 1924, to Leta Jones and William Harvey Murphy. A graduate of Bremen High School and North Georgia College, a young Tom Murphy heard the call of his country and he enlisted in the Navy during World War II. He served in the Pacific theater from 1943 to 1946.

Upon his return home from World War II, Tom Murphy married the love of his life, Agnes Bennett, with whom he shared his life until her death in 1982. Soon after their marriage, Tom Murphy graduated from the University of Georgia School of Law.

And then, Madam Speaker, in 1960, he followed in his brother's footsteps, winning election to the Georgia House of Representatives. In his first seven terms in the legislature, he had the opportunity to serve as the Governor's floor leader and as speaker pro tem until being elected as Speaker of the House in 1973. As Speaker of the Georgia House from 1974 to 2002, he served not only with distinction but also as the longest-serving State House Speaker throughout this entire country.

While Speaker Murphy never forgot his rural roots or his constituency, he also recognized the importance of strengthening our entire State and fostering growth and economic opportunity in the capital city of Atlanta.

During his tenure, Speaker Murphy fought for funding and sponsored the construction of the Georgia World Congress Center as well as the Georgia Dome, the largest cable-supported dome stadium in the entire world. Speaker Murphy also pushed for improved and increased funding for urban transit and suburban roads and freeways. He had the foresight to realize the need to invest not only in destination infrastructure but also in the roads, the buses and trains to get people there.

While Speaker Murphy was a great advocate of his State and of all Georgians, to say he was partisan would be an understatement, Madam Speaker. He believed firmly in the principles of the old-guard Georgia Democratic Party, and he was vehemently loyal to those principles, his party and his members, even to his own personal and political detriment. In 2000, after over 40 years of service to his district, Speaker Murphy won by a narrow margin of about 500 votes in his Republican-trending west Georgia district. And yet later that year, during the decennial redistricting process, Speaker Murphy refused to make his district more Democratic and thus safer, refusing to risk the majorities of his fellow party members that served in contiguous districts and counties.

So in the following election, Madam Speaker, he narrowly lost his seat, but he did so with his conscience intact because he remained loyal to his principles to the end.

During my time in the Georgia senate, I had many opportunities to see Speaker Murphy in action. Though I certainly did not always agree with him, I always respected him, recognizing that above all, he exemplified the scriptural exhortation to "let your yea be yea and your nay, nay."

Though his final years were made very difficult by incapacitating stroke, I know that in his heart and in his mind, he knew that he had served his State and the people of Georgia to the best of his ability; and, indeed, he served them and us with distinction.

While I know that his son, Michael, daughters, Martha, Marjorie, Mary Jane, and all of the grandchildren will miss him dearly, they know that he longed for that reunion with his beloved Agnes. And I have no doubt that when he took his last breath, and he left this world, he was greeted with the words, Thy race is run. Welcome home, My good and faithful servant.

RETIRING LEGISLATIVE DIRECTOR, PAULA L. STEINER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. KING) is recognized for 5 minutes.

CONCERNING MISSED ENERGY VOTE

Mr. KING of Iowa. Madam Speaker, initially in the time that you have recognized me for, I would like today to announce to the House that had I been present for the vote on H.R. 6, the energy bill which passed this floor 314–100, I would have voted "yes" on that bill.

Madam Speaker, today the House passed H.R. 6 by a vote of 314–100. This legislation contained a large increase in the Renewable Fuel Standard that will greatly benefit to the western Iowa ethanol producers that I represent.

While previous versions of H.R. 6 also contained an increased RFS, they also contained a large tax increase placed on the backs the oil and gas industry. I opposed the previous versions of H.R. 6 for this reason. I oppose tax increases, and I especially oppose tax increases when they will hurt consumers like the Iowa farmers I represent.

Madam Speaker, I am on record as stating that we need more Btu's of energy in America that are produced in America. We need more ethanol, biodiesel, wind, solar, clean coal, oil, gas, nuclear, and geothermal.

America has the ability to produce the Btu's, Congress just needs to remove the restraints so that industry can produce these Btu's. We need to allow the American energy industry to expand the size of the energy pie.

Every once in a while in each Member's congressional career, there come times when things happen that are beyond our control. At the time the vote occurred, I was detained by a prior engagement. Madam Speaker, I believe in the future of bio-fuels. I think this bill did some good things for them. However, this bill also contained some provisions that I do not agree with.

H.R. 6 contained Davis-Bacon provisions. This labor law is the product of Jim Crow laws and needs to be abolished. I may be the only Member of Congress, I know of no others, who has earned Davis-Bacon wages and paid Davis-Bacon wages, and I have lived underneath that for over 30 years, 28 years writing paychecks, over 14 consecutive months meeting payroll. I know what this does. I can tell you the history of it also goes back to an Iowan, an Iowan President, Herbert Hoover.

This is the last remaining Jim Crow law on the books that I know of. It was designed to keep blacks out of the construction trade in New York. Davis-Bacon is prevailing wage by definition, union scale in practice. There is no other way to analyze this. Union scale is what gets produced when the Department of Labor produces the proposed prevailing wage.

As an earth moving contractor, I know first hand how Davis-Bacon prevented my Small Business from competing in the market place. Small businesses are discouraged from bidding on Davis-Bacon public projects because of the complex and archaic rules. The inflated wage requirements and significant redtape burdens of Davis-Bacon shut small employers out of the Federal construction market.

The Davis-Bacon wage mandate also inflates the price tag for public, construction projects—costing you your hard earned taxpayer dollars.

There was over a billion dollars invested in renewable energy in my district last year. There will be over a billion dollars invested this year. All this was done without Davis-Bacon. If Congress is going to impose Davis-Bacon wage scales on rail improvement and carbon sequestration it will burn up at least 20 percent of the capital that can be used.

Regardless of my feelings about Davis-Bacon, I would have voted "yes" for this bill. I would ask that the record reflect this.

PAULA STEINER

Madam Speaker, for the balance of the time that you recognized me, I am motivated to come to the floor and say some words about my retiring legislative director, Paula Steiner. In the time that I came here to Congress, elected in 2002 and sworn in on this floor in January of 2003, Paula has done the job inside our legislative shop for those 5 years persistently, relentlessly and reliably and with significant insight.

I regret that she has to move on for family reasons and those obligations, and when I see the family that has surrounded her, I am really gratified because it is far more important that the family see the best of their mother than that I get the most use out of their mother.

But what I do want to say is that as I travel up and down the district in western Iowa, the western third of Iowa, the 32 counties that are the Fifth Congressional District that stretch from Minnesota to Missouri, and I meet the local officials and the people that are involved in and that are engaged in policy, as this news of Paula turning her focus on her family is, as it trickles through the district, they come up to me one by one and say, I am really going to miss Paula. The Siouxland Chamber's emissary on Friday said, we are really going to miss Paula. The Voice of Glenwood in Mills County said, we are really going to miss Paula.

That is what I came here to say, Madam Speaker: we are going to miss Paula. And this Hill is populated with good, hardworking, loyal people that keep our congressional offices functioning and rolling on a day-by-day basis. And sometimes when you go along outside the Cannon Building or the Rayburn Building or the Longworth Building, you will see late at night the lights are on. Sometimes it is because the maintenance people walked in, emptied the trash and left them on. Sometimes it is because dedicated people that keep our jobs going, keep our operations and our trains running on time are up there burning that candle at both ends so we can step down here and represent our district and represent our people.

The people in the Fifth District of Iowa are better represented than they would have been if I hadn't had the privilege of having Paula Steiner working for me, and I know that her family is going to be very well taken care of if they receive half of the kind of work and labor of love that Paula has demonstrated, and I want to add to that the measure of loyalty. And into this CONGRESSIONAL RECORD I choose not to go down through a series of the anecdotes except to say that it is clear that loyalty is an essential component to a congressional office. It is absolutely there with Paula.

My district says goodbye, thank you very much. I say, Paula, you are part of the extended family. Keep stopping in like you always will. Thank you very much and God bless you.

□ 1830

FUNDING THE BUSH PRESIDENTIAL LIBRARY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, this should be the season of selfless giving, a season where Americans give without any expectation of reward. This should be a season of joy and happiness when millions enjoy the company of their families and loved ones. But as some of our Nation's elites celebrate this time of giving, they do so with the knowledge that every dollar they give in politics is actually an investment in influence peddling.

Instead of corrupting this season of giving, I hope our public officials will give something back to the American people, something more powerful than money: hope in our government that should be responding to people's needs, not the needs of the powerful few.

The latest example of this sickness afflicting American politics is reflected in our political system being bought out from under us through the system of Presidential libraries whose principals seek to find investors from other countries to help to promote their legacy in perpetuity. Don't believe the logic? Just then follow the money. With President Bush desperately trying to salvage his legacy, action is heating up on funding his Presidential library. While donors to George W. Bush's Presidential library represent a Who's Who in Republican politics, some of these donors have significant business with the White House. According to a recent Harpers magazine article, a wealthy Texas oil man, Ray Hunt, reportedly gave $35 million, $35 million to the Bush Presidential Library.

This same businessman was a big campaign contributor to the Bush-Cheney campaign and, coincidentally, has a stake in a nearly billion-dollar proposal to pipe out Peruvian natural gas. All of our friends who participated in the recent debate on Peru free trade ought to think about this one. In addition, Mr. Hunt is closely involved with a "legally questionable" exploration deal with the Iraqi Kurds. Interesting set of friends in this White House.

Estimates now indicate the George W. Bush Presidential Library will cost up to half a billion dollars. A half a billion dollars. Why should a sitting United States President be involved with raising nearly unlimited amounts of money from those seeking influence? The American people surely are not blind. They understand that money buys influence, and a system allowing millions of dollars in unregulated cash corrupts all tents of democracy. We must patch this gaping loophole and prevent the leader of the free world from raising unlimited and unregulated funds for a pet project. This creates as direct a link as one can imagine between money and influence.

With House passage of H.R. 1254, the House of Representatives has clearly demonstrated its intent to provide more accountability for donations made to Presidential libraries. While this legislation is an important step in mandating the disclosure of all donations of more than $200, it does not require the disclosure of all donations from foreign governments, foreign individuals and foreign corporations. The Senate, the other body, should act on Congressman WEXLER's legislation and move forward in giving this legislation teeth.

I would like to place in the RECORD an important article that I referenced in Harper's Magazine, the title of which is, "On the Hunt: Bush backer seeks $1 billion for Peru project," and also an excellent article that was in The Washington Post this past weekend, the headline of which reads, "Clinton Library Got Funds From Abroad. Saudis said to have given $10 million." I ask to include these articles in the RECORD.

This article then goes on to talk about President Bill Clinton's Presidential library, its cost over $165 million; in which foreign sources helped contribute to that, with the most generous overseas donation coming from Saudi Arabia. Now, the last time I looked, Saudi Arabia is the country that sent the vast majority of 9/11 hijackers here. So why should any United States President take money from those kinds of interests?

It seems to me that these Presidential libraries have gone way overboard. Why can't the Archives just take the records. Why do we need all these palaces created around the country for some of these Presidents? What kind of legacy are they leaving us anyway; a Nation that has been hemorrhaging jobs from coast to coast, a Nation that is terribly in debt, in hock, with over half of our U.S. Government bonds now being sold to foreign interests.

President Lincoln never did anything like that. His service was so great, the American people recognized it for what it was. The same was true with Franklin Roosevelt. Why do we have to have these modern-day palaces to egos of these current-day Presidents? It seems to me that Congress ought to curb this really disgusting behavior, because you never really know when you're meeting with a President of the United States and a foreign leader if they are going to be begging money for a library they wish to create for themselves.

Madam Speaker, we need reform in this area as well.

[From Harper's Magazine, Dec. 18, 2007]

ON THE HUNT: BUSH BACKER SEEKS $1 BILLION FOR PERU PROJECT

(By Ken Silverstein)

Beginning tomorrow and over the next few weeks, the World Bank and other lenders will be voting, apparently in favor, on a package worth more than $1 billion to support a controversial pipeline project in Peru. The primary company that would benefit from that money is Hunt Oil, which is headed by Ray Hunt, a Texas oilman who raised huge sums for the Bush/Cheney campaigns and who reportedly has given $35 million for the upcoming Bush Presidential Library. Hunt Oil has recently generated controversy of its own, by signing what the New York Times called a "legally questionable" exploration deal with Iraqi Kurds.

The Hunt-led project would "build a pipeline, a gas liquefaction plant, marine terminal and other facilities to export 4.4 million tons of liquid natural gas annually," according to a 2006 story in the Washington Post. The pipeline would ship liquid natural gas that originates in the Camisea Field of Peru's Amazonian rain forest and send it to Mexico and from there, possibly, to U.S. markets.

The Inter-American Development Bank (IDB), in which the U.S. holds a thirty percent stake, will vote tomorrow on up to $900 million in loans for the Hunt Oil project. The U.S. Export-Import Bank (Ex-Im) decides Thursday whether to allocate several hundred million dollars worth of support, and the World Bank will vote on a similar amount in January. The IDB already backed an earlier phase of the Camisea project, which has been plagued by problems. Among the troubles, the Post said, were the spilling of "thousands of barrels into pristine rivers and killing the fish upon which indigenous communities depend for their livelihood."

A number of Peruvian and American groups—including Environmental Defense, Oxfam America, and World Wildlife Fund—are asking for further evaluation of the project before multilateral loans are approved. They point to three broad areas of concern. First are social and environmental issues, as the project runs through a spectacular stretch of the Amazon that is home to 12,000 indigenous people. "The lenders have sold themselves cheap and are not setting high enough standards for their participation," said Aaron Goldzimer of Environmental Defense.

Similar concerns were expressed in a December 12 letter to Ex-Im from Senator Patrick Leahy of Vermont—chairman of the subcommittee which monitors Ex-Im and approves the U.S. contribution to the IDB and World Bank—and his House counterpart, Congresswoman Nita Lowey of New York. They wrote:

> It is . . . our understanding that there are unfulfilled commitments and serious failures, risks and concerns still pending from the first phase of the project. These include a lack of fully independent monitoring; ongoing corruption investigations . . . new planned infrastructure in the Nahua Kugapakori Reserve which may violate previous commitments; a government audit released last month that identified significant problems with pipeline construction . . . and significant impacts on local culture, human health, fisheries and biodiversity that have not been adequately assessed much less addressed.

Second, the Peruvian government of President Alan Garcia has embarked on an aggressive campaign to dismantle the country's already weak social and environmental institutions. The government recently fired nearly all the directors of a federal environmental authority, and replaced them with political hacks. (Sound familiar?) Garcia recently axed the country's superintendent of protected areas when he voiced objections to a proposal that would opened up a large swath of the Bahuaja Sonene National Park for energy exploration.

Garcia has been attacking critics of domestic energy projects as commies and pro-poverty advocates. Meanwhile, the entire Peruvian Amazon has been divided into concessions for oil and gas development. Two years ago, only 15 percent of the Amazon had been parceled out for energy development. Garcia will undoubtedly take multilateral bank support for the Hunt project as a stamp of approval for his approach and use it to further steamroll his domestic opponents.

Lastly, the economic benefits of the project for Hunt Oil are quite clear but far more dubious in the case of Peru. In their letter to Ex-Imp, Leahy and Lowey said they were concerned that Peru did not have sufficient gas reserves to meet both long-term export requirements and domestic demand. What that means is that Peru might well pay more for energy imports down the road than it gets now for its exports. Glenn Jenkins, founder of the Program on Investment Appraisal and Management at the Harvard Institute for International Development, prepared an economic analysis of the project for Environmental Defense. He concluded that massive new reserves are discovered, Peru would be worse off from an economic perspective if the project proceeds.

Back in 2003, the Ex-Im, surprisingly, rejected support for the first phase of the project on environmental grounds, and the Bush Administration abstained during the IDB vote. Ray Hunt and his company have been aggressively lobbying in Washington to make sure the administration supports the proposed multilateral funding this time around. Early indications are that the company has succeeded and that the IDB, Ex-Im and World Bank will end up approving support.

[From washingtonpost.com, Dec. 15, 2007]

CLINTON LIBRARY GOT FUNDS FROM ABROAD—SAUDIS SAID TO HAVE GIVEN $10 MILLION

(By John Solomon and Jeffrey H. Birnbaum)

Bill Clinton's presidential library raised more than 10 percent of the cost of its $165 million facility from foreign sources, with the most generous overseas donation coming from Saudi Arabia, according to interviews yesterday.

The royal family of Saudi Arabia gave the Clinton facility in Little Rock about $10 million, roughly the same amount it gave toward the presidential library of George H.W. Bush, according to people directly familiar with the contributions.

The presidential campaign of Sen. Hillary Rodham Clinton (D-N.Y.) has for months faced questions about the source of the money for her husband's presidential library. During a September debate, moderator Tim Russert asked the senator whether her husband would release a donor list. Clinton said she was sure her husband would "be happy to consider that," though the former president later declined to provide a list of donors.

Sen. Barack Obama (D-Ill.) has made an issue of the large yet unidentified contributors to presidential libraries, saying that he wants to avoid even the appearance of impropriety in such donations. Obama has introduced legislation that would require disclosure of all contributions to presidential libraries, including Clinton's, and Congress has actively debated such a proposal. Unlike campaign donations, money given to presidential libraries is often done with limited or no disclosure.

The Clinton library has steadfastly declined to reveal its donors, saying they were promised confidentiality. The William J. Clinton Foundation, which funds the library, is considered a charity whose contributors can remain anonymous.

In response to questions from The Washington Post, the foundation reiterated that it would not discuss specific sizes or sources of donations to honor the commitment it made to donors. But it acknowledged that some of the money Clinton received from the library came from foreign sources.

"As president, he was beloved around the world, so it should come as no surprise that there has been an outpouring of financial support from around the world to sustain his post-presidential work," a foundation statement said.

Bill Clinton has solicited donations for the library personally, aides said, but he also delegated much of the fundraising to others, especially Terence R. McAuliffe, a former chairman of the Democratic National Committee and the chairman of Hillary Clinton's presidential campaign. The foundation statement stressed that he has turned over the facility to taxpayers, as other former presidents have.

A handful of major donors' names to the Clinton library were disclosed in 2004 when a New York Sun reporter accessed a public computer terminal at the library that provided a list of donors. Soon after the article appeared, the list of donors was removed.

The amount of the contribution from Saudi Arabia and several other countries, as well as the percentage of the total given by foreigners, had not been revealed.

The Post confirmed numerous seven-figure donors to the library through interviews and tax records of foundations. Several foreign governments gave at least $1 million, including the Middle Eastern nations of Kuwait, Qatar and the United Arab Emirates, as well as the governments of Taiwan and Brunei.

In addition, a handful of Middle Eastern business executives and officials also gave at least $1 million each, according to the interviews. They include Saudi businessmen Abdullah al-Dabbagh, Nasser al-Rashid and Walid Juffali, as well as Issam Fares, a U.S. citizen who previously served as deputy prime minister of Lebanon.

EXPLAINING VOTE ON CHRISTMAS RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. FRANK) is recognized for 5 minutes.

Mr. FRANK of Massachusetts. Madam Speaker, there are times when it is important for people to admit when they have made mistakes, and I made one. I voted last week "present" on a resolution that it was Christmas. Now, when I read the resolution, I decided to vote "present" because it made some controversial statements about the constitutional history of the United States and the role of Christianity in that.

I am not a historian. I don't know whether that was an accurate statement or not, and I didn't want to vote on it one way or the other. It also made a number of statements about Christian theology, about which I am even less expert, being Jewish and not being an expert in other religions. So I voted "present."

But it was then called to my attention that earlier this year I had voted for a resolution congratulating people for observing Ramadan, so I was in the awkward position of having voted in favor of celebrating Ramadan and having abstained on Christmas, and the mistake was I should have abstained on Ramadan as well.

The point is, and this reinforces it to me, it is really none of the business of the Congress of the United States as an official body whether or not people celebrate religious holidays. Our job is to preserve a free society in which people are able to celebrate their religious holidays if they wish to. But picking and choosing among religious holidays, seems to me, is odd.

By the way, when you announce you have the power to approve a holiday, I assume that means ordinarily you have the power to disapprove it. Does that mean that we could have said we don't approve of Ramadan or we don't approve of Christmas? Again, these are examples of the intrusiveness.

As I said, I find myself in an odd position, where people said, Are you pro-Ramadan and anti-Christmas? Frankly, I observe neither holiday. I wish well those who do, but as an individual, not as a Member of Congress. In fact, I have had obviously, living in this society, much more association with Christmas. But, again, that's as an individual.

That was driven home to me when I see a debate, particularly on the Republican side, between candidates as to the nature of the religion of my former Governor. This whole tendency further to entangle religion and politics is harmful to both, in my judgment. So I will acknowledge, and I understood when the Ramadan resolution came forward, in fact it was brought forward, let's be honest, for a broadly political reason. People thought that having us celebrate Ramadan might in some way alleviate an anti-American feeling that has grown out of the Iraq war. That is not what you talk about religion for.

So I should have voted "present" on both, not out of any disrespect for either religion, but out of respect for a system of democratic governance in which we politicians don't decide what is or isn't good religion. I would hope that that would no longer be part of the Republican Presidential debate. I don't believe Mormon theology has any point there. I will say this: I am no great fan of Governor Romney, nor he of me, but he served for 4 years as Governor of Massachusetts, and I don't remember a day when his religion was relevant.

Deciding that will alleviate any anti-American feelings on Ramadan, and then, okay, we will get back and show you that we are going to talk about Christmas. And we're going to talk about the constitutional history of the United States in these terms, and then let's have a debate about religion. It is not negative about religion to say that religion is best served when politicians do not seek to use it, intrude into it. Our job, again, is to preserve a Nation of freedom in which people can practice religion as they wish. No one ought to be looking for my approval as to this or that religious holiday.

So I will announce in the future I will not applaud people for Ramadan or for Christmas or for Yom Kippur or for any of the other holidays. I will work very hard to make sure every American and everyone in this country can observe those religious freedoms. But entangling us into religion for political purposes is simply a great mistake and serves no good.

Therefore, I do apologize. I erred when I voted for the Ramadan resolution. I should have voted "present" on Ramadan. I should have voted "present" on Christmas. But, even better, we should simply abstain from bringing into this very political body of elected people issues about this or that religious holiday. Let's leave religious holidays in peace.

ALLOCATIONS FOR HOUSE COMMITTEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, under section 308(b)(1) of S. Con. Res. 21, the Concurrent Resolution on the Budget for fiscal year 2008, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal year 2008 and the period of 2008 through 2012. This revision represents an adjustment to certain House committee budget allocation and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to H.R. 6, as passed the Senate on December 13, 2007 (Energy Independence and Security Act of 2007). Corresponding tables are attached.

Under section 211 of S. Con. Res. 21, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. The adjustments will take effect upon enactment of the measure. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 211 of S. Con. Res. 21 is to be considered as an allocation included in the resolution.

BUDGET AGGREGATES

On-budget amounts, in millions of dollars—

	Fiscal year 2007	Fiscal year 2008[1]	Fiscal years 2008–2012
Current Aggregates:[2]			
Budget Authority	2,250,680	2,350,996	n.a.
Outlays	2,263,759	2,353,954	n.a.
Revenues	1,900,340	2,015,841	11,137,671
Change in the Energy Independence and Security Act (H.R. 6):			
Budget Authority	0	66	n.a.
Outlays	0	64	n.a.
Revenues	0	1,016	976
Revised Aggregates:			
Budget Authority	2,250,680	2,351,062	n.a.

BUDGET AGGREGATES—Continued

	On-budget amounts, in millions of dollars—		
	Fiscal year 2007	Fiscal year 2008[1]	Fiscal years 2008–2012
Outlays	2,263,759	2,354,018	n.a.

BUDGET AGGREGATES—Continued

	On-budget amounts, in millions of dollars—		
	Fiscal year 2007	Fiscal year 2008[1]	Fiscal years 2008–2012
Revenues	1,900.340	2,016,857	11,138,647

n.a. = Not applicable because annual appropriations Acts for fiscal years 2009 through 2012 will not be considered until future sessions of Congress.

[1] Pending action by the House Appropriations Committee on spending covered by section 207(d)(1)(E) (overseas deployments and related activities), resolution assumptions are not included in the current aggregates.

[2] Excludes emergency amounts exempt from enforcement in the budget resolution.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

(Fiscal years, in millions of dollars)

House Committee	2007		2008		2008–2012 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current allocation:						
Energy and Commerce	−1	−1	366	362	−59	−63
Transportation and Infrastructure	0	0	125	0	1,525	0
Change in the Energy Independence and Security Act (H.R. 6):						
Energy and Commerce	0	0	63	64	589	582
Transportation and Infrastructure	0	0	3	0	42	0
Total	0	0	66	64	631	582
Revised allocation:						
Energy and Commerce	−1	−1	429	426	530	519
Transportation and Infrastructure	0	0	128	0	1,567	0

Under section 310 of S. Con. Res. 21, the Concurrent Resolution on the Budget for fiscal year 2008, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal year 2008 and the period of 2008 through 2012. This revision represents an adjustment to certain House committee budget allocation and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to H.R. 2761, as passed the Senate on November 16, 2007 (Terrorism Risk Insurance Program Reauthorization Act of 2007). Corresponding tables are attached.

Under section 211 of S. Con. Res. 21, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. The adjustments will take effect upon enactment of the measure. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 211 of S. Con. Res. 21 is to be considered as an allocation included in the resolution.

BUDGET AGGREGATES

	On-budget amounts, in millions of dollars—		
	Fiscal year 2007	Fiscal year 2008[1]	Fiscal years 2008–2012
Current Aggregates:[2]			
Budget Authority	2,250,680	2,350,996	n.a.
Outlays	2,263,759	2,353,954	n.a.
Revenues	1,900,340	2,015,841	11,137,671

BUDGET AGGREGATES—Continued

	On-budget amounts, in millions of dollars—		
	Fiscal year 2007	Fiscal year 2008[1]	Fiscal years 2008–2012
Change in the Terrorism Risk Insurance Program Reauthorization Act (H.R. 2761):			
Budget Authority	0	200	n.a.
Outlays	0	200	n.a.
Revenues	0	0	3,100
Revised Aggregates:			
Budget Authority	2,250,680	2,351,196	n.a.
Outlays	2,263,759	2,354,154	n.a.
Revenues	1,900,340	2,015,841	11,140,771

n.a. = Not applicable because annual appropriations Acts for fiscal years 2009 through 2012 will not be considered until future sessions of Congress.

[1] Pending action by the House Appropriations Committee on spending covered by section 207(d)(1)(E) (overseas deployments and related activities), resolution assumptions are not included in the current aggregates.

[2] Excludes emergency amounts exempt from enforcement in the budget resolution.

DIRECTING SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR RESOLUTIONS CHANGES

(Fiscal years, in millions of dollars)

House Committee	2007		2008		2008–2012 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current allocation:						
Financial Services	0	0	0	0	0	0
Change in the Terrorism Risk Insurance Program Reauthorization Act (H.R. 2761):						
Financial Services	0	0	200	200	3,100	3,100
Revised allocation:						
Financial Services	0	0	200	200	3,100	3,100

GENERAL LEAVE

Mrs. JONES of Ohio. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my upcoming Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Indiana?

There was no objection.

TRIBUTE TO THE LATE CONGRESSWOMAN JULIA CARSON

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from Ohio (Mrs. JONES) is recognized for 60 minutes as the designee of the majority leader.

Mrs. JONES of Ohio. Madam Speaker, 1st Samuel, chapter 20, verse 18, reads as follows: "Then Jonathan said to David, tomorrow is the New Moon Festival. You will be missed because your seat will be empty."

Tonight, the Congressional Black Caucus and the Indiana delegation pause to celebrate the life of a great woman whose seat now stands empty here in the House of Representatives, Congresswoman JULIA CARSON.

Congresswoman CARSON passed away this past Saturday after a long bout with lung cancer. And while her seat is empty, her spirit lives on in our hearts. She was unique. She often reminded me of the elders in my family. They are strong in their convictions and don't pull any punches when making their point; yet they have a witty and humorous way about them that can disarm even their most ardent opponent. That was Congresswoman JULIA CARSON.

Even though she was in her last illness, she did not let that stop her from advocating on behalf of her constituents. And she never complained. She always greeted you with a warm smile and that unmistakable humor which always made you feel good.

She was a trailblazer, born in poverty and racial segregation to a teenage single mother. She came through the political ranks to become the first African American and woman elected to Congress from Indianapolis. A strong advocate for her constituents, she was not afraid to take a stand, be it popular or unpopular.

Madam Speaker, I will include for the RECORD an article that was in today's Roll Call that was written by her predecessor Andy Jacobs as a guest observer and was entitled "Remembering Congress' Jewel Named Julia." It is a wonderful article. I won't go through it because we have a lot of people here who want to speak about their remembrances of our wonderful colleague JULIA CARSON.

[From Roll Call, Dec. 18, 2007]

REMEMBERING CONGRESS' JEWEL NAMED JULIA

(By Andy Jacobs, Jr.)

"Look where he came from and look where he went; and wasn't he a kind of tough struggler all his life right up to the finish?" The words are those of Carl Sandburg in praise of Abraham Lincoln. The same praise could and should be said of our sister, the late Rep. Julia Carson (D-Ind.), who has passed beyond the sound of our voices into the sunset of her temporal life and into a dawn of history.

Where did she come from? Same place as Lincoln—Kentucky. And like him, she was born both to physical poverty and spiritual wealth, and moved to Indiana.

Another similarity: Julia also had an "angel mother," Velma Porter, who put a lot of physical, mental and spiritual nutrients into the little flowerpot of her only child.

Fast-forward to a month after my first and improbable election to Congress. I was told by mutual friends that at the Chrysler UAW office, I could find a remarkable woman to join me as a co-worker in my Washington Congressional office. Remarkable? Understatement. Thus began my 47-year friendship and, eventually virtual sibling-ship with the already honorable Julia Carson, one of the most intelligent, ethical, industrious and compassionate people I have ever known.

Check out her first Congressional brainstorm. It started a national trend. Why make constituents in need of Congressional assistance with bureaucratic problems travel all the way to D.C. to get it? Why not take that part of the office to them? So we adopted her suggestion and did out "case work" in Indianapolis with Julia at the helm. It set an example that has been followed by other Congressional offices all over the country ever since. OK, there was one other factor. She had two little kids she preferred to rear in Indianapolis, doing well by her kids by doing good for her country.

Later, my refusal to bring home a particularly pernicious piece of political pork earned me a severe gerrymander that, together with the Nixon landslide, ejected me from Congress. Nothing is all bad; the beneficiary of the gerrymander was my much-admired friend, Bill Hudnut (R). That was the year I had to talk Julia into running for the state House of Representatives. She thought it would be disloyal to our friendship because it would take her away from my campaign, which was a campaign of futility that year.

She was elected to the state House, where she served with distinction and, in time, she became a state Senator, again gaining friends and admirers on both sides of the aisle.

Still later, she became the Center Township trustee and produced real "welfare reform," not with ignorant histrionic speeches and braggadocio, but with hard, quiet and meticulous work. It was reform that broke no poor child's heart, nor sent such a child to bed hungry. She not only ferreted out welfare cheats, but also sued them and got the money back for the taxpayers. Her reform wiped out a long-standing multimillion-dollar debt, moving the then-Marion County Republican auditor to say, "She wrestled the monster to the ground."

Julia was unique in that she was the only human being ever to be named Woman of the Year by The Indianapolis Star on two different occasions.

It was common parlance to say, "Congresswoman Carson's people," a reference to poor black constituents. Rubbish. The 7th district is about 70 percent nonblack and "her people" were all the people of the 7th, regardless of physical or economic description. Millionaires can be treated unjustly by the federal government just as middle- and low-income citizens can. And wherever there was injustice, this Lincoln-like lady was there to redress it. Her political philosophy was a plank from the Sermon on the Mount: "Blessed are they who thirst for justice."

There's another one: "Blessed are the peacemakers." She cast our vote against the conspicuously unconstitutional resolution that gave the Cheney gang a fig leaf to order our innocent military to the fraudulent and internationally illegal blood-soaked blunder in Iraq.

Julia called me just before she cast that vote and said that, in view of the dishonesty, panic and jingoism of the moment, she expected to lose the next election. "Courage," my mother said, "is fear that has said its prayers."

Our Julia, who art in Heaven.

Mrs. JONES of Ohio. I am going to begin with the dean of the Indiana delegation, Representative Dan Burton.

Mr. BURTON of Indiana. Madam Speaker, I thank the gentlewoman for yielding, and I want to thank the Black Caucus for taking this Special Order tonight. JULIA CARSON was a friend of mine and a friend of STEVE BUYER. We traveled back and forth on the plane from Indianapolis to Washington on a regular basis and we got to know each other.

JULIA was a wonderful person, very highly regarded by the people of Indianapolis. In fact, she is the only woman in the history of the city who was recognized as Woman of the Year by the Indianapolis Star twice. That honor came to her by readers of the paper voting for her. That was quite an honor, an honor that has not been bestowed upon any other woman in the city's history.

The thing I really liked about JULIA was that even though she was a Democrat and I was a Republican, we worked together on a lot of issues that were very important to central Indiana and the City of Indianapolis.

I remember one case in particular that dealt with the Children's Museum. I talked to JULIA about it, and she took the bull by the horns and worked very hard to make sure that the problems that we had with the Children's Museum were resolved, and I really admired her for that.

Her predecessor and her buddy, Andy Jacobs, to whom you just referred in that article, really loved her like a sister. Andy served here for, I think, 28 or 30 years, and he is a very dear friend of mine, and Andy has told me on a number of occasions the great contributions that JULIA made to him and his staff when she worked for him before she became a Congresswoman.

She was a State representative. When Andy was defeated in 1972, he urged her to run for the Indiana House of Representatives, and she did. She was elected, and then she was later elected to the Indiana State Senate. Then she ran for the Center Township Trustee's job in Indianapolis and was elected to that.

The thing I talked about yesterday when we were acknowledging JULIA that I didn't know much about until just recently was that when she took over the Center Township Trustee's job, it was in a chaotic situation. And she was able to take care of the needs of the people of Indianapolis that really needed help and at the same time to reduce the budget of the Trustee's office, and that was something that I think all of us, Republican or Democrat, really can admire.

She was a very fine Congresswoman. She was a very fine person. She always had a smile for everybody, and I really appreciated knowing her. She shall be missed. I think that she is probably in heaven looking down on us right now.

JULIA, you did a good job.

Mrs. JONES of Ohio. Madam Speaker, I now yield to my colleague and good friend, the Chair of the Congressional Black Caucus, Congresswoman KILPATRICK. And I had an opportunity to visit with Congresswoman CARSON a couple of weeks before her passing. It was a wonderful chance. I yield to our Chair of the Congressional Black Caucus, CAROLYN CHEEKS KILPATRICK.

□ 1845

Ms. KILPATRICK. Madam Speaker, Members of the House of Representatives, and people across this great Nation of ours, we have lost a jewel in JULIA CARSON.

I met the Congresswoman some 30 years ago, and she from the legislature in Indiana and I from the legislature in Michigan served 18 years together in those legislative bodies, and then came here together in 1997 to begin our tenure in the United States House of Representatives, she from Indiana, me from Michigan.

We both got assigned to the Financial Services Committee our first term, she from Indiana and I from Michigan. And together, during this 10 years of journey, we have worked together in this House of Representatives. Courageous, bold, smart, intelligent, compassionate. All those things that you want in a public servant, JULIA CARSON was that.

To the people of Indianapolis, the State of Indiana, you have lost a jewel. And all that we ask in this body of 435 of the most powerful people in the world, as well as the 100 most powerful people in the Senate, is that you send us another JULIA CARSON: intelligent, bold, compassionate, a coordinator, one who speaks for the people that she represents.

Ms. CARSON and I have had many battles and many struggles together. As was mentioned earlier by our chairperson of our Ethics Committee who is handling this Special Order tonight, she and I were in Indiana in her room with her 2 weeks ago. She looked beautiful. Her skin was radiant. Her heart was strong. And she said to us, thank you. Thank you to us as her sisters, and thank you to the people of Indiana who have been with her for over 30 years.

It is important that we come together tonight as members of the Congressional Black Caucus as well as members of the Indiana caucus, because we know she lives. We know she is in these walls and looking upon us now. What are you doing, girl? What are you all talking about? Thank you, JULIA. We love you, my sister.

And as we continue in our journey today, let's take a little bit of Congresswoman JULIA CARSON with us, dedicated, compassionate, take no prisoners, speak for the least of these. Thank you, my sister. And may you rest in peace.

Mrs. JONES of Ohio. At this time, I yield to Representative PETER VISCLOSKY, who is the dean of the Democrat delegation of Indiana.

Mr. VISCLOSKY. I thank the gentlewoman for yielding, my good friend from Ohio, to honor JULIA CARSON and her life of work to the people she represented in her district, to the people of Indiana, and this country.

Yesterday on this floor, I talked about the light that JULIA cast upon all of us, whether it was the twinkle in her eye or her burning desire to make the world a better place. This evening, I would like to talk about the strength of her character.

JULIA, when she was a young child, had a stuttering problem; but it was corrected and she was not deterred. As a 12-year-old, her mother, who scrubbed floors and took care of families and didn't get paid if she was sick, became ill; and at some point, the money had run out. JULIA went to the trustee's office to seek help, and, ultimately, cornmeal and lard were pushed across the counter to her.

When JULIA was 4 years old, for the only time in her life, she met her father. Her father promised that he was going to be a constant figure in her life. He gave her $5, and he was never seen again. Her mother remarried to someone who used to beat her. And often her mother could not come to her school events because he was someplace taking care of someone else's children. And she certainly, being a product of that time and that place, was subject to racism.

In an article she wrote in March of 1996, when she was running for Congress, entitled "My Neighbor as Myself," she related one of those instances. And I think it really summed up JULIA, who could be very tough but also have a gentle touch. She wrote:

"Another more amusing experience with racial stereotyping occurred when I worked with Congressman Andy Jacobs. One particular woman called our office quite often to complain about a wide variety of problems. I tried to be patient with her.

"I never realized that my many conversations with this woman had all occurred on the telephone until one day when she called, quite agitated, to inform me that a horrible thing had happened: a black family had moved in next door to her.

"It took me a minute to overcome my surprise, as she simply assumed that this competent public servant had to be white. However, after thinking about a wide assortment of possible responses, I simply replied, 'It is okay, honey. Just give it a chance. I have black families living all over my neighborhood, and it has turned out all right.'" And you could just see JULIA saying that.

In the end, many people would be embittered by experiences like that, but JULIA was not. And as Andy Jacobs, her very dear friend, wrote: From the physical pain of material poverty and the mindless cruel persecution of racism, JULIA CARSON made her choice, a choice of hard work, compassion, and a pleasing sense of humor. And heaven smiled.

And I know heaven is smiling on JULIA tonight.

Mrs. JONES of Ohio. At this time, I yield to the Chair of the Financial Services Committee, BARNEY FRANK, who is the Chair of the committee that JULIA served upon.

Mr. FRANK of Massachusetts. I thank my friend from Ohio and the other friends who have gathered to, really, mourn our own loss.

I served on the Financial Services Committee with JULIA CARSON. And let's be honest, there are Members of this body who, if you get to see them coming before they see you, you may not have a long conversation. But I sought JULIA's company. She was a dedicated fighter for social justice, but she was also a delightful woman.

She had that kind of air she put on of, "Oh, poor me." I feel sorry for anybody who fell for it. She had a brilliant mind, a wonderful sense of strategy, and, as I said, she put all that at the service of caring for poor people. As a member of the Financial Services Committee, she was a constant unyielding advocate for fairness in our society.

And I do also want to note, a number of people have mentioned my former colleague, many of us served with him, Andy Jacobs. Andy was the Congressman from that district. He retired. And rarely has any politician fought as hard for another politician as Andy Jacobs did to elect JULIA CARSON. And to the minds of many, JULIA wasn't a natural fit. People thought that she was not conservative enough for the district, not, let's be honest, white enough for the district. And race continues to be the besetting problem of America. We have made some progress in it. We haven't solved it.

Andy Jacobs' dedication to helping to elect JULIA, and, obviously, she got there on her own, But Andy's helping run interference as JULIA carried that ball really was one of the great acts of statesmanship, and then JULIA made the most of the opportunity.

I had the pleasure of going out to her district a couple of times because there was this sense on the part of some that a woman like JULIA CARSON, with her background and her set of values, couldn't possibly represent Indianapolis. Somehow they thought that something had gone wrong. But the people knew better, and the people stood by her. And they stood by her because she was, as I said, as staunch a fighter for making this the kind of America we all want to live in as I ever saw.

I miss her a great deal. I miss coming into the committee and seeing her pretending to look kind or angry and sad, with a twinkle in her eye ready for that comment that was going to put everything in perspective. JULIA CARSON was a wonderful Member of this body. And the dignity with which she bore her last months of pain troubled all of us, but it was a fitting example of the extraordinary quality of a great woman.

I thank the gentlewoman from Ohio and others for giving us this chance to express our appreciation for having had the benefit of her colleagueship for a while.

Mrs. JONES of Ohio. I yield time now to Mr. BUYER, a member of the Indiana delegation.

Mr. BUYER. I thank the gentlelady for yielding.

I have to agree with my friend and colleague, BARNEY FRANK. We watched someone of great strength suffer from the cruelness of cancer. And it was really hard to watch JULIA.

This is an individual that I spent more time in the airport with than ever here in Congress. And those of us who fly back and forth, we know what that is like. For 11 years in the Indianapolis airport is really where I spent most of my time with JULIA CARSON. She and I shared a subcommittee leadership on the Veterans' Affairs Committee, but that doesn't even come close to the times in the Indianapolis airport.

I would rather remember the lady that I first met. JULIA CARSON is an individual that, no, this is a lady that wore a big hat, with a witty personality, with a great smile, and a big heart.

And I also pity the individual that fell for any of her, oh, shucky darns wit, I just don't understand; can you help explain it to me? Because you lost if you believed any of that.

She suckered me in pretty good when it came to the support of the Midfield terminal with the Indianapolis airport. She had just got on the Transportation Committee. She understood the need for infrastructure for a city like Indianapolis and, gee, she wanted some of my help. And before I realized it, I am carrying the water heater, getting the letter, getting the support from all of the Indiana delegation, and said, oh, it would be okay if you go down and talk to the FAA. I mean, she was steering me the whole time. But I didn't mind. It was for the betterment of Indianapolis and Indiana. But don't let anybody fool you who was really controlling the strings here. It was JULIA.

And what a great lady. A great lady, because this Hoosier treated kindness like grain. She understood that, if she sows it, kindness will only increase. And I think she used that in her life. She used a kindness to go after her political enemies. She used that big smile and kindness to achieve great things. And it was also an enduring quality about her. And that is what I want to remember JULIA most by.

I have to end with this, because she loved her Indianapolis Colts. When it came to the redistricting in Indiana, and we all know what redistricting is like: sometimes maps and the lines can go down the alleyways and sidewalks almost. But she made sure that her district, that etched in and it took the headquarters of the Indianapolis Colts and the training facility because she wanted her boys, as she told me. I said, JULIA, I have got most of this territory all surrounded, and you went deep down the road and etched out and took them out. And she smiled and she said, Those are my boys. And she loved her Indianapolis Colts, and I am glad that she got to see the Colts have that Super Bowl on her watch, because it only made her smile even that much greater and that much bigger. And that is the JULIA CARSON that I remember and loved.

Mrs. JONES of Ohio. I want to comment as well that I want to remember JULIA CARSON because she was a fantastic dresser. She was always immaculately dressed, all kinds of wonderful outfits. And I always think about how great she used to look as she came on the floor.

At this time, I yield time to my colleague and good friend from the great State of North Carolina, a former Chair of the Congressional Black Caucus, MEL WATT.

Mr. WATT. Let me, first of all, thank the gentlelady for convening this Special Order in memory of our dear friend and colleague, JULIA CARSON.

If you didn't know JULIA CARSON, you probably would think she was a study in contradictions. That is kind of always the way I felt about her. She was this person that, from the very beginning when she came to Congress, which was the first time I met her, appeared to be a very fragile person. You would see her on the floor and she didn't appear to be well; and yet you would go on a trip to South Africa, and there she would be out among the children meeting with them and undertaking the rigors of an international trip that you knew was an imposition physically on the most physically fit Member of Congress.

□ 1900

You would see her and talk to her and her voice would be so mild and gentle, and yet when she undertook an issue, it was just like a metamorphosis because she was so articulate and passionate about that issue. And you would see her and she would look at you sternly and make a quip, and you would walk away thinking it was kind of a straightforward statement. And then all of a sudden it would dawn on you she had zinged you without you even being aware of a subtle point that she had made.

There were these contradictions there that I loved about JULIA CARSON. Once you got to know her, sometimes she would game you, as BARNEY FRANK has indicated. She would appear unsophisticated politically, and then all of a sudden she would pull one of the most important political maneuvers, like the tribute to Rosa Parks that took such delicate balancing to pull the elements together. This was a woman, a lady of contradictions, apparent contradictions, yet once you got to know JULIA CARSON, you knew there was one person there who was just steady as a rock. She was solid. We loved her and we express our sincere condolences to her family.

With that I know there are many who wish to speak, so I yield back.

Mrs. JONES of Ohio. I yield to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I thank the gentlewoman for calling this Special Order, and I am very humbled to be able to stand on behalf of the people of eastern Indiana and express my deepest sympathies to the family and colleagues of my friend, the late JULIA CARSON.

The Bible tells us to mourn with those who mourn and to grieve with those who grieve. Tonight on the floor of Congress, we gather to do just that. To mourn with the many tens of thousands of grateful constituents who are remembering JULIA CARSON this week and who owe a debt of gratitude to her for 30 years of service to the people of Indianapolis that they know in their hearts they will never be able to repay.

I grieve the passing of JULIA CARSON for a variety of reasons. First, for her service. She will be remembered as a pioneering leader in the State of Indiana. As the first woman and the first African American elected to Congress from Indianapolis, she will be long remembered in Indiana public life.

I will remember her throughout my own years in politics in trying to get into politics, seeming to see her contribute first as a State legislator, then as a legendary Center Township Trustee in Indianapolis, and later elected to the United States Congress. She was, and I say with affection, a fierce political competitor and succeeded at everything she tried to do, in politics and public service.

The gentle demeanor that we are remembering tonight belied a freight train of effectiveness that was JULIA CARSON. And I experienced that effectiveness, usually on the losing side of an argument. But what I would always find in JULIA CARSON is, while she was a fierce advocate here on the floor of the Congress for what she understood to be the needs of her district and the obligations of the law and of justice, that walking back to our offices after the fact, I would never fail to be moved by her gentleness and her kindness and her decency, which leads me to the other piece of JULIA that I will always treasure, and that was her profound Christian faith.

I must tell you as a cheerful conservative Republican elected to Congress having observed her career from afar, I would have told anyone in Indiana that the last person I expected to be friends with in Congress was JULIA CARSON. She was tough. She was effective. She was liberal. But when I arrived in Congress as a new freshman, she reached out to me, and she reached out to me on the basis of our shared Christian faith. And it was on that foundation that we built a friendship.

And we, on occasion, found ways to work together. Working with her to pass legislation authored by another colleague in the Chamber today, the Second Chance Act, it would be JULIA CARSON that would appeal to this House conservative about the needs of breaking the cycle of recidivism and crime that beset so many families in the underserved community, but it would be her heart on that matter that would reach me with the wisdom of the Second Chance Act. And part of her legacy here today will be the success that we have seen that legislation experience this year and, I trust, in the future.

Every time I would ask her in her infirmity in the last year and a half how she was doing, I don't know how she would answer the rest of the Members here, Madam Speaker, but whenever I would quietly say, "JULIA, really, how are you doing?" she would smile in that infirmity and say, "I am blessed by the best." No complaints, no grumbling. "Blessed by the best" will be her legacy in my heart. To know that as I have the privilege of serving here, whatever the condition in which I serve, I will understand He who placed me here.

I think of that great verse. I don't know what the pastor will say at Eastern Star Saturday. My wife Karen and I will be there, as I know most of this Chamber would wish to be there at her funeral. I don't know what the pastor of that great church will say, but when I think of JULIA CARSON, I think of that mandate that we are called to do justice, love kindness, and to walk humbly with our God.

The JULIA CARSON I remember tonight and will always remember throughout my years in public service did justice as she understood it. She loved kindness even to those with whom she differed, and every day she was here, she walked humbly in the service of the people of Indiana. For that, we, as a State and as a Nation, will be eternally grateful.

Mrs. JONES of Ohio. At this time it gives me pleasure to yield to my colleague and good friend from California, BARBARA LEE.

Ms. LEE. I thank the gentlelady for yielding and for calling this Special Order to recognize and honor the extraordinary life of our dear friend and colleague JULIA MAY CARSON.

First, I would like to offer my deepest condolences to her family and her constituents of Indiana's Seventh Congressional District, to her friends and to her staff here in Washington, DC, and in Indiana. For over 35 years, Congresswoman CARSON championed the rights of the underprivileged, the underrepresented and the overlooked. We came to depend on her determined leadership and commitment throughout her tenure in Congress. So a true voice for the voiceless was taken from us on December 15.

We shared many conversations about our common interests. We frequently talked about the fact that we both shared the same astrological sign. We are both Cancers. JULIA's birthday was July 8. Mine is July 16. JULIA CARSON was fiercely loyal and patriotic, and that supposedly is a typical characteristic of Cancers. She exemplified those values, though, in many, many ways. Her loyalty and her patriotism was what undergirded and served as the foundation for her career in public service.

In coming to the House floor to vote, I would pass by her office. Oftentimes, I would walk with JULIA. We would share many conversations. But even to this day I noticed, and I would like for you to look at the plaque outside her door, she has the pictures of at least 45 of Indiana's fallen men and women who have served this country. She kept their pictures in her office. She loved the troops. She loved her district and our young men and women.

She was a woman of courage. Congresswoman CARSON was an adamant opponent of the Iraq war, and we talked about this a lot, even though it could pose political risks, but she let her conscience be her guide.

I witnessed her passion for justice when I served with her on the Housing Subcommittee with Congresswoman WATERS, her passion for the homelessness and seeking housing for homeless public recipients. What a woman.

Very recently, even with her debilitating illness, several months ago she came to me and asked me to help her. We were putting this together, to put together another visit to South Africa. She wanted to lead a codel. And of course her health would not allow for this exhausting trip, but I will always remember up until a couple of months ago her optimism and determination to go back to South Africa. She wouldn't take "no" for an answer.

We are going to miss Congresswoman CARSON tremendously. I am reminded of the scriptures, Timothy 4, Chapter 7: I have fought the good fight. I have finished the race, and I have remained faithful.

Madam Speaker, Congresswoman JULIA CARSON fought hard. She fought hard for peace and justice all of her life, and she completed her work on this Earth, but it is up to us to pick up that baton and to move it forward in her memory.

And she remained faithful. She remained faithful to the end to her family, her friends, her constituents, her country, and most importantly to her God. May her soul rest in peace.

Mrs. JONES of Ohio. Madam Speaker, I yield to the gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Madam Speaker, I want to thank the gentlewoman from Ohio for yielding, and I am pleased to join with my colleagues as we pay tribute to Representative JULIA CARSON.

JULIA and I were elected at the same time and soon discovered that we knew many of the same people because a large number of individuals from the town where I grew up migrated to Indianapolis and became very much involved in the affairs of the city.

We also discovered that JULIA and my cousin were good friends because they were the longest serving African Americans elected in Indiana. They both had been trustees for a long time, JULIA in Indianapolis and Dozier Allen in Gary.

But JULIA and I worked together on something called responsible fatherhood legislation that we had been working with Senator EVAN BAYH from Indiana and Senator BARACK OBAMA from Illinois. We introduced that legislation and actually planned to give it a real push in 2008. If we are able to really move it, I would like to see us actually name it the JULIA CARSON Responsible Fatherhood Act.

□ 1915

And so it's been a pleasure working with JULIA.

She actually would drive. Well, she wouldn't always drive herself, but sometimes she would, from Indianapolis to Chicago. We had a hearing at the Federal Reserve Bank, and I get there downtown Chicago, there's JULIA in her van, coming to testify. And all of us knew that she'd been ill. All of us knew the difficulty that she had. And I said, JULIA, how did you get here? She said, Ain't nothing but a little sport.

And so JULIA, we're going to miss you. You were a brave soul, had a great heart. JULIA is a legend in Indianapolis. I mean, those of us who know her here, we know her in a sense. But in Indianapolis, she's an absolute legend.

Mrs. JONES of Ohio. Carol and I will remember that JULIA kept saying to us, look out for Andre. She loved her son and daughter, but she loved that grandson, Andre Carson.

It gives me great pleasure at this time to yield time to JOE DONNELLY, a member of the Indiana delegation.

Mr. DONNELLY. It is interesting you mention Andre, because I was at JULIA's house just about a week or two ago where they had a vigil in Indianapolis while JULIA was so sick, and Andre was outside. And the amazing thing was it was a spontaneous vigil that had started approximately 3 in the afternoon on a Friday. And in a matter of just a few hours, we all congregated at her house at approximately 6:30. And so I headed on over there, and it was spectacular, to say the least. There were police cars everywhere, and what they were trying to do was control the huge crowd that had come to JULIA's house to testify for her and to pray for her and to show her how much they loved her.

And at that time, JULIA was so ill that she was not able to come outside the house. But she had friends and relatives come out and say JULIA isn't able to come out and speak for herself, but she told us to tell you how much she loved you. And the best part of the crowd was that it wasn't the captains of industry. It wasn't all the famous politicians over the years from Indiana. It was the regular, everyday folks who came out to show her how much they appreciated her hard work over the years; that every time they needed a champion, JULIA CARSON was there for them. And when you needed a friend, and JULIA CARSON stood up for you, you had no stronger champion.

I remember, I'm from the South Bend area, and I called to JULIA in a very, very tough congressional race that nobody thought could be won and said, could you come up and help me? And she said, Son, I'll be on my way. And when she came up, the crowds came out. And I remember we have a railway system there that's critical to our infrastructure. And JULIA was able to get so much of the funding for it. And she wanted to take a ride. And the press was out there, and she was still ill at that time. And the train was supposed to leave at 8 in the morning. And about five of 8, no JULIA, about 8, still no JULIA. Her chief of staff is standing there very, very nervously, and he said, she'll be here very soon. And the conductor said, well, we have to go. And I turned to the conductor and I said, my guess is you'd be better off waiting. And about 8:15, JULIA came, and it was like the queen of Indiana had arrived and everybody cheering and saying hello. And she leaned over to me with a big smile and said, I love trains and I'm looking forward to going for this ride. And it was that spirit of warmth and enjoyment.

I followed her one time at an event where everybody had 5 minutes to speak. And I followed JULIA Carson. And telling JULIA CARSON she had 5 minutes to speak was like waving a red flag in front of a bull. So JULIA spoke for 41 minutes. And then she looked over at me and said, Sorry about that. And the gentleman in charge of the event looked at me and said, Your 5 minutes is now 1½ minutes. And I got up, and the only thing I could say is, How do you follow someone who has spoken so eloquently and said so much?

We will miss her in an extraordinary way. She had a wonderful staff, people truly devoted to her. But more than anything, she was devoted to her beloved city of Indianapolis, and they repaid that love to her with their care and affection and devotion.

And one other thing, politically, I don't think she ever lost a race. Can you imagine that? Time after time after time, they underestimated Ms. CARSON, and Ms. CARSON always came out on top.

It was an extraordinary privilege to know her and, at the end, to see the dignity of her suffering. I know they said of Pope John Paul II, they said, some of his finest moments was the dignity he showed in the suffering he went through. And we all saw it here at the House of Representatives, how hard she tried, how hard she struggled because she wanted to keep working hard for her beloved city. And it may well have been her most dignified, her most powerful moments were the struggles she went through at the end.

So to JULIA, we love you. We miss you, and I look forward to seeing you on Friday.

Mrs. JONES of Ohio. At this time I'd like to yield to the majority leader, Steny Hoyer of Maryland.

Mr. HOYER. I thank the gentlelady for yielding. I met Andy Jacobs in the Young Democrats, many, many years ago. I drove Andy Jacobs to a speaking engagement at the Young Democrats at a restaurant not too far from the Baltimore Washington International Airport. A few years later I was elected to Congress, and Andy Jacobs was a Member of the Congress of the United States, a member of the Ways and Means Committee, an extraordinary Member of this House. And there came a time shortly thereafter when Andy decided to retire. And there were a number of people who expressed an interest in running for this seat. Andy came to me and he said JULIA CARSON's going to win this race. You be for JULIA CARSON.

Our beloved colleague, JOE DONNELLY has just said, she never lost a race.

Now, I didn't know JULIA CARSON. And there were some pretty active people, men and women, in that race; and we had met a couple of them. They were pretty impressive. I had not met JULIA CARSON. But Andy Jacobs, her predecessor, a Congressman for some 25 years, at least, said to me, JULIA CARSON's going to win this race. And sure enough, JULIA CARSON won the race. And those of us who served in this body had the privilege of getting to know JULIA CARSON, getting to know her as a friend, getting to know her as a colleague, getting to know her as a leader in her community.

I went to Indianapolis. I see my friend, my very, very close and dear friend BARON HILL here. BARON and I have been in Indianapolis a number of times, and I did a number of fund-raisers in Indianapolis for and with JULIA. And then in the last campaign I went out to Indianapolis to be with JULIA and we were at a senior citizens center, and it was the essence of JULIA CARSON. JULIA CARSON, who was sort of one of the most, "acerbic" is not the right word, I've been searching for the right word, but JULIA could be very direct. And there was no fooling around. You knew where JULIA stood and you knew what she was thinking. She didn't have time for just jiving. She knew what she wanted to say, she knew what she wanted to do and she told you.

And I went to the senior center, and I spoke on her behalf. But so many people were speaking on her behalf. It was thought to be a tough campaign. She won better than she was expected to win. But you got the essence of JULIA CARSON as you went around and talked to those seniors who had been active in the community for many, many years, as JULIA had been, who worked herself up to be a Member of Congress, but she was not appointed by anybody.

The community loved JULIA CARSON. And when I say the community, the community writ large, not the African American community, the white community, this community or that. The community, writ large, loved JULIA CARSON because she was honest, she was direct, she cared and she worked hard for her people. JULIA CARSON was an asset to her district, to Indianapolis, to Indiana, to this institution, the House of Representatives, and to our country.

JULIA CARSON is now back home in Indiana. We'll miss her. But this body was better for her service. And I thank the gentlelady for giving me this brief time to pay honor to a great woman and a great American.

Mrs. JONES of Ohio. At this time I'd like to yield time to my colleague and good friend from California, DIANE WATSON.

Ms. WATSON. I'd like to thank STEPHANIE TUBBS JONES for providing this opportunity for us to remember someone that I considered a dear friend before I came to the House. I met JULIA in the 70s, and we bonded together because we were active in the National Conference of State Legislators, the Black Caucus. We were the two women in the Senate. And once you meet JULIA, you never forget her. She had that kind of impact on you.

And I remember her sitting up in the back with her head hanging very low. And she looked up and she saw, you know, I'd say, how are you feeling JULIA, and she'd say, oh, great. Well, you knew she wasn't feeling great.

But she said, you know, I want to go on a codel. So I'm taking my own codel because no one here will take me with them. That was JULIA.

And then I remember going out and she was standing against one of the pillars outside and hardly able to stand. I said, well, JULIA, let me stand with you. She said, no, I'm holding on. My staff is coming after me. She was the can-do-it person. And regardless how bad the time was, she never let you know.

She was the second one that went out with dignity and class and grace. And I knew that the time would not be long, because I called her office and I talked to her chief of staff; and when he said he was sitting at her bedside, I knew then that she wouldn't be back.

And I saw JULIA, like all of you did, as a leader, a crusader, a humanist. She understood racism and oppression, but she was never deterred by it. It only made her more of a leader, more of a crusader and more humanistic.

As a former Congressman, Andy Jacobs relates in JULIA's official biography, and I quote the Congressman: "The only thing some people learn from oppression is hatred and revenge. Others learn compassion and empathy. From the physical pain of material poverty and the mindlessly cruel persecution of knee jerk racism, JULIA CARSON made her choice to be hard work, compassion and an engulfing sense of humor." It is therefore fitting that in 1996, JULIA CARSON took on the task of seeking the Congressional Gold Medal for another pioneer in the struggle for human rights, Rosa Parks.

☐ 1930

It took nearly 3 years, but JULIA did not go and she did not falter. In June of 1999, President Clinton signed into law Congresswoman JULIA CARSON's bill to authorize the Congressional Gold Medal for Rosa Parks, and we all came to be part of that experience.

JULIA CARSON, who could rightfully take her place in the company of Rosa Parks, was a woman of firsts. She was one of the first women of color to run for countywide office and then Statewide office. She was the first African American to represent Indianapolis in the United States Congress.

So I salute this incredible life of service that JULIA gave to her city, her State and her country. She is a testament to a person who overcame many odds, who persevered and left a legacy on which others may proudly build.

Rest well, JULIA. We know you're here, but we'll still miss you. God bless.

Mrs. JONES of Ohio. Madam Speaker, it gives me great pleasure at this time to yield time to the Speaker of the House, the gentlelady from California, NANCY PELOSI.

Ms. PELOSI. Madam Speaker, I thank very much my colleague and thank you for calling us together so that we can express our sympathy to the family of JULIA CARSON, to her constituents whom she loved and worked so hard for, and to our colleagues from Indiana; Mr. VISCLOSKY, Mr. HILL and Mr. DONNELLY and Mr. ELLSWORTH, who are here, this great distinguished delegation from Indiana with the crown jewel, JULIA CARSON, as one of the senior members of the delegation.

Thank you so much. I know you are among those who were the last, certainly from Congress, to visit with Congresswoman CARSON and conveyed back to us her usual good cheer and dignity and demeanor, and that is how she was.

And so that it's very sad to convey to her grandson Andre CARSON on behalf of all of the Members of the House of Representatives the deep sadness that we have over their suffering.

Members have talked about her in Congress and the kind of person that she was, and I remember visiting her on a number of occasions in Indianapolis, and what was a joy to behold was the esteem in which she was held by all of the people there, whether we were walking down the street or talking to police officers there. Wherever it was we went to events that she had, relating to health care, relating to the issues that concerned America's working families, people just worshipped JULIA CARSON. I never saw anything like it. I never saw anything like it.

She came to Congress, as has been mentioned, after decades of distinguished service to the State of Indiana, and Members have talked about her, the positions that she has held. During her time in the House, she was a very powerful advocate for the people of Indianapolis and for working families across the Nation.

As the Indianapolis Star editorial board wrote, "The city's history-making congresswoman never forgot her roots."

I was listening as Members talked about the role that she had played most recently, the congresswoman from California talking about the role she played in getting the House to vote for a Congressional Gold Medal for Rosa Parks.

I talked about how it was to watch JULIA in Indianapolis and just how people responded to her as she was walking down the street, and I now talk about how it was the day that she got this idea and started the ball rolling on this and then the day that Rosa Parks came to the Congress. It was a thrilling, historic day for all of us, the bond between the two of them, the reverence in which we all held Rosa Parks, and the appreciation that she had for the work that JULIA CARSON had done to make that day possible, not only for Rosa Parks but for the country. She's a star. JULIA was a star.

It's a fitting cause for her, as JULIA and Rosa Parks shared a quiet determination, a fierce sense of purpose and a total commitment to an ideal of equality which is our Nation's heritage and our Nation's hope.

Sadly, as we all know, in recent months, JULIA CARSON faced illness, but she did so with her characteristic courage and dignity. When she was here, she was here, and when she wasn't here, she was directing us from home. You were very fortunate, and I'm not usually jealous, but I'm jealous of the fact that you had an opportunity to see her. We had all hoped, of course, that we would see her once again here on the floor of the House.

I know that we're reassured that JULIA is now at peace. This lovely, lovely woman, with an incredible sense of humor, she didn't miss anything that was going on on the floor. She would sit there quietly and then make the most incisive and insightful comments about the proceedings.

We're all sad to lose her as a congresswoman, of course, for our country. We're deeply saddened to lose her as a friend, and I hope it is a comfort to Andre CARSON and to her family and to her constituents that so many people throughout our country, and certainly in this Congress, share their grief and are praying for them at this sad time.

I thank again my colleague for affording us the opportunity to express our admiration for this great lady, JULIA CARSON.

Mrs. JONES of Ohio. Madam Speaker, it gives me great pleasure at this time to yield time to another colleague from California, the gentlelady, MAXINE WATERS.

Ms. WATERS. Madam Speaker, I'd like to thank the congresswoman from Ohio for initiating this memorial moment in the Congress of the United States for JULIA CARSON. This is a very special and important time because we're here this evening to talk about a woman that we truly loved and a woman who gave so much in public service to her country. I know that her family's saddened by her loss because it is a great loss.

She has been referred to this evening as a jewel, as the queen, and I came to understand this quite some time ago.

I've known JULIA for many years, long before I came to Congress and long before she came to Congress. I served in the State legislature of California, and she was a State legislator also, and like Diane Watson and others, we all worked with the Conference of State Legislators and the Conference of Black State Legislators. And so she knew legislators from all over the country.

And after I came here, I kept in contact with JULIA, and when she ran for office, she called me and she told me that she wanted me to help her. I thought she wanted me to raise some money or maybe come someplace to do something. And after talking with her for a few minutes, she made it very clear she wanted me to get Muhammad Ali to come to help her out. She didn't want me. She wanted Muhammad Ali, and so she said, Well, you know him, don't you? And I said, Yes, I do. She said, Well, if I could get Muhammad Ali here, then that would seal the deal. That's exactly what I need.

And of course, I asked him and he went to campaign with her, and he often asked after that how she was doing. And his award-winning photographer, Mr. Howard Binghan, would oftentimes ask me how she was doing, what she was doing so he could report to Muhammad Ali how his candidate that he had helped to win that election was doing in the Congress of the United States of America.

Well, let me just say, she was doing wonderfully well legislatively. Some people have referred to not only the fact that she was responsible for the recognition that Rosa Parks got getting the gold medal, but she was working on some tremendous legislation. And as I stand here before you this evening as the Chair of that Subcommittee on Housing and Community Opportunity, her legislation is really before us. It is known as HEARTH. It means the Homeless Emergency Assistance and Rapid Transition to Housing Act. And, you know, we've got to pass that legislation, and we've got to pass it, that is, H.R. 840, in the way that she wants it passed.

She was expanding the definition of homelessness. She was expanding it so that more people, many of whom who were not considered homeless, we should be qualifying for homeless assistance, that did not get it, could now be drawn in with this legislation.

So, it is important for all of us to give support to the work that she was involved in because, again, this very special woman really did not suffer fools. I mean, I know that you've heard the story about the time she stepped on the elevator and another Member of Congress, who had not been here maybe quite as long as JULIA, said to JULIA when she stepped on the elevator, This elevator is for Members of Congress. And of course, she got the look that only JULIA can give, and told somebody, Close the door, because that's how she handled someone who did not have the sense to be gracious enough to whomever was getting on the elevator, but certainly she should have known who her colleagues were getting on the elevator.

But there are many stories you will hear about JULIA CARSON, because not only was she brilliant, she had this sense of humor and she had this wit that was just undeniable. And of all of the people who spoke at Rosa Parks' funeral, and I was at the funeral in Washington, D.C., when JULIA spoke, she was the most engaging, the most memorable, the one that really caught the attention of everyone at that service.

JULIA CARSON was truly a queen, and the descriptions that you've heard about her this evening and how she was loved, you have to go to Indianapolis to understand it. You have to hear people talk about her to really get a sense of the queen, and they referred to her as "the queen."

And so I'm very proud to be a part of this discussion, remembering her this evening, and she will rest in peace, having done her part, having given all that any human being could give.

Mrs. JONES of Ohio. Madam Speaker, in her remarks during Rosa Parks' memorial service, Representative CARSON said, I'm a sister from the hood and we know how to get things done. Well, from one sister to another sister I want to say, Thank you, JULIA CARSON, for your legacy of service, for your laughter and your love. I promise I will continue to work to get things done right here in the House, and I will remember all the things that you told me in the last conversations that we had.

But JULIA, I'm still trying to figure out who it was you said was going to invite me to dinner. I asked you that day I came to see you, and you still wouldn't tell me. So whoever it is, come on and invite me to dinner, because JULIA CARSON would want it to happen.

I thank all of my colleagues for joining me in this wonderful hour of celebration for my colleague and good friend, JULIA CARSON.

Mrs. CHRISTENSEN. Madam Speaker, I rise today to remember my friend and colleague, the Honorable JULIA CARSON.

Everyone loved JULIA CARSON, especially we in the Congressional Black Caucus and the constituents in her district.

I had an opportunity to travel back to her district with her for a weekend health event, and I witnessed the deep affection and admiration that the people of Indianapolis—of all ages, races and walks of life—had for her.

JULIA had a way of telling a story that would have you rolling with laughter, even on serious or unpleasant things.

This was especially true when talking about herself. She was a regular at our health braintrust and she spoke of herself as being the "poster child" for health care and health disparities. Although at its core, it was no laughing matter, she had everyone in the audience cracking up.

As sick as JULIA might have been, she never let it diminish her dedicated representation of her district and other work that needed to be done in Washington. And she walked to votes even in the last days that she was here.

It was my honor—as it was for many Members—to assist her as she came to the Floor or a meeting. Years ago, I took it upon myself to call her office and suggest that her staff get her one of those motorized scooter-like vehicles that other Members have used off and on. Who told me to do that? I got a gentle tongue lashing from my friend.

There were many proud moments when we stood with JULIA and applauded her achievements, but none more so than the day that Rosa Parks was awarded the Congressional Medal of Honor upon the passage of the Resolution she sponsored.

JULIA did not even begin to get the kind of attention for her health that she needed until she was elected to Congress and by then her heart disease, mistaken for indigestion, was far gone.

Today, this humble lady who had health care deferred because of her race and gender, has flags at all Congressional buildings flying at half mast in her honor.

The Nation has lost a champion, the House has lost a valued and effective Member, minorities and the poor have lost an ardent advocate and I have lost a beloved colleague and friend.

She has gone to her eternal reward, and may she rest in peace.

Mr. CONYERS. Madam Speaker, I rise tonight to honor the life and career of the Honorable Congresswoman, JULIA CARSON, who was elected to Congress in 1996, and who died on December 15, 2007. Representative CARSON was a most respected friend and colleague of mine and also many other Members of Congress. The Honorable JULIA CARSON was from the Seventh Congressional District in Indiana. Ms. CARSON was a dedicated servant and worked tirelessly for the people of this country and in particular she strongly advocated on behalf of those who were living in poverty or were homeless.

The list of legislative efforts that Representative CARSON helped to create in this and in previous congressional terms spanned many issues and these legislative efforts are now a permanent part of the history of this Congress and of this county. In particular Representative CARSON gave her support for primary, secondary and college, education; and she believed in "single payer" health care, for all citizens of this country; she also believed in equal justice for all and lived a life that reflected some of these fundamental values that were the hallmark of her service to this country.

Congresswoman JULIA CARSON honored the legacy of the late Mrs. Rosa Louise McCauley Parks when she introduced legislation which came to fruition on March 4, 1999, when Mrs. Parks was awarded the Congressional Gold Medal. Representative CARSON also introduced legislation to have a commemorative postage stamp issued on behalf of Mrs. Rosa Louise McCauley Parks.

Representative JULIA CARSON will always be remembered by her successful political career and will continue to make her indelible mark in history as a natural politician who steadily strengthened ties between people and who never forgot the community which she loved and served. People who worked with her in Congress will not forget the great sense of humor she would bring to them, when we all were experiencing long and arduous efforts that were often expended in the process of making daily decisions on significant and lengthy congressional efforts.

Her continued efforts in Congress addressed the issues and supported legislation in the following areas: She was a staunch advocate for equal rights for men and women. She demonstrated a sincere concern and fought for the relief and support for the victims of Hurricane Katrina. In her wisdom, she advocated for many medical advances in veterans health care. Her continued outspoken support for the Second Chance Act of 2007, was well recognized. She spoke out for the support of the National Literacy act of 2007. In times of great suffering she stood tall and commemorated the Rutgers University women's basketball team for their vigor in remaining proud of the skill that the team had achieved. She introduced a bill for establishing the celebrated National Historically Black Colleges and Universities Week. She honored the life of Arva Johnson, a pioneer in the United States Capitol Police Department, when she became the first African American female to wear the police badge. She supported the Horse Slaughter Protection Act. She recognized the 20 years of service of the world famous, Dr. James Hadley Billington, as Librarian of Congress. Congresswoman CARSON supported the Paul Wellstone Mental Health and Addiction Equity Act of 2007. She worked for the benefit of all persons to have access to affordable drugs and medicines by supporting the Pharmaceutical Market Access and Drug Safety Act. In the era of DNA research Representative CARSON supported the Stem Cell enhancement Act of 2007. These are a few of the noble congressional legislative actions that she heartily supported and advocated for in the history of her tenure in the Congress of the United States. We appreciate her great efforts in the progress that has been made from all of her humanitarian efforts.

I extend my greatest sympathy to the family of Congresswoman JULIA CARSON on the loss of their mother, a warm and wonderful humanitarian who was an exceptional public figure and who has graciously served this country with her grace, wisdom and gentility.

We will all miss her.

Mr. HILL. Madam Speaker, Indiana lost one of its finest this weekend. I was deeply saddened to learn of JULIA CARSON's passing and my thoughts and prayers are with her family during this difficult time.

I have known JULIA for more than 20 years, and am a better person for it. She was a dear friend and her spirit will unarguably live on not only in the halls of Congress, but in the neighborhoods of Indianapolis where she touched the lives of so many. She had an enormous presence in Indianapolis and was always striving to help those in need.

JULIA embodied the true meaning of a "liberal"—a woman who was always fighting for those without a voice. She championed civil rights and walked alongside Martin Luther King, Jr., fighting for equality. She was to me, and so many others, a true hero.

JULIA was not only proud to be a Member of Congress and represent the fine people of Indianapolis, but she was constantly amazed at how far she had come. As many know, JULIA had a difficult upbringing but only used those experiences to strengthen and shape her political views. JULIA constantly reminded us all how fortunate we are to be Members of Congress.

I will miss JULIA very much. But, her spirit will live on for decades to come. She was a truly faithful person and took much comfort in that. I am so honored to have known JULIA for so many years and to have worked so closely with her. She leaves behind a legacy of charity, service and an unwavering commitment to helping others.

Mr. AL GREEN of Texas. Madam Speaker, I wish to mourn the passing of Congresswoman JULIA MAY CARSON, a committed and valued voice for justice, who passed away on December 15, 2007. Congresswoman CARSON was born on July 8, 1938 in Louisville, Kentucky. She grew up in Indianapolis, Indiana where she would lead a remarkable life committed to justice for all. Congresswoman CARSON was loved by many for her effervescent personality and fighting spirit. She served her constituents of the 7th Congressional District of Indiana for 6 terms in the United States House of Representatives. She was the first African-American and woman elected to serve Indianapolis in Congress.

In her youth, Ms. CARSON overcame obstacles created by race, gender, and poverty as the child of a single teenage mother. She attended and graduated from Crispus Attucks High School in 1955, a deeply segregated school in Indianapolis. However, her battles with injustice motivated her to pursue degrees in higher education at Martin University and Indiana University-Purdue University Indianapolis. Her career in public service began in 1965, when she was hired as a staff assistant and aide to Congressman Andrew Jacobs, Jr., her mentor and predecessor in the 7th District of Indiana. She worked diligently on casework and other important legislative matters until 1972, when she ran and won a seat in the Indiana State House of Representatives. She served in the Indiana State House from 1972–1976 and in the Indiana State Senate from 1976–1990. In 1990, she was elected as a trustee for Center Township in downtown Indianapolis. As trustee, she was a just leader and a voice for reform. Her thoroughness and fiscal responsibility helped her manage the welfare rolls by providing assistance to those that needed it and removing those that did not. As a result, she transformed the office's $20 million debt into a $6 million surplus. She served as trustee for 6 years prior to her election to Congress.

In 1996, after a competitive campaign, Congresswoman CARSON replaced her mentor and predecessor Andrew Jacobs, Jr., as the representative for Indiana's 7th District. On January 3, 1997, she missed her congressional inauguration due to health problems. Her congressional tenure was replete with obstacles from failing health to closely competitive campaigns, but her tenacity and love for her district would not let anything impede her sincere dedication to her constituents. She never stopped caring for her district and she never lost a race. One of her most notable achievements in the House was passing a measure awarding the Congressional Gold Medal to Rosa Parks. Another milestone accomplishment was a bill she cosponsored with Senator RICHARD LUGAR to remove blocks on child health insurance created by government agencies. She always sponsored legislation that helped the poor and homeless, veterans, and faithful American taxpayers. She served on the House Committee on Financial Services and the Committee on Transportation and Infrastructure. Her 10 years in the House were a testament of perseverance, devotion and inexhaustible compassion.

Madam Speaker, I urge my colleagues to commend the life and mourn the passing of Congresswoman JULIA CARSON.

Mr. ETHERIDGE. Madam Speaker, I raise to honor the legacy and accomplishments of our recently passed colleague and dear friend JULIA CARSON.

In 1996 JULIA's deep commitment to those she served led her to become the first African-American woman to be elected to the U.S. House from Indiana. I had the opportunity to get to know JULIA during our freshman terms in the 105th Congress and build a relationship with her over the past 10 years that we have both served. Julia spent her time in Congress working for children's issues, women's rights and efforts to reduce homelessness. One of her biggest accomplishment in the House was passing legislation granting the Congressional Gold Medal to Rosa Parks, the Mother of the Civil Rights Movement who was arrested for refusing to give up her seat on a segregated city bus in Montgomery, AL. She leaves behind an unmated record of service to the people and an unequaled legacy of leadership.

Madam Speaker, I urge all of my colleagues to join me in paying respect to the family of JULIA CARSON and in honoring her career in service to our country.

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HONORING THE LIFE OF JULIA CARSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. LARSON) is recognized for 5 minutes.

Mr. LARSON of Connecticut. Madam Speaker, let me join and thank my colleague and classmate STEPHANIE TUBBS JONES for organizing this tribute to JULIA CARSON.

President Kennedy was fond of saying that communities reveal an awful lot about themselves in the memorials they create and in the people that they honor. This evening my colleagues, led by STEPHANIE TUBBS JONES and the Speaker of the House, the majority leader, and the delegation from Indiana have stood tall in honoring the memory of JULIA CARSON.

Memory is what distinguishes us from every other creature on the face of the Earth. It's humbling listening to the reminiscing that took place this evening.

We have lost a number of people since I have been in Congress, wonderful, remarkable, dedicated citizens to this great country of ours. JULIA brought that warmth and dignity to this office. It was an honor to be with her and know her.

I often think at services such as this it's a shame she wasn't here to hear us all talk about her, and for those of us in this body who didn't get the opportunity to say good-bye, it's principally the ability to reminisce and the memories that so many of our colleagues have brought to this floor that make her come to life and live on. Not in memorials, though I am sure memorials will be created. Not in buildings named, because I'm sure that those things will follow. But those memorials that mean the most are those that are principally carried in our hearts. And listening to BARON and STEVE talk earlier and all the Members who spoke here, what a rich, rich life. What a wonderful person.

She has gone home to Indiana, but she will never leave us. God bless JULIA. God bless this country. I thank everyone here for the memorial that you created this evening.

JOY DIVINE: REMEMBERING THE LATE HON. JULIA CARSON

The SPEAKER pro tempore (Ms. BALDWIN). Under a previous order of the House, the gentleman from Illinois (Mr. RUSH) is recognized for 5 minutes.

Mr. RUSH. Madam Speaker, there have been many characterizations and descriptions of our departed colleague JULIA CARSON. But let me just tell you how I view JULIA CARSON. For me JULIA CARSON epitomized the Christian value of joy divine. Joy divine, the Bible calls it an unspeakable joy. It's the kind of joy that the Congress, the world can't give you and the world can't take it away. This joy is based on your faith. JULIA CARSON had, in my estimation, joy divine because she understood the meaning of the Scripture when it states: "All things work together for good to those who love the Lord and those who are called according to His purpose."

What is His purpose, one might ask? Well, He makes it pretty clear in the Old Testament. He says: "What do I require of thee, o man, but to love mercy, do justly, and walk humbly with your God?"

Madam Speaker, JULIA CARSON had the joy divine. She epitomized it. She represented it. Because she knew that everything that we do, the things that we bind on Earth, we bind in heaven. And she was really not working for just her constituents, but she was, indeed, working for eternal life. And now she is at a better place in the heavens with her God.

And I can just, in my own imagination, imagine JULIA when she got to heaven how the angels erupted in applause because of the work that she had done while she lived here on Earth.

Madam Speaker, JULIA CARSON did something that was almost impossible in the few years that she served in this great House. She made this great House even greater because of her commitment, her dedication, her resolve, her leadership, her insight, her compassion, those things that make one great.

Madam Speaker, I know that in heaven when she approached the throne of grace, when she approached the company of her Lord and Savior, I can hear the words spoken to her right now in the old way. I can hear her Lord and her master telling her: JULIA, servant, servant, well done. You did an extraordinary job under ordinary conditions. Servant, well done.

HONORING THE LATE HON. JULIA CARSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HILL) is recognized for 5 minutes.

Mr. HILL. Madam Speaker, I think it's a true testament to how people felt about JULIA CARSON based upon the fact that the hour has expired allotting time for her colleagues to get up here to say a few kind words about her and now we are in overtime and the hour is over and we still have colleagues on the House floor who want to take the time to eulogize our friend and colleague JULIA CARSON.

I have known JULIA for over 25 years. In this business of politics, you have friends and then you have allies. I can, with a great deal of assurance, tell my colleagues here that JULIA was a friend, not just an ally. She was that, too. But I came from a small town in southern Indiana to the Indiana legislature back in 1982; and one of the first people I ever met was from the great city, the large city of Indianapolis, Indiana: JULIA CARSON. And I will be honest with you from the rural community and the kind of sheltered atmosphere of southern Indiana and small-town Indiana, I, quite frankly, didn't know how to take JULIA CARSON when I first met her. She was something else. But as the years went by and I had the time to serve with JULIA both in the legislature and now here in Congress, I had come to love JULIA CARSON, a true friend. Not just a colleague, but a true friend.

We have all heard the stories about how she was revered in Indianapolis, Indiana. The Indianapolis Star was the newspaper there, and there was some friction between JULIA and the Indianapolis Star because the Indianapolis Star was basically a Republican-leaning newspaper. So there were moments between the Indianapolis Star and JULIA. But just recently the headline in the Indianapolis Star, and it was a large headline, said: "A Warrior for Indianapolis." And that's exactly what she was.

She was one of a kind. She had grace and she had flair, and she had a great sense of humor. She was a Hoosier to the core. She was the epitome of everything that Indiana is. And we will miss her.

I come to this microphone today with mixed emotions: sadness by the loss of JULIA, but also a sense of good memories that we have about JULIA CARSON. The one thread that all of us have been speaking about and I will speak about it too was JULIA was a champion, a champion for the downtrodden and the poor. She made no excuses that she was a liberal in the good sense of the word. She wanted to make life better for all Americans, not just a select few.

JULIA, we'll miss you.

I do believe that when she walked into the pearly white gates, as Congressman RUSH said, that the angels applauded.

Well done, JULIA. We love you and we miss you.

CELEBRATING THE LIFE OF THE LATE HON. JULIA CARSON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Love conquers all. And I rise today, Madam Speaker, to join the celebration, for although we mourn, we celebrate the life of JULIA CARSON, and celebrate we must.

I'm delighted to have listened to my colleagues in the Special Order led by Congresswoman STEPHANIE TUBBS JONES and to hear my friends and colleagues from Indiana. But for a moment I offer my sympathy to those of JULIA CARSON's district, to the good people of Indianapolis, to the good people of Indiana, and, yes, to the American people. For JULIA CARSON truly represented and will be remembered as an American hero.

I believe that JULIA would not mind our recalling for our colleagues why she was so keenly committed to those who could not speak for themselves and could not help themselves. For JULIA CARSON's history, by its very nature, directed her into the fight for those who, like herself, grew up with very little, but yet could look to this great country and actually believe that they could achieve their dreams. For JULIA was born to a teenage mother, and that, from the time that she was born in the late 1930s, going into the early 1940s and World War II, was a struggle and an unsurmountable task in and of itself. They had to struggle together. JULIA CARSON herself raised two children as a divorcee. So first of all, she understood what a single parent, a mother with two children, had to overcome to make sure that those children saw in themselves and saw in her a future.

It's likely that she was already destined for public service, and so by finding Andy Jacobs, her finding him and as well his finding her, it was a match made in heaven. But she stopped along the wayside to give support and comfort to workers, United Auto Workers, and understood what it meant, a hard day's work for a good day's pay. So early on she was on the battlefield, and her time in respective legislative bodies only spoke to her continued desire to serve.

But I like something about JULIA and I like something about the description of her. And my good friend and colleague from Indiana, Congressman HILL, just said a liberal in Indianapolis. I ask the question how you can walk around in Indiana and call yourself liberal and be victorious. That was JULIA. Love conquers all, the love that she had for her people, but the love that they had for her stood largely to embrace her and surround her with armor against those who would try to do her political harm.

I was fascinated in listening to the Congressmen speak of the vigil. Can you imagine people just gathering out of pain and joy, the pain of possibly losing Congresswoman CARSON, but also the joy of having her. Going to her house. Now, we are the people's House. So Members of Congress are exposed and people know all about them. But can you imagine people feeling so comfortable that they would come to her block and just stand in silence or singing or praying or testifying just to say, We want to be near her. What a moving expression that must have been, and I'm so sorry that I missed it. But it was a showing of their own appreciation for her resilience, her astuteness, and her ability to be underestimated.

I went to Indianapolis, and it was that first year, her reelection after her first term, Madam Speaker, and yes, they were all out. And it was the year of the targets, it was the year of impeachment here in this body, and people were not feeling good, they were feeling ugly. And the right wing, as it could be defined, and I don't say it in a partisan way, but the guys who were trying to get her in reelection came up with all kinds of things. Soft on crime, they accused her of, a number of issues that they thought would get her unelected.

Well, I'll tell you, she had a good history with the people of Indianapolis. In fact, she even had some conservatives supporting her. Why? Because she was truthful in her belief for social services. But she also came up with the idea that welfare recipients should work for their benefits. I'm sure it was crafted around giving them hope and giving them goals and giving them the ability to believe that they could succeed, but she was applauded for that. And she was called a person who wrestled a problem to the ground.

Madam Speaker, I close by simply saying that we have lost a warrior, a soldier on the battlefield, but tonight we celebrate her life. My sympathy to her family. And thank you, JULIA, for being our friend and my friend.

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PAYING TRIBUTE TO HONORABLE JULIA CARSON

The SPEAKER pro tempore (Ms. BALDWIN). Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Madam Speaker, I join my colleagues this evening in honoring the life of our dear friend, JULIA CARSON. And I want to say a word in keeping with the comments by our colleague, our leader, JOHN LARSON from Connecticut, who spoke of the sacredness, really, of this hour that we can spend with one another to lift up the life of a colleague such as JULIA CARSON.

JULIA entered Congress the same year as my husband, Walter, in 1996. And the reason I honor this time together is that I have a poignant memory. My husband died suddenly, and my daughter and I found ourselves on the floor here listening to his colleagues, now my colleagues, speak of his life. And it was a tradition that I wasn't familiar with, but it touched me in a way that I know blesses the memory of those who have gone, who have served with us. And in this case, for someone as special as JULIA CARSON, it is a moment that this place becomes what it should be, and is treasured by me.

Now, this Member of Congress became my colleague, JULIA CARSON, when I joined Congress in 1998. One of the first events I attended as a Member was an event held by domestic violence advocates, a coalition, a national coalition of the kind of grassroots organizations that I know JULIA CARSON represented in Indianapolis, but I also, in my previous life as a nurse in my community, knew very well at the community level. I wasn't as experienced when I came to Congress as JULIA was when she did. And I listened to her. We were kind of lined up, Members of Congress, to address this coalition on domestic violence. I could speak from my professional experience. But she spoke before me. And she dazzled that crowd because she spoke as a survivor and as someone who had experienced every single thing that they themselves were here in this Capitol to represent on behalf of our community. She had broken the barriers that have entrapped so many Americans of color, Americans who are women. She knew how to fight for herself, for her children as a single mother, as a community member who knew what ceilings were like with class, gender, ethnicity, race, and she could relate that to people.

On that day that I listened to JULIA as a brand new Member, I knew that I was in a very special crowd if it included someone like JULIA CARSON. She knew how to take her experiences and become such a role model and strong advocate; civil rights, victims of domestic violence. She improved the lives of countless individuals, and she did so by fixing things that were broken, but also by inspiring people to not give up.

And then, as we moved along and as has been referenced, her style and her elegance, I used to love to see her here and to see her bearing and to see her fitting the word "queen" in every sense of that word. What a delight to serve with JULIA CARSON. And we saw her, as her illness began to show its effects on her body, never on her spirit, never on her soul, never once dampened her smile, her dazzling beautiful smile. And when I would see her moving slowly, and then with assistance, even in a wheelchair, to come and move about, she never gave an indication of weakness or that she was down. She was always up and inspiring me when I would see her. I wanted to spend time with her.

This was a tough time for her. She never let us know it. She kept fighting for all of the issues she cared so much about. And now I want to just close by saying, you know, JULIA, we owe you to continue the legacy that you began.

I think of JULIA's suffering with lung cancer. And I think about the fact that three of her colleagues, four, now, of our colleagues this year have died of cancer from this place. And JULIA, I make a pledge to you and to the others that we need to not rest. We need to follow your courage and your endurance and not rest until we do something about this dreaded disease, and do something here, and do it in your memory, and do some other things in your memory as well. And so, I make that pledge to you, JULIA.

And I also join my colleagues in remembering you forever for your wit, your elegance, your perseverance, and of course always, JULIA, your smile. I will always love you and treasure your memory.

PAYING TRIBUTE TO HON. JULIA CARSON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. CORRINE BROWN) is recognized for 5 minutes.

Ms. CORRINE BROWN of Florida. Madam Speaker, I rise today to remember a spiritual warrior for her constituents and those who could not fight for themselves, JULIA CARSON. She served 6 years in Congress, but her experience here far outweighed her time here. She always remembered where she was from and how she got there.

This was a tough lady. She spent her initial swearing in in the hospital recovering from double bypass surgery. She was a wonderful personal friend who I enjoyed spending time with.

I have my JULIA CARSON story. I remember a few years ago, we were going to an event at the Army-Navy Golf Club. We were going to a program, a celebration, and our driver got lost and made a wrong turn. We ended up on the seventh fairway. We were going up the hill, and the car couldn't go up and it couldn't go back. I panicked, but she was calm during this entire process. We eventually were rescued by the Capitol Hill Police. I will never forget that experience.

JULIA CARSON was a classy lady, very classy. And I loved the way she dressed and the way she held herself. Like Paul in 2 Timothy 4:7, she fought the good fight and she finished the course. But most important, she kept the faith. JULIA, I will miss you.

PAYING TRIBUTE TO HON. JULIA CARSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. ELLISON) is recognized for 5 minutes.

Mr. ELLISON. Madam Speaker, tonight, as I stand to pay respects and honor to JULIA CARSON, I don't believe I will take 5 minutes, but I will say that as a freshman Member, I really can't recall some of the great stories that I've heard my friends tell about the great JULIA CARSON, but I do have my own recollections of her.

The most important thing I want to share with people tonight is that, when I just started here and I started getting on my feet and figuring out where the bathrooms were and how to get around the House a little bit, JULIA CARSON took a moment, JULIA CARSON had time, JULIA CARSON and I sat in the chairs of this gallery and talked. And she told me about the struggles that she had to overcome. And she also told me, when I had my first bill, "if you don't put me on that bill right now, boy, I don't know what I'm going to do." And I had to laugh, because the spirit that she had was remarkable, given some of the health problems she was facing.

The health problems she was facing may have been a burden, but they were not too great for her to show kindness to a new freshman here in Congress.

And so I will always remember JULIA CARSON, very fond memories of her, and I will always be inspired by the great example that she gave us.

Mr. SHAYS. Will the gentleman yield?

Mr. ELLISON. Certainly.

Mr. SHAYS. I have a request for 5 minutes, so I can't use the time twice.

But I just want to say, on behalf of the Republican side of the aisle, I don't know a Member who didn't appreciate JULIA CARSON's fine work, who didn't enjoy talking with her. She always had a great response to anything you had to say. She was insightful, she was right to the point, and had a tremendous sense of humor. And it's hard to think that she will not be with us because she was a presence here. JULIA often sat on this side of the aisle, so a lot of us got to know her, not just speaking on the floor, but talking with her personally, and to love her a great deal.

I thank the gentleman for giving me this opportunity.

Mr. ELLISON. It is certainly my honor. Many, many people loved JULIA CARSON, and I want to thank the Congressman from Connecticut for sharing his sentiments as well.

CODEL TO TURKEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. SHAYS) is recognized for 5 minutes.

Mr. SHAYS. Earlier this month, I returned from a congressional delegation trip to Turkey, Jordan, Iraq and Kuwait. As part of that trip, my staff member, a retired colonel in the Army, Dr. Nick Palarino, and I spent 4 days in Turkey traveling to the southeastern region, not a place Members of Congress usually go.

I would like to share my impressions with my colleagues about our strong ally in the Middle East, Turkey.

My staff and I pursued a different itinerary than other codels in Turkey. First, we visited Ankara and met with the U.S. Ambassador and the Country Team, members of Parliament, and Turkish military officials to get a better understanding of the problems faced by Turkey battling the terrorist group, the Kurdistan Worker's Party, known as the PKK.

We then traveled to Diyarbakur, a city and region where a large number of Turkish citizens of Kurdish descent reside, and met with the governor of the province and local officials, many of them Kurds.

We also traveled to Habur Gate on the border with Iraq and met with the commercial truck drivers who wait in line for days, often more than a week, trying to get their products into Iraq. We even had the opportunity to cross the bridge into Iraq and meet with U.S. forces, members of the 571st Movement Control Team and Logistical Task Force Bravo, who escort commercial trucks into Iraq.

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Before going to Istanbul, we met with the chamber of commerce representatives and stopped overnight in Mardin and met with the governor and local Kurdish officials. In Istanbul we met with businessmen doing work in Iraq and a very precious family that lost their son, brother to their PKK terrorists. This is just one of thousands and thousands of families that have lost loved ones to the PKK.

After traveling the length of Turkey from Istanbul to the border with Iraq and meeting with U.S. and Turkish officials, these are my general impressions:

Turkey is a Muslim country with an active and vibrant democracy. Although the southeastern region of Turkey has a great deal of unemployment, the majority of the Turkish economy is growing, and people feel optimistic about their future. The current leadership and ruling party in Turkey, the AKP, is attempting to address the unemployment issue by helping to develop the southeast region. There is enormous potential for development throughout Turkey.

Turkey wants to be a partner in the European Union, and we should continue to strongly advocate its admittance. Turkey has stood shoulder to shoulder with the United States and the North Atlantic Treaty Organization in the long Cold War against Communism, and we should never forget that. Turkey is now standing with us shoulder to shoulder in our fight in the global war against terrorism. It is providing bases for U.S. military forces, troops and nonmilitary assistance in the global war on terrorism.

We are right in standing shoulder to shoulder with Turkey in its fight against the PKK. The PKK is a terrorist organization that has killed thousands of Turkish soldiers and citizens. The PKK is an enemy of Turkey. It is an enemy of the United States, and it is an enemy of Iraq. We should do all we can to assist Turkey eliminate this threat from its border and continue the strong alliance our countries have built over the years, and I think we are.

The recent action Turkey has taken to confront the PKK in Iraq is long in coming and more than justified. Turkey has been patient and understanding in the challenges the Iraqi Government faces and has acted in a strong, but measured, way. It is essential that we appreciate the friendship we have with this great country and do everything we can to strengthen this relationship.

PAYING TRIBUTE TO YOUTH WITH A MISSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, earlier this month, Youth With a Mission, or YWAM, and the rest of the Nation grieved over the tragic Colorado shootings that resulted in the death and injuries of YWAM's staff and former students. Our deepest sympathy goes out to the family and friends affected by this terrible tragedy. I rise to honor and encourage YWAM as an international ministry whose largest North American training facility is located in my district at Garden Valley, Texas, where I visited numerous times.

YWAM trains Christians of many denominations and ages with their express purpose being to know God and to make Him known in obedience to the Great Commission which says they are to go into all the world and preach the good news to all creation. YWAM currently operates in more than 1,000 locations in over 149 countries with a staff of nearly 16,000. I have also had the opportunity on multiple occasions to meet different YWAM staff and students when they have visited this beautiful city here in Washington, D.C., before embarking on short-term mission trips.

When I speak with these individuals, I am overwhelmed by their passion for their ministry and sincere love for people they have yet to meet. They truly strive to follow the example of Christ by offering themselves as selfless, humble, and loving servants.

The Declaration of Independence says that we are endowed by a Creator with certain inalienable rights. Our Creator endowed this Nation with these individuals who have now been killed. Each of these dear people were a gift to this Earth and to this country. And although we are very disappointed that we did not get to keep those gifts as long as we wished at their Earthly location, we can still thank God for each day that we had them.

We are not promised life without hardships. To the contrary, those who take up their individual crosses, especially for the sake of Christ, can expect to face greater trials and persecution. For this Nation's entire history, until now, Christians have had a place, a country, where they were not persecuted. But that unique time is changing. In this day of political correctness, often Christians are the only groups it is acceptable to verbally assault. The Apostle Paul reminds us that we should consider everything a loss, including our own lives, compared to the surpassing greatness of knowing Christ. Therefore, Mr. Speaker, I want to encourage the staff and students at YWAM during this difficult time.

C.S. Lewis had kept a journal of sorts after his precious wife, Joy, had died.

In one entry, he said, in effect, that he missed her so much he wanted her back. But he realized how very selfish that was. His wife was in heaven. She was in paradise. It was not in her interest to return to a land of tears from a land where there is no sorrow. Lewis went on to say that we are told Stephen was the first martyr. But he said, as I think about it, didn't Lazarus get the far rawer deal? If you review the Bible looking for quotes from Lazarus after he was brought back from the dead, you will not find them. I will bet he was not a happy camper.

In any event, we can look forward to the day when we can be reunited with these friends from YWAM. But may those at YWAM find strength and encouragement from friends, from each other, and from these words: may God bless those at YWAM and may He continue to shine His face upon them.

PAYING TRIBUTE TO THE HONORABLE JULIA CARSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, I want to take just a moment to pay tribute to our friend, our colleague, our beloved sister, JULIA CARSON. It is my belief that when the Almighty created this beautiful, charming woman, he threw away the mold.

Long before JULIA CARSON came here, she was a fighter, someone who stood up and spoke out for those that have been left out and left behind. She was a champion of ordinary people, a champion for justice, for civil rights, for human dignity. I want to thank her friend and our former colleague, Andy Jacob, whom I served with, for doing all he could do to have JULIA CARSON come to this place.

In this body, we are like a family, one family. We become like sisters and brothers. And I feel with the loss and passing of JULIA CARSON, we have lost a member of our family. The chain, the circle, has been broken.

I will never forget when I was much younger, on April, 4, 1968, almost 40 years ago, I was in her district. She was not representing the district then, but we were in the City of Indianapolis with Robert Kennedy when he announced to the crowd that Dr. Martin Luther King, Jr., had been assassinated. When JULIA came here, she always said to me, JOHN, you must come back to Indianapolis and visit. And I have gone back there.

We will miss her. She has gone on to a better place. And we will never, ever see her likeness again.

FOURTH QUARTERLY REPORT OF THE FRESHMEN REPUBLICANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. McCARTHY) is recognized for 60 minutes as the designee of the minority leader.

Mr. McCARTHY of California. Mr. Speaker, tonight for the American public, we are going to hold the fourth quarterly report of the newly elected freshmen Republicans giving an update of what has gone on here on the floor. As the Sun begins to set on our first year in Congress, this is really the appropriate time to talk about it. This week we are bringing up what they call the omnibus bill, because we have 13 appropriation bills, but this Congress has only been able to get one through.

So what are they doing this week, at the last hour, at the last moments because Christmas is coming and people want to go home? They are throwing them all into one great big ball and putting them before the American people.

Now, when we flew back here, like we do each and every week, when I got here on Monday, I quickly found 34.4 pounds of pieces of paper of the omnibus bill and was told that in a few short hours we were going to go to a vote.

Well, tonight we want to tell the American people that we want to bring a little transparency to their government. We want to show them exactly what is going on here. And I will tell you this, the American people should know, Mr. Speaker, that this government is not small. This government is $2.9 trillion. Now, just think for a moment. That is just the amount of money that this government spends. Now, if you compare that to economies, not just to what other countries spend in their government, but to their economy and what they produce, what their governments spend it on, ours would be the third largest in the world. Of course, the United States economy is the largest, and there would be Japan, but we would be larger than Germany. We would be larger than China with all the money they spend in government and all that they produce as you look at the different products that they make. We would be larger than the United Kingdom, larger than France, and larger than Italy.

When you think about that and you think about the deficit that we have, isn't there a place that we can find the fraud, the waste and the abuse and eliminate it? And that is what these 13 freshmen who have been newly elected a year ago have been about to do.

Now, tonight, we are going to start out talking with different members of the freshman class. It is an honor to look at the different members that we have. Our first individual that we have comes from the State of Minnesota, the Sixth District, Representative MICHELE BACHMANN from Stillwater, Minnesota. I would like to yield time to MICHELE.

Mrs. BACHMANN. Thank you, Representative. What an honor to be able to be here. What an illustrious class we have, and I appreciate the gentleman from California so much for his fine direction, for his leadership and for our class. He is doing a wonderful and able job. He is telling the story that the American people want to hear, and that is where we are in this particular quarter, what is happening with our finances, because that is what we do, after all, when we come here to the United States Congress. We come here for a very simple purpose. We have to deal with 11 spending bills covering various subjects, and we have to take care of those. We have to make sure that we fully fund the priorities that we believe in and make sure that we are keeping faith with the American people and doing so in a way that respects their property, their private property.

Because after all, what is it that each one of us has? We have our time. We have our livelihood. And when we go out to work every day, the money that we bring home for our families, the money that we bring home that we hope that some day will buy us a home, put our children through college, maybe have enough to offer us a secure retirement, that is the result of our labor that we take every day.

And where are we at now in this country with the amount of money that the government is consuming out of our paychecks? It seems every year those days go a little bit longer and longer when Congress is consuming more money. That is a real concern for a lot of Americans. I know it is a concern for me. It is a concern for our family and for the people that I represent back in Minnesota's Sixth Congressional District. And I know as I have spoken with our fellow freshmen, and many will follow me up here when I conclude my remarks, they will tell you the same thing.

□ 2030

They are very concerned about how the people back home are going to be able to hold on to the fruits of their labor, the private property that they have been able to amass and accumulate for the benefit of their family.

Well, here's just one topic that I want to take tonight, just one little piece, and spend a very few moments on it, and it's a concept called the alternative minimum tax. Now, this is something that came about in the Tax Code back in 1969. Back in 1969, there was a hue and cry because there were about 155 multimillionaires who didn't pay taxes that year, and rightly so. There were a lot of middle-income Americans, lower-income Americans that were pretty upset about this. They were paying taxes, but they saw that wealthier people, through legitimate loopholes, you might say, or legitimate provisions in the Tax Code, were able to completely escape taxation.

Well, this created, as you can imagine, a hue and cry right here in this body. So the Congress decided to create a bill called the alternative minimum tax. What this would do, essentially, is a person would have to figure their tax once. If they didn't have a tax liability, under the alternative minimum tax they figured their tax a second time, and whichever tax liability was higher, that is the tax that we get paid. In other words, whichever way that Uncle Sam did better, that would be the final outcome of a person's tax return. So the American citizen never was able to pay the lower amount of tax; they always had to pay the higher amount of tax.

Well, the alternative minimum tax kind of turned into something that you might equate with one of those 1950 science fiction movies called, maybe, "The Blob that Ate New York City," because that is what has happened with the alternative minimum tax. It has become kind of like "the blob that ate New York City."

Now, remember back in 1969, 155 Americans were impacted by the alternative minimum tax; in other words, they had to pay a higher tax. That is what that means; 155 Americans. Well, guess what Congress forgot to do? They forgot to index this tax for inflation. So, guess what? Every year more and more Americans had to pay this tax, and more and more Americans were reclassified as being wealthy or rich.

Well, guess what? Last year, 3.5 million Americans had to pay the alternative minimum tax. One hundred fifty-five, 3.5 million. Guess where we are today? As of today, this Congress has done nothing, absolutely nothing to eradicate the alternative minimum tax. You know what will happen? Twenty-three million Americans will be impacted by this measure. That is redefining what rich means in this country.

So, do you know what the new definition of rich will be? It will be a police officer married to a teacher. Now, think of that, a police officer married to a teacher. We don't usually think of people in those income tax categories as being redefined as rich. But now, under the so-called wisdom of this Congress, that is exactly what has happened.

Now this is a problem. We cannot allow this higher level of taxation to seep down into the middle class where people are working hard. They aren't rich by any stretch of the imagination. They are just hardworking, decent people, trying to make a go of it; not what this tax was intended to impact. That is something we need to consider. There actually can be a conclusion. Sometimes the curtain needs to come down on ill-advised measures; and if there ever was an ill-advised measure, it's the alternative minimum tax.

I just want to give you a figure here. Historically, over the last 40 years, and we are standing here, it's a beautiful December evening in Washington, DC, the year 2007. For the last 40 years in this country, the Federal Government has consumed about 18.2 percent of gross domestic product. That is pretty much the money that is created and generated in this country every year, gross domestic product. Well, guess what? The Federal Government has consumed about 18.2 percent.

If this Congress continues to do nothing, and unfortunately, that is a lot of what we have seen this year is a lot of do nothing, if Congress continues to do nothing with the alternative minimum tax, instead of 18.2 percent of all the money that is created in this country, that number will rise to 24 percent. Almost one-fourth of everything that is created, the income that is created in this country will come where, to your pocket? Are you kidding? It will come here to the United States Government. That is not what we want to see happen.

This is kind of a dream come true for politicians that love big government, because they don't have to vote for this tax increase. It's just on automatic overdrive. It's going to continue to grow. Just like I said, "the blob that ate New York City," that is the alternative minimum tax.

That is not what those of us who are standing up here to talk to you about tonight, with fiscal responsibility, that is not what we are about. That is not what we want. What we are after is a clean, straight repeal. We want this ill-advised tax to go away. People think that a tax is here forever, that you will never get rid of it. You never get rid of death, you never get rid of taxes. Well, it is possible to do it. It's possible to do it if we have the will.

I believe collectively the American people would want us to get rid of this "blob that ate New York City," the alternative minimum tax, because why should the government continue to profit from a bad law so that you will have to continue to spend more and more and more of your income. And pretty soon, everybody's going to be redefined as rich, everybody will be, and pay a higher level of taxation. This is absolutely ridiculous. There is no reason why we should continue a law like this, and I fully believe that we need to do something about this bill, and do it soon.

Now, here's one aspect that is being debated even this evening. There are those on the other side of the aisle that think that we have to "pay" for this tax. In other words, you need to continue to be taxed more. Here's how they plan to do it. They plan to create a bank account, if you will. And what the other side across the aisle is planning to do, you know what they are going to put in that bank account? They want to put tax increases in that account. They want to have a 1-year tax or 1-year patch, or fix. So instead of 23 million people paying that tax this year, they just want it to be 3.5 million people. Still too many. It's 3.5 million too many people, if you ask me.

But what they want to do is create a bank account and put tax increases in it. And what they are going to do, just "take it to the bank," as they say. The American people are going to be stuck with a bill of $50 billion in tax increases that you're going to have to pay, maybe not next year, but the year after. That bill is going to be stuck to the American taxpayer.

We can do so much better. Do you know that we have more revenues coming in this year into the Treasury than any other time in the history of this country? Revenues are not the problem. We don't need all this additional revenue. What we need is some fiscal discipline, some fiscal responsibility. We need to get our sense about us and realize we just can't be all things to all people. We set our priorities. We do what you do every day at home in your home and in your business. You just realize you need to spend within your means.

So we need to get right on this. We need to not create any phony bank accounts where we don't put money in, we put IOUs in that you the American public are going to have to pay. We are going to get rid of that.

We want to just do a clean repeal, do away with the alternative minimum tax, be fiscally responsible, be good and kind to the American people. That is a Christmas present that we need to pass and send out to the American people tonight. That Christmas present needs to say that we respect you, we respect your work, we understand how hard you work, we understand that your family means the world to you, your children mean the world to you, your parents mean the world to you, your business could use a little bit more capital investment too. We trust you, and we know that you can put that money to work far better than any of us collectively ever could hope to do. There are essentials that government has to fund, but what we don't need to do is have a blob that eats not only New York City, but the rest of the United States.

So I for one, Representative MCCARTHY, believe with you that we need to do right by the American people, trust their judgment, be sensitive to their family needs, and do away with the alternative minimum tax.

Mr. MCCARTHY of California. I thank the gentlewoman from Minnesota, Mrs. BACHMANN, because she said it right, that this alternative minimum tax is going to hit a lot of Americans. And it is not about a revenue crisis here in Washington, DC.; it is really a spending crisis. We set a new record that more money has come into this Treasury than ever before, but more money is going out.

This Congress has a couple other historical facts with this year. This is the longest a Congress has ever gone without approving 13 appropriation bills. This is a Congress that has not been effective from that date. And I will tell you from the 13 freshman Republicans that got elected all at the same time, we talked about accountability. We talked about changing the way Congress goes about it, that we bring transparency back home. And in that omnibus bill that was before us, those 34 pounds of paper, there were 9,000 earmarks; 9,000 earmarks. Think for one moment. Did the American public get to debate them? Did they get to see them? Did the power of the idea win at the end of the day down here?

And you wonder as you are sitting back at home, Mr. Speaker, with the American people, maybe they don't qualify this year to pay the alternative minimum tax. Will they be affected still? I will tell you, if you are a taxpayer and you get a refund from the IRS and you try to send that in early, get your taxes done early so you can get that money back, and maybe you are going to take your kids to Disneyland, maybe you are going to put a little money a way for a kid's college, or maybe you are going to put money away for yourself for retirement, you know what? You are not going to get it back very soon. The IRS has already said because this Congress has not acted, this majority has not taken it up and solved the problem, because of that, we are going to wait 7 extra weeks. They have to reprogram, even if an action is taken here tomorrow on this floor, and that is the concern I have.

When you think about this budget, $2.9 trillion. People at home say, You are talking trillion, you are talking billion, what does that mean? Let's take it down just one step. It is 1,000 billion for every trillion. Just think for a moment, just $1 billion. It is Christmastime. If someone were to give you $1 billion and you went and said, I am going to spend $1,000 a day. I am going to go on a shopping spree each and every day. How long it will take you to spend $1 billion? 2,740 years. A billion minutes ago the year was 104 A.D. and the Roman Empire was flourishing; yet the Federal Government spent $1 billion in the last 3½ hours. That is what is going on that the American people need to know about.

To continue on, we have some more freshmen here with us tonight. From eastern Tennessee, we have Representative DAVID DAVIS from Johnson City. Let me tell you a little bit about DAVID DAVIS. He sits on the Committee on Education and Labor, Homeland Security and on Small Business, because he has been a small businessman. He knows how to run a business, how to earn money, how to employ individuals and how to grow the economy.

But I will tell you, he is a Representative that never loses sight of where he represents in eastern Tennessee. Just last week he opened up his house to all of his constituents. He welcomed them over for a little time of cheer during the holiday season. And you had about 500 people through your house, and you said at the end of the time it was nice, because you had the hardwood floors and you had it all cleaned up.

But we are very proud of the representation you give and how you reach out to your constituents, and I yield the time to DAVID DAVIS.

Mr. DAVID DAVIS of Tennessee. Thank you, KEVIN. Thank you for your leadership. Thank you for your friendship.

You know, we have been here almost a year now, and as I look at my fellow freshmen, I feel blessed to represent the American people with some of the best people that I know, good people that are willing to come here and work hard and try to get things done for the American people.

I grew up in the mountains of east Tennessee. My dad has got a sixth grade education. I was able to start a business. I was able to succeed. I was able to serve in the Tennessee legislature. It just goes to show that in America, you can do whatever you want to do.

Henry Ford once said, "If you think you can or if you think you can't, you are right." That is common sense. If you go out there and you make things happen and you are willing to work hard, good things will happen for you. Henry Ford knew it. Teachers know it all across America, moms and dads and all across America.

We live in a blessed Nation. As a matter of fact, it even talks about that in the Bible. In Psalms 33:12, it says "Blessed is the nation whose god is the Lord." We are a blessed people, and I feel very blessed to represent the people of northeast Tennessee back in my beloved mountains where common sense reigns, American values reign.

You know, we are in America today and we are in an America where we spend too much money. Ronald Reagan understood this. When Ronald Reagan was President, he once said, "We don't have a trillion-dollar debt because we don't tax enough. We have a trillion-dollar debt because we spend too much." And I can tell you, Ronald Reagan would not have been pleased with this Congress this year because we have certainly, under the majority rule, they tried their best at every turn to find a way, a new way, to tax the American people.

□ 2045

There are moms and dads sitting around the kitchen table all over this great country trying to put a budget together. They are trying to put a budget together to decide how they are going to take care of their kids, how they are going to buy gas for their automobile, how they are going to pay their heating oil bill, how they are going to pay for college for the next generation, how they are going to save for retirement, how they are going to provide for their health care costs that keep increasing day in and day out.

The American people are looking for leadership. And when this new majority took over last year, they promised open, accountable, transparent government that was going to get results for the American people. Well, the results that this Congress has brought about, actually, over the last week or two have started to come back to some common sense. It took them about 50 weeks to get there, the longest in history; but finally they are starting to come back and going to pass some bills that cut their spending by about $20 billion. Thank goodness we had a President that said, I am going to veto if you spend too much. Thank goodness we had a minority party who stood up and said you are not going to spend too much money.

Moms and dads across America can spend their money better than a Congress. Moms and dads know the answer of how to raise their kids better than a bureaucrat in Washington that has never met those kids.

This majority has failed the American people right up to the last week or so. The majority failed to pass 11 out of 12 appropriation bills.

Funding for this Congress and for this government actually ended back in October, and here we are on the eve of Christmas and we are still waiting to put the final touches on a budget that should have been done back in October. You couldn't do that back home in east Tennessee. You can't do that in any city in America. You have got to use common sense and you have got to pay your bills on time.

MICHELLE talked a moment ago about the majority has failed to protect the taxpayer with the AMT fix. You see, no leadership, no results. And that is basically where we are at. If the AMT is not fixed this week, it will leave 23 million taxpayers owing more money and not bringing their refunds home the way they expect. It will be a tax increase on the middle class. No leadership, no results.

Then, you look at the energy bill that has been talked about all year. Finally passed one this week. It is amazing, you get to the 11th hour of the 11th month and you finally start to pass some of these bills. But an energy bill that basically had everything in it except energy. We had an energy bill that had regulations, we had an energy bill that had taxes, and we had an energy bill that had no energy. No leadership, no results. And we are certainly seeing that today.

Then we had a majority party that has tried their best to do everything they can to make sure that the troops didn't receive the funding that they deserve. I went over to Iraq and spent time with the men and women in uniform, and there are young men and women over there that the American people would be very proud of. They want to be there; they volunteered to be there. They want to come home, but they want to come home in success, not in failure.

We have a majority party that actually had a leadership back in the spring that said: we failed. I can tell you, I can tell my colleagues, we have not failed. America has not failed. Ronald Reagan also used to say when he said tear down that wall, he said they lose, we win. I would hate to be in a situation in this war where we have to look back and say, we lost, they won. And we won't do that if we protect our men and women in uniform. And we can do that. As a matter of fact, there is a bill on the Senate floor tonight to make sure that funding is available for our men and women in uniform across the globe, not just part of the globe, but across the globe. See, if you have no leadership, you have no results.

And then the majority party has talked about health care, probably one of the most pressing issues facing the American family today. We talk about a need to fix health care, but we have not seen it in this Congress. The American people demand the ability to be able to go out and afford and feel reasonably comfortable that their children, themselves, and their moms and dads are going to receive the health care that they need. And there are solutions to those problems, but you have to have leadership to get results. No leadership, no results.

Then the cost of energy. When this majority party took over, it was interesting. if you look back, they said: the Republicans have left us in a lurch. Our cost of energy is skyrocketing. If you will give us the opportunity to lead, we are going to lower the cost of energy. When the Republicans gave up the majority in January, oil was $56 a barrel. Now it is $90 a barrel or thereabouts. $56 to about $90 a barrel. That is going in the wrong direction. Again, no leadership, no results.

The American people want us to come together, work as a team, and work on these issues, health care, energy, funding our troops so we can win, taking care of immigration, building the fence, making sure we have a secure Nation, making sure that we have an education system where our children can feel reasonably sure that they can go out and get the education they need. That is the type of leadership we need. That is the type of leadership that was promised for the most honest and ethical and open Congress ever. I am still waiting.

Thank you for giving me the opportunity to be with you.

Mr. McCARTHY of California. I thank the gentleman from Tennessee. He has done a tremendous job here, and I appreciate your comments. Because when we all sat on this Chamber's floors and we listened for the first time the pride of having the first woman elected Speaker, her comment and her words were: partnership, not partisanship. And we looked forward to that day that we would sit down, we would debate the ideas, and we would actually change the way that this body works, and no longer would congressional Members just slip something into the bill so it would pass and no other Member was able to see it or debate it. But we soon learned that did not change.

You know, the President of the United States stood in these Chambers and gave the State of the Union speech, and he challenged this Congress to cut their earmarks in half. Now, that would mean there would only be about 6,700 earmarks inside the bill. There were 9,000. We heard the majority side say: we had to put another 230 in from the last time you even were able to look at these just to get Members to vote for it. That is not the way the American people want legislation produced. They want to see it in a committee, they want to see it debated, they want to see the power of the idea actually win.

What are these earmarks about? Well, these earmarks are probably the worst things you have ever seen. We used to have a former chairman of the Ways and Means, Bill Thomas. And when he retired, he took all his papers, it is an historical time, on what he was able to accomplish in his 6 years as chairman and his 28 years in Congress, and he gave it to the junior college in Bakersfield, California. We have a new chairman of Ways and Means, and he had been there only about 6 months, now it is almost a year. Within 1 year, he had already put $2 million into the Health and Human Service appropriation to build a library named after himself, to build a very nice office for himself in the style of a Presidential library of like Bill Clinton or Jimmy Carter. Those two libraries were built with private funds.

But, you know, I take a great deal of pride of the Republican freshmen, because all 13 voted "no." The majority in the majority party all defended him; came down with an amendment to say, let's strip that $2 million, we have a deficit. The college didn't even ask for it. That individual actually came to the floor, defended it, and said he deserved it, he worked here so long. We said, well, you named it after yourself. Should we put something in and name it after ourselves? No, no, you wouldn't deserve it. But that, the Building a Monument to Me? The idea that it is not the taxpayers' money? That is what has gone on. That is what is going wrong here. And that is why tonight we are talking about the transparency. We are talking about what is going on.

Our next speaker tonight comes from the State of Ohio, the Fourth District. And I will tell you, the impact that he has had on this floor in less than a year is tremendous. If we had just taken his amendment on each and every appropriation bill that he would put forward, the American taxpayers would have saved $20 billion. $20 billion. But each and every time, the majority party twisted the arms of each and every one of their Members to make sure that it wouldn't pass. But he did not give up, and he continues to fight that call and be able to move us forward.

So I yield to Representative JIM JORDAN, who is the only freshman Republican who serves on the Committee of Judiciary, Committee on House Oversight and Reform, and the Committee on Small Business. Congressman JORDAN.

Mr. JORDAN of Ohio. I thank the gentleman for yielding, Mr. Speaker. I appreciate the chance to address the Chamber tonight and be with my freshmen colleagues who have fought the good fight on spending. We have heard a lot about spending and taxes.

I gave a speech last week back in the Fourth Congressional District in the great town of Findlay, Ohio. And I said at the start of that speech, I said 1 year in Congress has confirmed what I suspected: with the exception of the military, with the exception of our good men and women who wear our uniform, with that exception, the rest of the Federal Government doesn't do anything well.

And I asked the audience, tell me how the Department of Commerce improves your family's life. Tell me how the Department of Labor improves your small business. Tell me how the Federal Department of Education improves life in our schools. How does it really help our teachers, our school board members? Most importantly, how does it help our children in our schools across this country? And of course the answer was nobody knew. Nobody knew what all this big government does.

In fact, today there was a story in our Columbus, Ohio paper. It is a Cox News Service story written by Marilyn Geewax, and the headline is: "Federal Finances a Mess." And the date line says:

"Washington. The Federal Government finances are in such a disarray that the Nation's budget watchdog said yesterday that he was unable to sign off on the books. Comptroller David Walker said the Treasury Department's annual report wouldn't be acceptable in the private sector."

In quotes, he said this in his speech at the National Press Club: "If the Federal Government were a private corporation and the same report came out this morning, our stock would be dropping, and there would be talk about whether the company's management and directors needed a major shakeup." That is what our comptroller had to say about the Federal Government.

And yet what did the majority do this first year in Congress? They tried to tie the hands of our troops, that one area of the Federal Government that does a great job. And in the rest of the government, they increased spending, as my colleague from California pointed out, over $20 billion. $20 billions in increased spending for the Federal Government that, we all know, according to the Comptroller, is a mess. And it is important we recognize that.

And I am proud to be associated with these members of the freshmen class who have spent so much time this year trying to get a handle on Federal spending and bring it back into line, because we recognize a few facts, just a few numbers. And my colleague from California and the previous speakers have pointed this out as well. We have a $9 trillion national debt. Each citizen, each American citizen's share of that national debt is $30,200. And here is the real concern: when you have out-of-control spending like this, it inevitably leads to higher taxes. And we have already heard from our good friend from Tennessee who talked about the tax burden currently facing families. We heard from the from Minnesota about the tax burden that the AMT is going to impose on over 20 million Americans.

If we don't get a handle on spending, there is going to be real consequences on this country, and here is why it is so critical. If we want to make sure that we promise to our retirement systems, if we want to make sure we leave our children a debt-free Nation, and if we want to make sure we can compete and win in the international marketplace, then we have to begin to control spending. And that is why, as my colleague from California pointed out, I was proud to work with our class this summer, and we offered a series of amendments that would do just that.

It was interesting, during those debates, when we got up and spoke about why it was important to hold the line on spending and begin to save taxpayers' dollars, begin to allow families to keep more of their money, it was interesting during that debate, the other side said: We can't do that. We have got to increase spending. We have got to increase spending, in some cases two and three and four times the rate of inflation, because if we don't, the world is going to end, the sky is going to fall. Everything terrible is going to happen. And yet, you know what has happened, as has been pointed out already this evening? We didn't pass those spending bills, as the law requires, by September 30.

So since that time, over the past 10 weeks, we have been functioning under what we call a continuing resolution, which is a fancy way of saying we are living on last year's budget, exactly what the amendments we proposed were going to do. We are living on last year's budget. And do you know what? The government is running. The sky hasn't fallen.

And my argument is, if we can do it for 10 weeks, we can probably do it for 10 months, and we can probably do it for a whole year and save my taxpayers, as my friend has pointed out, over $20 billion.

When you think about the size of government, there is a great line that Thomas Jefferson had. He said: When the government fears the people, there is liberty. When the people fear the government, there is tyranny.

Now, with that statement in mind, ask yourself a question. If sometime tomorrow you get a knock at your door and you go and you answer your door, and the gentleman standing there identifies himself and says, Hello. I am Mr. SMITH and I am with the IRS, is your first response, Oh, joy. One of my public servants is here to help me today? Of course not.

We all understand government is too big and we need to reduce it. And the reason we need to reduce it is because we understand one fundamental fact: moms and dads can spend the money better than we can. Moms and dads can do a better job than the bureaucrats in this Federal Government that the headline even says is a mess can do when it comes to spending their money.

Think about that typical family out there. One of the reasons America is the greatest Nation in history is because moms and dads have been willing to sacrifice so that the next generation, so that their kids can have life a little better than they did.

□ 2100

If we don't get a handle on spending, it is going to be tough to continue that great tradition that has helped make America the best. The same comptroller who was cited in this article that is in today's papers, the same comptroller had this statement to say: "We are failing in our most important stewardship responsibilities. We have a duty to pass on a country better positioned to deal with the challenges of the future than the one we were given."

That is our challenge. That is what this class is about. We want to make sure that we get a handle on spending so we can do what is right stewardshipwise and pass on to our children and our grandchildren the same great America that we inherited. That is what made America great, and that is what we have to do as we move forward.

It starts by getting a handle on spending so we can keep taxes low and we can compete in this international marketplace.

I thank the gentleman from California. His leadership continues here in the United States Congress, and I am proud to be associated with that in our freshman class.

Mr. MCCARTHY of California. Well, I appreciate my good friend from Ohio. The gentleman brings up a good point. The article the gentleman cited said if the Federal Government was a public business, that our stock would be dropping. Well, if you look at the poll ratings, that is exactly what has taken place.

We have set a new record in this Congress with this new majority with the lowest congressional approval rating ever. This new majority has set a new record of being the least effective; 13 appropriation bills, 1 year to get them done, and only got one through. Twelve have not gone through. So they compiled them all and laid them on the floor. This is the longest any Congress has ever gone. And the only reason that the omnibus bill is going to pass now is a deadline.

The American public does not believe that their government should work based upon deadlines; it should work based upon ideas and accountability. We have been in office about a year now. As that sun begins to set, I have thought about what could improve this House. The House really is the leader of the free world. I have come to the conclusion there are two things this House needs. Number one, we need accountability. Number two, we need adult supervision to get the job done.

I will tell you that is what tonight is about. Our next speaker comes from the Seventh District of Michigan representing Battle Creek, Jackson and Adrian. His name is Representative TIM WALBERG. He serves on the Committees of Agriculture and Education and Labor. And let me tell you how hard this individual works.

I caught him this morning. He was up working on constituent services. He is now on the floor. There are times he is over in the hospital visiting troops. I told him we were going to be speaking on the floor tonight. He said, Let me see. I am going to be in my office and I am going to put on a teletown hall to my district. He is calling thousands of people in their home, and they are going to question their Congressman.

So when I talk about this place needs accountability, I will tell you that the Seventh District of Michigan is getting that accountability from morning to night, that TIM WALBERG is hard on the job, working fast and making sure that accountability is coming back home.

I yield to my friend from the Seventh District of Michigan, TIM WALBERG.

Mr. WALBERG. Thank you, Congressman McCARTHY.

Mr. Speaker, I guess I would express my desires to have Mr. McCARTHY campaign for me next time with those type of words.

And you read them very well, just as I wrote them for you.

It is, indeed, a privilege to be with Members of Congress, in this case 13. We call ourselves the Lucky 13. But we are 13 with ideas, 13 Members who came to Congress, the only freshmen Republicans to come from across the Nation, and every one of us came with conservative principles that said we believe America can do it better. We believe that individual Americans, as we have discussed already, have ideas and abilities that if allowed to be generated and to be creative, they can succeed. We represent them, and what a privilege it is for me personally to represent the good people of the Seventh District of Michigan, a State that is going through very, very difficult times right now because of the lack of leadership, the lack of understanding that when you take more of the resources, more of the liberty away from individual citizens, you frustrate not only the economy which Michigan is suffering through right now, extremely, but you also take away the creative juices that expand the ability and opportunity to do the things that were defined in our Declaration of Independence, promoting life, liberty and the pursuit of happiness or property.

That is something that I believe this freshman class of Republicans want to return to, the American solutions from American people committed to doing the best for themselves, their families, and the future of America's wealth.

I am interested, as you might expect, my friend from California, I am interested in a key issue to Michigan, known as the Motor Capital of the World for many, many years with the Big Three in the auto industry, with transportation on our mind and under our fingernails, hardworking people of Michigan who made the world run on four wheels and sometimes two, a great heritage that we have that pertains to energy and pertains to how we use it.

I appreciate the words of my good friend from Tennessee on the issue of the bill that we just passed today which could be considered the "no energy" energy bill. The latest shot, Mr. Speaker, in the Democrat's war on American jobs is this so-called energy bill that was on the floor today, this bill that we have been waiting for quite some time, yet it has no new net energy in it. And there is no way we can tax ourselves to energy independence. Congress can't tax our way to providing a greater supply of energy in America, and we can't just add more government regulations on industry and expect that we will have more energy in the pipeline. It doesn't work that way.

Mr. Speaker, I support American energy solutions, starting with expanding domestic supplies, and, two, lowering costs for U.S. consumers and for U.S. manufacturers, which use one-third of our Nation's energy.

Access to competitively priced energy helps U.S. communities and citizens compete in the global economy and preserves high-paying jobs here and at home.

If enacted, this bill that we passed, this bill will result in higher energy costs, few energy supplies, a weakened domestic energy industry and more job losses for U.S. factory workers, including my factory workers in Michigan. U.S. manufacturers already face a 31.7 percent cost disadvantage when compared to our major trading partners. By increasing the cost of energy, this bill will drive the cost even higher, putting quality American jobs at risk, and I resent that.

Mr. Speaker, I am strongly concerned about the absence of any meaningful provisions to expand domestic energy supplies. I remain committed to proposals that enhance U.S. energy security and production through increased production of all types of energy: improved conservation and efficiency, yes; more research on technology and alternative energy; increased access to domestic sources with continued environmental protections and improved distribution.

I support and have sponsored legislation to foster biodiesel technology. I have cosponsored legislation that would allow us to produce nuclear power. Other countries are doing very well right now with limited waste products that come off of it that can't be used.

I have also supported legislative initiatives that would increase our exploration in Alaska and the Outer Continental Shelf for clean power through natural gas, clean coal technology and other things. And yet today, in this piece of legislation where we had the opportunity, there was no energy.

So let me cut to the chase here and talk about the specifics of what this energyless energy legislation will do. In Michigan, it will kill jobs, as well as other places in the United States. It creates a confusing set of CAFE mandates. I don't call them standards. These are mandates based upon just human reasoning that says let's put at 35 miles per gallon fleetwide average. These mandates have the goal of dictating to our families, farmers, and small business owners what we can and can't drive, what we can use for commerce and industry. Some aspects are controlled by the National Highway Transportation Agency, specifically fuel efficiency mandates, but this could collide with EPA regulations, tail pipe emissions, which could create an unpredictable set of regulatory mandates.

It gives advantages to foreign car companies such as Volkswagen and Kia who don't make trucks, minivans or SUVs. We are not opposed to their cars, but we are not comparing apples to apples in these CAFE mandates.

We can do more to encourage energy conservation by allowing more clean diesel technology in cars and trucks, which the Federal Government has discouraged for decades. New diesel technology is clean and efficient and it is quiet. It has been effective in Europe for a long time, and we need to move it here.

These are issues that I am concerned with not simply because my State has been impacted very negatively by it. It will cost jobs and it will cost futures for my people, for my family, and it is a further intrusion into the freedoms and creativity that American citizens so deserve.

I appreciate the chance to espouse on some of these issues tonight. I know my colleagues have things to say about these issues. But more importantly, the American public needs to speak and we need to say we are interested in American solutions, not just political posturing that does nothing except serve political purposes that ultimately diminish the power and the control and the liberty of our American citizens.

So thanks for this time this evening, and I look forward to communicating further as time is available.

Mr. McCARTHY of California. I thank the gentleman from the Seventh District of Michigan.

When we came to this floor, I like many of you sat here and dreamt about the day we put people before politics. You watched TV, and you didn't want a red or blue country; you wanted it red, white and blue. When we come to this floor, we put on our American hat, not our Republican, not our Democrat hat. But the one thing, we haven't found the partnership here; we found the partisanship. We found bills that were coming up for political gain, not to be debated on the floor, not to be debated in committee. And I will tell you when you think about that, that is not the way to run this House, and the American people have said so when you saw the poll numbers.

Tonight is about bringing about accountability and talking to those Members who are home in their houses and wondering about what they are going to be able to do for Christmas and what they are seeing on the floor of this Congress. This new majority has put in the largest tax increase in American history.

You know, the IRS Federal codes have 1.6 million words. That is 380 times the number of words in the U.S. Constitution. When our Founding Fathers said what would it take to run this country, they were able to do it in much fewer words and regulations.

I think tonight as we sit and talk, and we sat and debated on this floor, I look to my good friend from eastern Tennessee to talk a little bit about the earmarks and the abuses that have come forward that the people back in eastern Tennessee would say that is not the way they run their household.

Mr. DAVID DAVIS of Tennessee. If you look at the 9,000 earmarks that are in there, special projects, the one that leaps out to me and leaps out to the people of northeast Tennessee is over a million-dollar hippie museum in New York. That is not the way the people of east Tennessee want to spend their hard-earned money. There are better ways to spend money in Tennessee and across this great land.

As I said earlier, moms and dads are really trying to figure out how they are going to take care of their kids. They don't need Members of Congress or bureaucrats in Washington trying to spend their money on hippie museums in New York. They need to know they can fill up their tank with gas and be able to afford it. Or be able to take the kids out for a meal and be able to afford it. Or be able to afford a month's worth of energy to keep their kids warm. Or be able to buy health care and be able to afford it. Or know that they have a Congress that is going to take care of illegal immigration because they are worried that a country that is not secure is not long to be a country.

Those are the things that the American people are concerned about. They are not concerned about trying to have special pork barrel projects to help a Member of Congress get reelected. They are concerned about making sure that their family is taken care of. That is what we ought to be concerned about. That is what I think the freshmen Republicans came here to do.

I started off tonight by saying I am blessed to be able to stand on the House floor of the United States Congress.

□ 2115

Come from humble beginnings back in the mountains of east Tennessee and be able to come here and represent just some commonsense American values, and that's what the American people want.

Mr. McCARTHY of California. You make a very good point, and I will tell you, you talk about these earmarks. That just means the majority party goes out and tries to raise more money, raises the taxes. And one of the leaders to stop that, because you see how many taxes you pay and what really comes from the leadership that continues in Ohio, Congressman JIM JORDAN.

Mr. JORDAN of Ohio. I thank the gentleman for yielding. You're exactly right. We always hear this line, tax and spend politicians. It's actually the opposite. It's spend and tax. Spending drives the equation. And when Congresses spend and governments spend so much, they do just what our friend from Tennessee described, they take money away from families and spend it on earmarks, spend it on this big government that as we've already figured out tonight is a mess according to Comptroller of the Treasury. So you're exactly right.

And what the Democratic majority has proposed this year in their budget to satisfy all their spending is the repeal of the tax cuts that were put into place in 2001 and 2003, tax cuts that give a child tax credit to children and dependents, great concept for families. Tax cuts that lowered the income tax rates, those are going to go up. The child tax credit is going to go away, the death tax is going to up and the dividend tax is going to go up, in addition to a whole other list of taxes they've also unveiled.

So the reason it's so critical to control spending is because high spending inevitably leads to higher taxes. And when you tax and tax and spend and spend, you take money away from, as our friend from Tennessee has pointed out, the typical family out there, the moms and dad who want to invest.

Think about the typical family that was described by our friend from Tennessee. Typical family, they get up every day, they go to work. They go to church on Sunday. They take their kid to soccer practice, they take the kid to Little League. They're putting money away for college education. All those things, and yet you have a Congress who spends things on like, as you pointed out earlier, Congressman McCARTHY, a monument to themselves in their district. Think about that. A sitting Member of Congress who uses taxpayer money to name a facility after himself while he is a sitting, while he's in Congress. Unprecedented. And yet that's what we saw with this Congress. And it's all driven because they want to spend and spend and spend. They think they can spend your tax dollars better than you as a family, you as an individual taxpayer can spend it.

So again I appreciate this chance to talk about these things this evening. More importantly, I appreciate the opportunity, as our friend from Tennessee has pointed out, to fight for those things that I think really matter to families and work with my colleagues in our freshman class. And I yield back.

Mr. McCARTHY of California. Well, I appreciate that, Congressman, because you made a very good point, because that wasn't the only Member that sat there and put an earmark in. We had a bill come through here talking about the Defense, went over to the Senate, came back. We had an individual that was in the leadership of the Democratic Party, all a sudden there was $1 million in there for a golf course in his district. And we asked, well, why did you need to put $1 million in the Defense bill for a golf course there? They said because all they had was tennis courts. They needed golf as well.

Do the American people really believe they need their taxes raised so some Member could put in a golf course and never even be debated in committee, never even have to withstand the ability to have accountability to look at it transparently? I mean, that's the frustration we see.

And I know my good friend from Michigan, Mr. WALBERG, when he sat there and worked on the farm bill, he looked time and time again at those family farms that say when they want to pass on to the next generation, he looked at this new majority, what they did, that they were going to raise the inheritance tax to 55 percent. You know what would happen to those family farms back home.

Mr. WALBERG. Absolutely. I appreciate you bringing it up, and I appreciate my good friend from Ohio for endorsing legislation that I've offered, and to have you as co-sponsors on it as well, that would make permanent the 2001 and 2003 tax cuts that have blessed this Nation and its taxpayers well and have allowed this economy to grow at a steady pace for the longest time in history.

Again, to say to the family farmer who is able to survive in this economy, by the sound effort, good work, creativity, doing what it takes to compete, and then to say that because they have succeeded, when they pass on that family farm, as it is a real business, and some of it's not a small business anymore, that they will be dinged for their responsibility, as opposed to applauded for what they've carried on for the family.

That again brings me back to a broken record on energy as well, because when you're talking to the family farmers who have to use energy to produce food, and the resources from petroleum and otherwise producing fertilizer and all of those costs going up, we've got further tax problems for the citizens of the United States. Bottom line, this energy-less energy bill will not lower gas prices for American families; it will not help American families or farmers dealing with heating costs and drying costs in their granaries this winter.

This no-energy bill doesn't include anything to increase domestic energy production. It does, however, and I'm sure you'll all be glad to hear that what was left in this was a $240 tax credit, and we all like tax credits, tax incentives. But this is a tax credit, $240 tax credit that we're going to provide every 15 minutes for people who regularly ride their bikes to work for the purchase, repair, or storage of their bicycles.

Now, my wife and I enjoy mountain biking. We have two bikes. I have a

Harley Davidson motorcycle, two wheels, that I enjoy riding. I have a fuel efficient 30 mile per gallon family car that I use for getting around my district. But I also have a three-quarter ton pickup that I use for hauling my trailer, or last Sunday, in fact, in Michigan, hauling three people out of snow-covered ditches. That couldn't have been done by a Prius, my motorcycle, my bicycle or even my 30-mile-per-gallon car.

Mr. JORDAN of Ohio. Will the gentleman yield? I just wanted to bring up a point. I represent in the Fourth Congressional District we have Airstream, some of the finest trailers in the world that people use to go camping. It's a wonderful, wonderful product. And you talk about the CAFE standards in this bill which would arbitrarily, some government-mandated standard that fleets would have to meet. It's tough. It's difficult to pull an Airstream with a Volkswagen. I mean, you need something bigger. And that's why we have to approach this. We all want to do things, but we've got to approach it in a reasonable way when we're thinking about the impact it's going to have on our economy, and as you point out on our districts and on our ag community as well. So I appreciate the gentleman yielding.

Mr. WALBERG. I appreciate you adding that because that's practical advice and a good example. The American public has grown to associate with our lifestyle all sorts of conveniences that we shouldn't feel embarrassed about. You ought to use them appropriately. We have all sorts of opportunities that other people in other parts of the world would long for. But it's come as a result of ingenuity, creativity, hard work, effort, saving, risk all of that revolved around responsibility so that people can enjoy that Airstream trailer or can use that pickup truck to transport goods and supplies on the farm and to do good deeds of pulling people out of ditches and the snow-covered roads that we had this past weekend.

Nonetheless, we, as legislators here in the U.S. Congress, have the privileged opportunity of allowing that to expand and thus bless the world, 25 percent of the world's population here, with over 85 percent of charitable resources that we give to the rest of the world. That is unique.

And for that reason, I think that true conservative effort that says we will avoid responsibility and we encourage people to be further responsible, and we don't let government step in the way with taxes or energy-less energy bills that says things that don't work is the way to go. So thank you again for giving me the opportunity.

Mr. McCARTHY of California. Well, I thank the gentleman, and I thank all the freshmen that have been able to join us tonight, because really tonight was about bringing accountability and maybe some adult supervision because I think that's what the American public wants to see here in Congress, see that we are able to provide more free time, not take up more of your time to earn more taxes for the American Government.

I'll tell you tonight we're probably going to turn out the lights here in Congress in the next couple of days. But as those freshmen coming from the Republican Party, we all pledged that we would work in a bipartisan manner. We're eager to do that. We have a desire to do that, not to be a red and blue State but be the red, white and blue country. And we challenge the majority party here to change from the last year. It doesn't have to end a year from now as poorly as it ended this year. It doesn't have to end with the failure in setting new records, with the approval ratings so low with the lack of bills coming through, nothing but earmarks to try to get a bill through. It could actually end with common sense, with pride and, really, to be able to move it forward.

I'll tell the American people, I might get at times a little depressed sitting on this floor, but if anyone ever comes back to Washington, DC, I'd ask you to look up your Congresswoman or your Congressman and have them give you a tour because the greatest city in the world is right here and the greatest monument is this building, and the best monument inside this building are the stairs.

I will tell you, those stairs are made of marble. When you walk on those stairs those stairs are worn out from the feet that have walked before. And every day that I come over I take the stairs to go up the one flight just so I can walk on those stairs. And you know what? I get goose bumps each and every time I do it, because I believe that regardless of how big our challenges are, we will come together because the people before us and the challenges before us were much greater than we're facing today, that they came together. And if we can learn one thing through those stairs of marble it's that each and every one you take one step at a time. And I think we need to take one step, each at a time to come a little closer into the middle and find some common ground.

So I thank you for the time you have been with us tonight, and God bless.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore (Mr. ELLISON). Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes.

Mr. MEEK of Florida. Mr. Speaker, it's an honor to be here before the House once again. And a lot has been done and I'm so glad that we're here and 30-Something, once again, may be our last opportunity in this year of 2007. We appreciate the courage and the commitment by those of us that are in the majority. And we talked about a number of things that we would do and that has actually happened, Mr. Speaker. And a lot has happened this year, and, Mr. Speaker, I know that your constituents and others as it relates to Minnesota and what has taken place there and the tragedies that y'all have dealt with and how this Congress has responded to that tragedy of the bridge falling, and so many of your constituents are in recovery as we speak, and being from south Florida, hurricane ravaged area, we know what recovery means. And it's important for us to respond in a bipartisan way.

But I can tell you, some of my colleagues that were on the floor just prior to me hitting the floor talking about earmarks, it's very interesting. I am, you know, it's one of those days, and I'm glad that I was able to make it to the floor and that we were able to take this hour, and we want to thank the majority leader and also the Speaker and the majority whip and our leadership as it relates to the Democratic Caucus and our vice Chair for getting here, because to talk about earmarks, it's very interesting because we've reduced earmarks by 40 percent. I mean, that is something that the Republicans did not do over a number of years. You wouldn't even know who put an earmark in if it wasn't for the transparency that the Democratic Congress brought to this process.

Now, I'm going to tell you right now, I'm very happy that I was elected to come to Congress and that I'm going to get the opportunity to go home and tell my constituents what I've done for them in Congress. That's what it's all about. Why are we here representing 600, 700,000 individuals, Americans? To not only represent them here in Congress, but to also, quote, unquote, bring home the bacon on behalf of your constituency, to make sure that they have what they need, to make sure when a county commissioner or someone that sits on a parish board has an opportunity to come to their Member of Congress and say we need something from the Federal Government, meanwhile back here in Washington, DC, we have Republicans that have voted in the last five, or four Congresses for tax breaks for billionaires. Their name's not attached to it. We come here, we bring transparency, we bring accountability. We bring accountability to this process. And then they come to the floor with the audacity to say, well, you know, oh, these earmarks. Well, you know, I don't know, but I'm pretty proud of the fact that the city of Pembroke Park is able to do something about the water treatment that they've been yearning for, struggling city. I'm very proud that the city of

Miami is able to say thank you Congressman for representing us in the U.S. Congress.

Meanwhile, the Republicans, for years and years and years, have been able, Mr. RYAN, to give tax breaks to the billionaires and gazillionaires. Here we are bringing government back to the people and being criticized by the other side of the aisle. So, Mr. RYAN, there's a lot that we have to talk about. This is a historic day. We passed energy independence and security act. That's a historic piece of legislation. And all our colleagues have in the minority to talk about, earmarks that have been reduced by 40 percent and have been highlighted by this Congress.

□ 2130

Mr. RYAN of Ohio. Mr. Speaker, I appreciate the gentleman yielding.

The thing is there's like hundreds of people on the other side of the aisle who are taking earmarks, who feel like that it's better that they make the decision for their own district as to where the money should be spent or some bureaucrat in Washington makes the decision as to where the money is spent. Somebody's spending the money. Now, it's either the elected Representative who's going to spend the money or it's going to be someone here in DC who's going to spend the money and has no idea of what the dynamics of the district are, what your long-term economic development plans are, what the health and safety welfare needs are of your district.

So I think it's best in a democracy for the elected Representative, who gets to have meetings in their office with different constituents, as to who will decide where this money is spent.

Now, is the autism center in Youngstown, Ohio, pork? I got three-hundred-and-some-thousand for that. Is the water line in a poor community to make sure that we have clean water, is that pork?

I love it when the Members from the western part of the country come to the House floor and talk about all this government spending. You know, in California, in Arizona, there are congressional districts that would not even exist if it wasn't for a Federal investment. There are congressional districts that they're in a desert. How do you think the water gets from the Colorado River to your congressional district? Through osmosis? No. There is Federal investment that is invested in these different congressional districts, you know, the Colorado River Basin Project and all of these different projects that bring water to your district and your constituents.

So I think it is absolutely absurd for people to come to the House floor, and we've done exactly what we said we were going to do. We made this process transparent. There's nobody here that thinks you should be able to hide something. So now when you make an investment or you claim an earmark, your name goes on it, and it says Rich Center for Autism in Youngstown, Ohio, at Youngstown State University, Congressman TIM RYAN, 17th District.

Mr. MEEK of Florida. Mr. MURPHY was running for office a year and some change ago, talking about if he gets to Congress what he would do for his constituents, that he would provide the kind of representation that they deserve, turn this saga of Iraq and that other issue of Iraq back to domestic priorities, bring home the bacon on behalf of the district and his constituents.

I'm so glad that he's here tonight because we've been here three times. This is his first time. I'm glad that he's here because I want to know what's wrong. I mean, I just, Mr. Speaker, I personally want to know what's wrong with coming to Washington, DC, representing your constituents, and doing what you said you would do.

Mr. MURPHY of Connecticut. Fighting for kids with autism, fighting for teenage pregnancy programs, fighting for children's mental health, I mean, that's what's in these earmarks.

Why is the so-called pork spending that I'm bringing back to the Fifth District? For a children's mental health program in Danbury, for an after-school program in Torrington, for a teenage pregnancy center New Britain. You know why? Because the Republican Congress, along with this President, for the last 6 years and the last 12 years have gutted every single one of those programs that helps poor kids, helps poor families, helps the disabled, that helps poor, the disadvantaged, the dispossessed, all of those programs that are just trying to give people a little bit of a leg up, trying to give them access to the apparatus of opportunity that all the rest of us have, were stolen out from underneath them.

So guess what we're doing with these earmarks. We're going and funding basic social services to try to treat kids with autism, to try to cure children of a mental disease and mental disorder that they have. And we're forced to do that because we have been sitting through a Congress, and Mr. RYAN and Mr. MEEK have been talking about it for several years, that has made a choice over the last several years, has made a choice to fund a whole bunch of tax cuts for people at the upper, upper echelon of the income scale and at the expense of all the people that we are now putting first again, the folks that are supposed to be helped by government, that is, middle-class, regular folks who, through no fault of their own, might have had a little opportunity stolen from them. We're going to try to help them out again here.

Mr. RYAN of Ohio. The issue here is that the earmarks are a very small percentage of the Federal budget. All of these bills have been bipartisan. If you look at all of the appropriations bills that have passed out of the House, there has been a significant number of Republicans who have joined with the Democrats to make these investments, especially Members of the Appropriations Committee that have looked at these issues very carefully to make these investments in a bipartisan way.

The energy bill, of which our friends on the other side, Mr. Speaker, have derided us and it's a Democratic this and a Democratic that, 314 votes; 314 votes, which is 70 or 80 Republican Members of this body have joined with us to try to increase CAFE standards, make investments in alternative energy, make investments in the middle America and the Midwest. This is on a bipartisan basis.

So it seems like those folks who come to the floor seem to be on the fringe level of the party that they're talking about these things. But I think it's important for us to talk about some of the investments that we have made here.

There has been a significant shift in priorities. Now, we haven't come anywhere close to achieving what we have wanted to achieve since we have taken over. We don't have 60 votes in the Senate, and the Republicans have done a good job of blocking a lot of our legislation that we've tried to pass.

The President has vetoed SCHIP, which is the State Children's Health Insurance Program, that we wanted to provide 10 million middle-class kids with health care, and the President vetoed it twice. And the fringe Republicans, many have joined with us. RAY LAHOOD, STEVE LATOURETTE, a lot of good Members of Congress have joined with us to try to override that veto, but the President was able to sustain it.

So we asked to cover health care for 10 million kids, $35 billion over 5 years. President said we're spending too much money. Turned around within days and asked for $200 billion more for Iraq that we're going to borrow from China. And so some of the investments that we're trying to make, I think it's important for the American people to know what we have done.

Mr. MURPHY of Connecticut. Tell them.

Mr. RYAN of Ohio. We've raised the minimum wage for the first time since 1997. We've cut student loan interest rates in half from 6.8 percent to 3.4 percent, which will save and increase the Pell Grant by $1,000 over the next 4 or 5 years. We will save the average student or their parents, whoever's footing the bill, $4,400 over the course of their loan that they take out. Those are significant investments to the middle class. We're going to fix the AMT, which would come in and zap 23 or 24 million people.

But I think it's important that we share with the American people, Mr. Speaker, the investments that we have made here, that are different than what the President wanted us to do, and we can go through this.

But medical research, $607 million above the President's request. That's a lot of money, $607 million to research Alzheimer's, cancer, Parkinson's and diabetes. Now, I think the American people want us to work together to try to fund some basic research.

Mr. MEEK of Florida. Mr. Speaker, this is one of these moments at the end of the session, I mean we're like days from Christmas. We're still here in Washington, D.C. We've already started Hanukkah; Kwanzaa's on its way.

I think it's very, very important for us to point at the fact that this Congress has worked harder than any other Congress in the history of the Republic. I mean, I'm not talking about coming in number two or coming in number three or coming in number four, but we've taken more rollcall votes in the history of the Republic.

I think it's also very important, and I feel goose bumps by this whole thing. I pay attention to history. I also pay very close attention to the present. We're looking at a President right now that has made more veto threats than he's made in the last 5 years or 4 years, what have you, that he's been President of the United States to this Democratic Congress. We're looking at the AMT. We're talking about individuals being able to file their taxes, and we said that we were going to pay for it. This President is saying that he doesn't want to pay for it, that he wants to borrow the money. But the bottom line is that we're going to be here to make sure that we pay for it in the long run, in the second half of this Congress.

We're not going to allow the President to play this Congress as a fiddle. This President is talking about, Oh, well, I want Iraq funding a part of the appropriations bill that's going to pass and all. He has the veto pen. He also has 40 Republicans here in this Chamber to make sure that we don't override him on this issue of Iraq. We voted for appropriations for Afghanistan, and we had a number of Republicans that voted against it, some 200-plus. I don't feel in any way bad about the position that we've taken.

I'm so glad Mr. Manatos is on our side. You know, our colleagues who came to the floor right before our hour. I sent upstairs for this chart to make sure that we enter this chart into the RECORD one more time. I think it's important that we look at the 42 Presidents before this President were only able to borrow $1.01 trillion. We're talking about the Great Depression. We're talking about World War I. We're talking about World War II. We're talking about Korea. We're talking about Vietnam. We're talking about Grenada; that's new. We're talking about a number of conflicts that have taken place. We're talking about economic downturns. We're talking about the S&L scandal. We're talking about a number of issues that have faced Americans over the years.

This President, President Bush, along with his Republican minority, thank God, but enough to be able to cause trouble over in the Senate with this 60-vote phenomena that we've learned about in this 110th Congress with Republicans saying, Well, you know, we're going to use procedural rules to be able to hold up what the Democratic Congress would like to do in this Congress.

This President was able to borrow $1.19 trillion. That number is higher now. This chart is not updated, but I think it's important for our Democrats, Independents, Republicans to know that we believe in fiscal responsibility here on this floor. We believe in the American way.

We used to talk about our children paying this bill, but now we're talking about we are paying this bill, countries like China and others.

Mr. RYAN of Ohio. Would the gentleman yield?

Mr. MEEK of Florida. So I know Mr. RYAN is trying to get in the middle of this. He's always trying to get in the middle, and I'm just trying to make my point. I don't want you to take it personal. I'm just trying to make my point.

Mr. RYAN of Ohio. I yield to the gentleman.

Mr. MEEK of Florida. Thank you so very much.

I think it's important, and I kind of feel like a Baptist preacher on the first Sunday. You want to be able to make your point, and you want to be able to climax, but Mr. RYAN comes in and gets in the way, but it's okay. He has a good point. He's a great American.

I think it's important that we look at our responsibility right now and in the present for being able to stand up for those that have elected, woke up early one Tuesday for us, voting for representation, that we give voice to their cause and their need.

I think it's also important, especially as it relates to the diversity of our caucus, need it be Blue Dogs, need it be moderate, need it be to the left or whatever the case may be, it represents America.

I think the reason why Republicans voted for Democrats last time, Independents voted for Democrats last time, Democrats voted for Democrats last time is because they're looking for change. We're here to provide that kind of change, but we start looking at obstructionists here in Congress using procedural, using the rules of the House, using the rules of the Senate. The minority is protected in this process, standing in the schoolhouse door, if I may use that, of allowing us to stop from the report that we got today, November 13, or yesterday, November 13, total deaths in Iraq, 3,888; total numbers wounded in action and returned to duty, 15,832; total numbers wounded in action and not returning to duty, 12,829.

□ 2145

We pay attention to those numbers in the 30-Something group because the American people are paying attention to those numbers, and I think it's very important, Mr. Speaker, that we continue to lift this issue up.

So as we look at what we are facing right now, Members, there's nothing wrong with us representing our districts and being able to bring dollars back because this is something that has not happened over the years. We have been borrowing the money to be able to continue the war in Iraq. We have been borrowing the money as it relates to going after Osama bin Laden in Afghanistan. We have been doing the things we need to do. But I think it's very important, Members, that we tell our story.

Today a very historic piece of legislation passed this floor when we look at the Energy Independence and Security Act. And I think we should not allow this day to pass without talking about the courage of Democrats and Republicans passing this bill.

I yield to Mr. ALTMIRE.

Mr. ALTMIRE. Before the gentleman gets into the energy bill, Mr. Speaker, and we do have a lot to talk about because that's an historic vote that is going to change this country in the long term for the better, I did want to follow up on what the gentleman talked about earlier and was finishing his remarks that about the legacy that this Congress over the past 6 years has left for our children and our grandchildren, the legacy of debt. And I want to take a little walk down memory lane, and we have talked about this before, to think about what happened in the last 4 years of President Clinton's administration, where we had 4 consecutive years of budget surplus, a surplus that was forecast as far as the eye can see. In 10 years the estimated $5.5 trillion surplus, according to CBO, from 2001 through 2010, that was the estimated surplus dollars that we were going to have. And you will recall back in the 2000 election between Governor Bush and Vice President Gore, what was the debate? The debate was what are we going to do with this surplus? We had this enormous surplus, $5.5 trillion. Are we going to pay down the debt? Are we going to shore up Social Security? Are we going to do tax cuts? Are we going to create new programs? Everyone had an idea. You know what? We're not having that debate anymore because instead of having 10 years of budget surpluses, we have had 7 consecutive years of budget deficits, and those deficits are now forecast as far as the eye can see. And to make matters worse, the 10-year projection from 2001 to 2010 because of this administration is a $3.5 trillion deficit, $3.5 trillion dollars in the red. So that's a swing of almost $9 trillion. And I would suggest to my colleagues if you had said to an economist in 2001 at the beginning of this administration's first term, if you had said, how could you possibly come up with the scenario where we would have a $9 trillion swing from positive to negative in the projection of having a surplus to a deficit? Is that even possible? And any economist you ask would say, no, it would be impossible to mismanage the economy to such an extent over just 7 years that you would have a $9 trillion swing. So I sat and listened to the group that came before us, a group that lectured us on fiscal responsibility.

Mr. MEEK of Florida. Mr. ALTMIRE, I think you just hit a point there.

Mr. RYAN, the 30-Something Working Group, I can say, gentlemen, that we do our homework. As we talked about our colleagues on the minority side criticizing earmarks on the majority side, Mr. RYAN, would you please share with our illustrious support staff that we have here?

Mr. Speaker, this is the reason why the 30-something group exists, so that we can, some may say, push back. We say tell the truth.

I yield to Mr. RYAN.

Mr. RYAN of Ohio. Well, it's interesting that one of the gentlemen, Mr. Speaker, that was down here complaining about earmarks just minutes ago prior to our getting down here, and we are not here to play gotcha but we are here to reveal what has happened here, in this bill loaded with earmarks, loaded with all this pork, one of the gentlemen down here, Mr. Speaker, had requested 20 earmarks worth $38 million but turns around and comes to the House floor and is critical of the Rich Center for Autism in Youngstown and dam safety projects and after-school programs and some of the other districts that are here and calling it pork and in one of the instances was trying to in some way disparage the gentleman from New York (Mr. RANGEL) in his project that he had that was named after him and the same gentleman is now supportive of the Thomas Road Improvement Program that is now under way that his predecessor, Representative Bill Thomas, submitted with his own name on it for the project but yet comes down and is critical.

So our point is not to play gotcha. Our point is to say that Members of Congress should be able to direct a certain amount, and it's only a small percentage of the budget. I don't even know if it's .5 percent of the entire budget.

Mr. MEEK of Florida. Bill Thomas that used to be the chairman of the Ways and Means Committee.

Mr. RYAN of Ohio. Right.

Mr. MEEK of Florida. So I think it's important, Mr. Speaker, for us to note that that's the case.

And, Mr. RYAN, I am going to kick it back to you and Mr. MURPHY was very kind because it was his turn, but I am going to tell you Mr. Thomas ran the Ways and Means Committee, Mr. ALTMIRE, and meanwhile had something named after him. And for Members on the minority side to come to the floor and talk about present Members that are bringing home the resources on behalf of their constituents, I can see if one did not put in a request.

Mr. RYAN of Ohio. Will the gentleman yield?

Mr. MEEK of Florida. I will yield, Mr. RYAN.

Mr. RYAN of Ohio. We have got more here. The gentleman from California, the previous gentleman, who just made fun of us for all the earmarks, had 20 earmarks worth $38 million and is supporting one now named after the former Chair of the Ways and Means Committee.

Another gentleman down here that was from Michigan got press releases, and you will love this one, $3 million for an extended cold weather clothing system through the Army. He was just down here making fun of everybody, and he's requesting thermal underwear. And it's not funny because the reason we are here is to make sure that we are getting this all out. And for Members of Congress to come question the Rich Center for Autism. And I know Mr. ALTMIRE has a lot of issues. We have all got issues.

Mr. MURPHY of Connecticut. Mr. Speaker, will the gentleman yield?

Mr. MEEK of Florida. I yield to the gentleman from Connecticut.

Mr. MURPHY of Connecticut. Mr. Speaker, the point is to make your case. If you want money for thermal underwear, come down and make your case in front of your colleagues. If you want money for autism, make your case. But the fact is you can't come down here and hold everyone else on one side of the aisle to a standard that you're not willing to hold yourselves to. It's a simple request here, Mr. RYAN, to be consistent. If you're going to be against earmarks, then be against them. But if you are going to make the case that there's waste and pork in the bill, sometimes you've got to look inward.

Mr. MEEK of Florida. Reclaiming my time, Mr. ALTMIRE, I want to thank you first.

First of all, Mr. Speaker, let me just say this: let me tell you, as I was walking to the Chamber, I saw that the Speaker's vehicle was still here in the Capitol. I saw that the majority leader's vehicle was still here at the Capitol. This is now a little bit before 10 p.m. within the closing days of Congress. We have worked day in and day out. We are here away from our families, many of you away from your families, days before Christmas, to be able to work on behalf of the American people.

I think it's important for us to understand that we would not even be having the discussion about who got what if it wasn't for the transparency that this Democratic Congress brought to this process first. So for Republicans to come to the floor and start talking about who got what, it never would have happened, Mr. MURPHY, if it wasn't for what we have done. It never would have happened if it wasn't for your class and Mr. ALTMIRE's class coming and saying we want transparency, that we want the American people to see what we are doing, that we want to take more rollcall votes than any other Congress in the history of the United States. We want ethics; we want responsibility; we want fiscal responsibility; we want to make sure that the Veterans Affairs get more money than they have ever had in history, the veterans health care system, in the history of the Republic.

We want accountability as it relates to Iraq, and we want this President to know that this is not a rubber-stamp Congress. If it was not for you, Mr. Speaker, including yourself, asking for the kind of accountability the American people have been calling for, that have been yearning for, voting for and they finally got it, for the minority party to come to the floor and start criticizing things, where they make over 20-plus earmarks, to come to the floor and criticize, that's why I'm so glad, Tom and Tasha and Michael, that we are here tonight, Mr. Speaker, to make sure that we set the record straight.

We talked about the hypocrisy of the democracy. This is a perfect example of what happens when things go unchecked. I am so glad that we exist. I'm so glad we have air within our bodies to be able to come to the floor.

I yield to Mr. ALTMIRE.

Mr. ALTMIRE. Mr. Speaker, I appreciate the gentleman allowing me to speak out of turn.

I have the high order of being asked to do the Speaker pro tempore duties beginning in a few minutes here, and I do greatly appreciate our friend and colleague, Mr. ELLISON from Minnesota, for covering for me while I give these remarks, and then I am going to take the chair.

The gentleman hit it right on the head. We would not be having this discussion were it not for this Congress on the very first day we were in session adding transparency to the earmark process. In the past we couldn't have this discussion because earmarks were put in in the dark of night. Earmarks were not identified by sponsor. Earmarks were put in at each stage of the process unidentified. You didn't know where they came from. You didn't know the details of the earmarks.

Now we are able to have a discussion, and every Member of Congress who has an earmark in the bill that we are going to pass this week and send to the President has the responsibility to justify those earmarks. And if the gentleman wants to justify his earmark for cold weather clothing, he's able to do so.

Mr. MURPHY of Connecticut. Mr. ALTMIRE, let me just clarify what you're saying. In the past if somebody had come down to this floor and had spent an hour railing against the massive amount of earmarks in the bill, we wouldn't know that that person had requested some 20-odd earmarks in the bill. We wouldn't know unless we had these rules in place.

Mr. ALTMIRE. That is absolutely correct. And you wouldn't be able to look at the final product, at the bill, and look at every single earmark in there. I think they said there were 9,000 earmarks in the omnibus bill that we were passing today compared to 16,000 total earmarks that were in the last Republican budget that was passed. I believe that was fiscal year 2006. And I am going to talk about why fiscal year 2007 didn't have any earmarks. But fiscal year 2006 had 16,000 earmarks unidentified. We couldn't have this discussion. We couldn't come to the floor and talk about who put in these earmarks, who has to justify the merits of those earmarks. But we can have that discussion today because this Congress, on the very first day in session, one of the very first things we did, one of the very first votes that Mr. MURPHY, Mr. ELLISON, and myself cast as Members of Congress was to add transparency to the process, to shine the spotlight and add sunshine to the earmark process. So now we know.

And I am more than willing to justify the money that I am sending back to my district to help stimulate the economy and create jobs in western Pennsylvania. I would assume that the speakers who came before us are willing to justify their earmarks in there. But don't come down to the floor and lecture us on whether or not there should be earmarks in the process.

And if the gentleman would just allow me to finish, because I do have to take the chair, and again I thank Mr. ELLISON.

□ 2200

In FY 2007, I think I said 2005 and 2006, FY 2007, the Republicans who controlled this House at the end of 2006 were unable to complete their work on nine of the 11 appropriations bills.

Now, we heard some rhetoric in the group that came before us, and we've heard for the past several weeks, even months, about how we are not doing our duty because we're putting all these bills into an omnibus bill and sending it to the President before the end of the year. I want to take a walk down memory lane on this, too.

One of the other first votes that Mr. MURPHY, Mr. ELLISON and myself took, our freshman class, was resolving those nine appropriation bills from last year that the Congress left to us. And that happened because after the elections that Congress said, You know what? We're taking our ball and going home. Forget it. We're not going to complete these nine bills. We're going to leave it for the next Congress. And that next Congress was this Congress. It was the Democratic-controlled Congress. And we finished all nine appropriations bills in a month. And those nine appropriations bills funding us right now, the current operations of the government, contain no earmarks, zero. So we went from 16,000 earmarks the year before last to zero for those nine of 11 appropriations bills that we have today.

So, yes, the omnibus bill that we are passing this week does contain earmarks, but let's not forget the fact that the current year's budget, which we passed in this Congress, had no earmarks. And we were stuck with that right from the start, specifically because the previous Congress failed their job and left it for us to resolve.

And at this point, I will yield to the gentleman from Connecticut.

Mr. MURPHY of Connecticut. Mr. ALTMIRE, let me just take a quick guess, let me throw a hypothesis out there about why folks on the other side of the aisle and those that were talking tonight might be a little angry.

Everyone gets passionate down here, but when Mr. MEEKS talks, it's kind of like happy passionate. On the other side of the aisle it feels a little different. And listen, I would be too, I guess. And this is my guess, I would be, too, if I had spent decades building up a brand of my political party based around fiscal responsibility, and then, in the course of 1 year, in the course of 1 year the party that you tried to portray as the tax and spenders, the fiscal irresponsibles, that party, after having been in control of the Congress for less than a year, for the first time in 12 years does all of the fiscally responsible things that you couldn't do, passes a rule saying that every single bill that comes before this Congress has to be paid for. You can't pass anything on this floor that expands the deficit. First time that's happened since the Republicans took control of this Congress. That was Democrats that did that. Passes a balanced budget in 5 years, that's Democrats doing it. Leading a Congress that is shrinking, rather than expanding, the annual operating deficit of the Federal Government. That's Democrats; that's not Republicans.

So, I guess I would be angry, too, if I was a Republican in this House and I looked at the party that I thought I joined, which was the fiscally responsible party, and found out that that mantle now lay on the other side of the aisle. So, that might explain something, Mr. RYAN. And I guess knowing that, maybe a little bit of it is justifiable.

Mr. RYAN of Ohio. You know, obviously there have been situations decades ago where, you know, everyone was spending too much money. And for us to put in the PAYGO rules that say you've got to pay for every dime you spend one way or the other I think is a significant step in the right direction. Nobody here wants to continue what has happened over the last 6 years.

And when you look at what's happened, over $3 trillion in debt has been borrowed from China, Japan and OPEC countries. Our friends on the other side, when they were in charge, raised the debt limit five times in order to go out and borrow more money. And we see the situation that we're in now. So we're trying to, slowly but surely, rein all of this in and make very strategic investments.

And I would say, Mr. Speaker, that you can go to the Web sites for the Speaker and our caucus and what we're doing. We're making investments into alternative energy, research and development, so we can open up new sectors of the economy. We're making investments in education, saving the average family who takes out loans and utilizes the Pell Grants $4,400 over the course of that loan. That's a middle-class tax cut. What we're going to do with the AMT, the alternative minimum tax, we're going to prevent 23 million people from getting a tax increase next year. And that's a middle-class tax cut. These are people making $50,000 to $75,000 a year. We're going to prevent that from happening.

Significant steps in criminal justice. Cops on the beat. In communities like Youngstown, Ohio, the city doesn't have the tax base to keep hiring more and more cops, so it's harder to develop your economy if you don't have security. So, these are the kinds of investments that we're making.

So, in closing, as we wrap things up, because I think we're going to wrap things up here in a minute, first, Mr. Speaker, I would like to submit these two articles for the RECORD so that not only are these earmarks represented openly, as our rules have provided, but there are also press releases that some of our Members on the other side who have been on the floor detesting earmarks, their press releases can now be submitted for the RECORD.

[From the Bakersfield Californian, July 11, 2007]

GET AN EYEFUL OF EARMARKS

Earmark—a.k.a. "pork barrel"—spending has almost as dirty a reputation as its porcine namesake.

Earmarks are items from a pot of money—$29 billion in 2006—from the $2.4 trillion federal budget that is set aside from the complex federal appropriation process for congressmen to dole out for specific projects in their districts.

There are two problems with earmarks:

Some ideas are silly, flag-waving expenditures with little widespread redeeming value.

Good or bad, finding out what the money is for and who the patron congress member is can be a nearly impossible task for the public until it is too late to change the spending outcome.

That could be changing, and Rep. Kevin McCarthy, R–Bakersfield, may be among the 34 of 435 members of Congress who voluntarily released his list of requests in time for the public to comment. Rep. Jim Costa, D–Fresno, has not.

Early disclosure is the key element to any credibility claim. With that in mind, why wouldn't everyone list their proposed earmarks the way McCarthy has done?

See the first bulleted item above. A good project gains stature, but a stinker may, like Dracula, die a deserved death when the light of day shines on it.

Thus, disclosure has the potential benefit of increasing the quality—and hence the justification—of earmarks.

But can earmarks be justified at all?

Yes. The federal budget process tends to look at the big picture—after all, it is measured in trillions of dollars. An earmark can focus on a small, highly localized need that is easily overlooked in vast appropriation measures.

McCarthy requested 20 earmarks worth $38 million for the 22nd district (Kern and San Luis Obispo counties) and another $142 million for Edwards Air Force Base and China Lake Naval Air Weapons Center.

He may not get any funds, but some examples include $122,000 to help the Bakersfield Police Department deter gang violence; $7 million for the Lake Isabella Dam safety project; $500,000 for Cal State Bakersfield to help nursing education.

A classic example is the Thomas Road Improvement Program now under way. In his final year in office, McCarthy's predecessor, Rep. Bill Thomas, provided desperately needed highway funding that otherwise would have been sucked up by politically powerful Southern California and Bay Area jurisdictions.

Whether an earmark is good or bad is up to the individual voter. But at least now you know what is being requested. (A full list of McCarthy's requests was published in the July 1 Californian.)

WALBERG SECURES HOUSE APPROVAL OF FUNDING FOR BIOLOGICAL WEAPONS PREVENTION

WASHINGTON, August 16.—U.S. Congressman Tim Walberg (R–MI) announced today that 2008 funding for Dexter Research Center, Inc. was approved in the Department of Defense Appropriations Bill that recently passed the House. The bill will now go to the U.S. Senate to be voted on as part of the fiscal year 2008 Appropriations process.

"The Department of Defense must have the capability to respond to chemical and biological attacks, and this important project will increase the safety and security of our men and women in uniform," Walberg said.

With this funding, the Michigan company will help develop a Total Perimeter Surveillance (TPS) system based on infrared technology able to identify and trigger an immediate response to chemical and biological attacks against Department of Defense facilities.

"We are excited to have this opportunity to leverage our science and manufacturing capabilities to help make our national defense sites even more secure," said Robert Toth, Jr., President of Dexter Research Center.

Funding details:

Dexter Research Center, Inc. (Washtenaw County) $2,000,000—This project funding will go towards assisting in the development of a Total Perimeter Surveillance (TPS) system capable of identifying and responding to chemical and biological attacks. The TPS solution, based on novel infrared technology, can provide complete perimeter threat detection and identification with sufficient advanced warning to Department of Defense facilities to meet current threat requirements.

WALBERG SECURES HOUSE APPROVAL OF FUNDING FOR SONOBUOYS

WASHINGTON, August 13.—U.S. Congressman Tim Walberg (R–MI) announced today that 2008 funding for sonobuoys, produced by Sparton Electronics of Jackson, was approved in the Department of Defense Appropriations Bill that recently passed the House. The bill will now go to the U.S. Senate to be voted on as part of the fiscal year 2008 Appropriations process.

"Funding for sonobuoys, produced by Sparton Electronics, is important for the security of our naval personnel and Jackson County," Walberg said.

Funding details:

Sparton Electronics, (Jackson County) $2,500,000 increase—This project funding will go towards procurement of sonobuoys for the Department of the Navy. The sonobuoy remains the Navy's primary sensor for detection and localization of submarines by air anti-submarine warfare (ASW) platforms. Sonobuoys provide the only means to rapidly sanitize large areas of water prior to fleet units arriving in the area.

WALBERG SECURES HOUSE APPROVAL OF FUNDING FOR PECKHAM INDUSTRIES PRODUCTS USED BY MILITARY

WASHINGTON, August 17.—U.S. Congressman Tim Walberg (R–MI) announced today that 2008 funding for Peckham Industries was approved in the Departments of Defense Appropriations Bill that recently passed the House. The bill will now go to the U.S. Senate to be voted on as part of the fiscal year 2008 Appropriations process.

Peckham produces Fleece Insulating Liners, a Cold Weather Layering System and a Multi Climate Protection System all used by United States military personnel.

"These three projects greatly benefit our brave men and women in uniform and Eaton County," Walberg said.

"It's a privilege to provide our soldiers with the equipment they need," Peckham CEO/President Mitchell Tomlinson said. "These contracts represent much needed jobs and opportunities created for persons with disabilities. We're proud to continue providing the highest quality, high performance cold weather gear available to our military."

Funding details:

Peckham Industries, $3,000,000—This project will go towards the production of Insulating Liners for Extended Cold Weather Clothing System for the Department of the Army. This product was created in direct response to soldiers' complaints of bulkiness and lack of breathability in previous attire.

Peckham Industries, $3,000,000—This project will go towards the production of a Cold Weather Layering System for the United States Marine Corps. The CWLS is part of the Marine Corps' Mountain and Cold Weather Clothing and Equipment Program, which provides lightweight, durable combat clothing that allows Marines to operate in all kinds of cold weather environments.

Peckham Industries, $2,500,000—This project will go towards the production of a Multi Climate Protection System (MCPS) for the Department of the Navy. The MCPS is a modular ensemble that provides total performance by layering thermal protection and shell garments.

Mr. RYAN of Ohio. And I would just like to say, go to our Web site. Look at what we've done for K–12, student aid, rural development, the farm bill. All of the things that we've passed out of here have been investments, actually met the President's budget numbers, so it's just a shift in priorities.

So, I'm saying I think we've made significant progress this year, and we hope to expand it next year.

And with that, Mr. MEEK, I yield back to you.

Mr. MEEK of Florida. Well, Mr. RYAN, I want to thank you and Mr. ALTMIRE, and also Mr. MURPHY and Ms. WASSERMAN SCHULTZ and others who have been very active in our 30-Something over the year. I want to thank those that are involved in preparing not only material that we meet on on a weekly basis, but also what we bring to the floor.

I want to thank all of the staff and those that are involved, the Speaker's office, the majority leader and the whip's office, the majority whip and the Democratic leader, and also the Vice Chair for everything you do to make our 30-Something hour possible.

I don't know if we'll have the opportunity to come to the floor tomorrow, which some project may be our last night on the floor, but we want to thank Mr. Michael and also Mr. Tom, Ms. Natasha and Mr. Adam and so many others that have spent time on this.

Mr. Speaker, there has been a lot done this Congress. We're going to be talking about it more. And like Mr. RYAN said, go onto www.speaker.gov to get information on 30-Something.

I want to commend those Members of the minority party that voted with the majority party to be able to make it so for many of the things that Mr. RYAN has talked about.

We look forward to the President's State of the Union that will be coming up in January. Many of, I'm pretty sure, his talking points will come from what has already been accomplished by this Democratic Congress or has been brought to the President by force because of the vote that we have here and the will of the American people.

We know that this is the holiday time of the year, and we would like to also recognize not only the contributions of our religious communities out there, but also those that work within our charities that have made it so for those to be able to not only have warm meals, but also to have gifts at this time of year.

Also recognizing those Members that served in the first half of this Congress that did not make it to the second half of this Congress, those Members of this House and also the Senate that have moved on to a higher place. We ask for blessings for their families, and also for their loved ones that have been left behind. We try to provide the kind of representation that they tried to put forth on the Democratic and also the Republican side of the House.

Mr. Speaker, I am very grateful, and all of us in the 30-Something are very grateful for coming to the floor.

Mr. MURPHY of Connecticut. Mr. MEEK, if you would yield for just a moment. I just wanted, on behalf of Mr. ALTMIRE, who sits in the Speaker's chair today, to just thank you and Mr. RYAN for allowing two new guys into the 30-Something. This has been just a wonderful year for us, made even more wonderful by being able to be closer to the good graces and large brains of both you and Mr. RYAN. So, I mean that sincerely, by the way. You did not have to open up the 30-Something Group to both Mr. ALTMIRE and myself and some of the others that have had the opportunity to come down and be part of these discussions that we've watched on TV for years before we came here. And I would like to extend our thanks to you and Mr. RYAN and Ms. WASSERMAN SCHULTZ.

Mr. MEEK of Florida. Well, Mr. MURPHY, we definitely appreciate it. And I'm going to take that part of the CONGRESSIONAL RECORD and put it in the foyer of my office here in Washington, also the large brains part, put it in the foyer. But if it wasn't for the support of our leadership allowing us to come to the floor. But also, I think, Mr. Speaker, those individuals that are in harm's way and their families, two wars going on, we appreciate their contributions.

We appreciate those veterans, since we're giving what we call "shout-outs," giving those veterans that allow us to salute one flag, we appreciate them, those folks that put it on the line and some that did not make it.

But we look forward to coming back in the second half of this Congress and finish the unfinished business. We want the American people to have faith in this House, have faith in this Senate, and also a level of respect for the Commander in Chief, that we're going to work this thing out here in Washington, D.C., on behalf of those that have sent us up here to represent them.

I look forward to the second half of the Congress. I want to thank the staff, thank the folks in the Clerk's office for doing all that they've done, even the staff over in the minority office for sticking in there over many hours in this first half, because we have not only made history, but we have also put in more hours than any other Congress in the history of the Republic.

With that, Mr. Speaker, we encourage people to go to www.speaker.gov, and we yield back the balance of our time.

HEALTH CARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. BURGESS) is recognized for 60 minutes.

Mr. BURGESS. We probably won't take the entire 60 minutes because it has been a long week and it's been a long year, but I did want to come to the floor of the House this evening and talk a little bit about health care and talk a little bit about some of the things that are going on in Medicare, some of the things that are going on in Medicare as it affects our Nation's physicians workforce, and what, perhaps, I see over the horizon for the next six to 12 months. It's going to be kind of an interesting year. It's an election year in this country, and that means we never want for drama during that time.

This is, of course, the special time of year at the end of the year where we all pause and kind of give a little thanks for living in the greatest country on the face of the Earth, the greatest country the world has ever known. We're blessed with many, many benefits from living in this country. Sometimes we take many of those for granted. Our health care is one of those benefits that I think we do take for granted, we overlook too often.

It is appropriate to perhaps have a little checkup on that little tiny segment of the health care market that is controlled by the Federal Government. Of course, I'm being factitious because the Federal Government has under its direct control and grasp probably close to 50 cents out of every health care dollar that is spent in this country. That is, 50 cents out of every health care dollar that is spent in this country originates right here on the floor of the House of Representatives when you configure or figure the expenditures on Medicare, Medicaid, the VA system, the Indian Health Service, the Federal prison system, the federally qualified health centers around the country, 50 cents out of every dollar starts here on the floor of the House.

But Medicare does have some operational problems with its physician workforce, it has some distributional problems. There are some areas that need attention in our Medicare system. And the problem, Mr. Speaker, is not just money. We've heard a lot of folks talking on my side, folks talking on the other side about the issue of money, but the issue is not just about money, although the money is extremely important. It's not just about money. It is the policies that we create here on the floor of this House and the rules that are written in the Federal agencies under our direction. It's the policies created in this House that actually lead to most of the direct problems in that part of health care that is paid for under the reach and grasp of the Federal Government.

Now, Medicare was created a little over 40 years ago, the mid-1960s. And it was created to make a connection between patients and their physicians, patients and their hospitals and places where they needed to go for care, care that was becoming very expensive, and for some of our seniors was care that perhaps would be out of their reach.

□ 2215

Now, Mr. Speaker, believe it or not, I was not in practice at the time Medicare was instituted. My dad was. And I remember very clearly when Medicare was started in this country and some of the concerns revolving around that. I don't think anyone would have really thought that we would have just done an appropriations bill where here some 43 years later after the enactment of Medicare, I don't know what the total line expenditure for Medicare was, but it is topping $300 billion for a year in Medicare. You add the expenses of Medicaid to that, and the two together with what is spent at the Federal level and what is spent at the State level when you involve Medicaid and we are well over $6 billion a year for what we pay for that. So, again, it is really not so much a question of money. It is a question of policy.

But the lifeline that was created between seniors and their doctors, seniors and their hospitals, that lifeline that has been depended upon by really two generations of Americans now, almost two generations of Americans, that lifeline is frayed. Almost every day there is a little nick, a little cut. It is death by a thousand scalpels, if you will, since we are talking about health care. And it is that constant nicking, it is that constant pressure on that lifeline that is causing the lifeline to fray for many individuals.

Now, Mr. Speaker, I have said on the floor of this House before and it bears repeating tonight, Alan Greenspan, the former Chairman of the Federal Reserve Board, when he left his office as chairman just a little less than 2 years ago through one of his sort of exit speeches when he came through to talk to various groups, one of the things when he came to talk to a group of us one morning back in January of 2005, I think it was, and talked about the, well, he was asked about the cost of Medicare, how in the world is Congress ever going to keep up with the ever increasing cost of Medicare; how is Congress going to deal with what is basically an unfunded obligation going into the future. And the Chairman thought about it for a moment, and as always he is very careful about what he says. He said, I think when the time comes Congress will find the courage to do what is necessary to keep the Medicare system up and running. He said, what concerns me more is will there be anyone there to deliver the services when you require them?

Because, Mr. Speaker, January 1 of 2008 will be the year the first baby boomers reach the magic age of 62. They begin entering their retirement period, their retirement time; and as a consequence, we are going to see a lot of pressure put, not just on the Medicare system but on the Social Security system, on our system of long-term care, which is basically the Medicaid system under the current construction.

So there is going to be a lot of pressure put on those Federal programs as more and more people of my generation reach retirement age and again to seek and ask for and collect those benefits that they believe that they have been paying into over time.

But what happens if the supply-demand equation in regards to America's physician workforce, and nurses too for that matter, but what if the law of supply and demand has been drastically skewed so that there is not the supply, we are not keeping up with the supply of doctors and health professionals who are going to be required to take care of those patients as they enter their retirement years?

At the risk of getting too technical, let me just share a few facts. Mr. Speaker, I am sensitive to the fact that I must only address the Chair and not address people who are here on the House floor with us, Members who might be watching from their offices. I know I am not supposed to direct my comments to people who might be watching on C–SPAN so I will confine my remarks solely to the Chair and, Mr. Speaker, this is a poster that I have used in the past, and many people have seen this poster used on the floor of this House. This is a cover from the periodical put out by the Texas Medical Association. Every year they come out with a publication called Texas Medicine. And this is from March of this past year, March of 2007. And the title article was, "Running Out of Doctors." It is a concern, certainly a concern of my professional organization, the Texas Medical Association back in Texas. And it is a concern, I think, or should be a concern for many of us here in this Congress.

Again, it was a concern of Mr. Greenspan's 2 years ago when he came and talked to a group of us. And, in fact, Mr. Speaker, I asked Mr. Greenspan again when he came back to visit with us just a few months ago, I said, I often quote that statement that you made to me about is there going to be anyone there to take care of the patients in the future, and do you still feel that way, Mr. Chairman? And he said, Not only do I still feel that way, I feel stronger about it today than I did a few years ago. So this is a very relevant point and something that certainly we need to keep in mind.

Now, one of the things that is still up to be done, one of the things that is still on our to-do list here on the House side before we do finally draw this year to a merciful close is we do have to address, basically, what Medicare pays doctors. For whatever reason, we have to deal with that every year, and we don't always do a good job. Certainly when my side was in charge, we didn't always do a good job, and this year I think that performance is being repeated, and perhaps it is even a little bit worse this year.

The fact of the matter is that if Congress doesn't do something before December 31 of every year, there is a scheduled series of payment reductions that physicians will experience as a consequence of the formula under which they are paid under Medicare. It is not a problem that is unique to this Congress. It has been going on for years. It has been going on through several administrations. It is a problem brought to us by a formula called the sustainable growth rate formula which is how physicians are paid under Medicare.

Now, it is different for hospitals, it is different for HMOs, it is different for drug companies. Those expenditures are subject to essentially a cost-of-living adjustment every year. So every year there is perhaps a little bit of an uptick in what the hospitals receive, kind of a what is called a market basket update where the cost of inputs, the cost of delivering the care is figured into what Medicare reimburses a hospital.

So part A of Medicare, which is the hospital payment, funded out of payroll deductions, part A of Medicare, the hospitals do receive a little bit, it is not terribly generous, but they do receive a little bit of an uptick every year. For part C of Medicare, which is the Medicare HMOs, they are perhaps even a little more generous than the hospitals. They get a little positive update so they can continue to meet the obligations that they have in taking care of our Medicare patients. We are asking the HMOs to provide that care. We are asking the hospitals; in fact, we are asking the doctors. Congress asks them to provide the care so hospitals, HMOs and now drug companies receive a little bit of an additional payment every year under the current formula structure.

But for whatever reasons, physicians have been calculated differently. And the physician rate of compensation for Medicare patients is based upon something that has a little bit to do with the gross domestic product and the idea that we are only going to be able to control the expenditure on volume and intensity of Medicare services if we really ratchet down what we pay doctors year over year. But the negative consequences of that are significant, and the price that doctors pay if we do not do our work by December 31, and it looks now like we will sort of, and we will get to that in a minute, it looks like we will do that work and accomplish that task before December 31; but if we don't do that, then this year the Center for Medicaid and Medicare Services came out with a report November 1 saying doctors would receive payment reductions of a little bit over 10 percent, I think it was 10.1 or 10.3 percent, for 2008 compared to what they received in 2007. Well, stop and think about that for a minute, Mr. Speaker. These are small businesses. The physician practices that most of us were familiar with back in our communities, I was a physician in my previous life. I am very familiar with this concept. We are small businesses. And year over year, it is not costing us less to keep the lights on in that office. It is not costing us less to hire our employees to be able to provide the services that you want us to provide. It is not costing us less for liability insurance year over year.

Yet Congress in its infinite wisdom says that we should be able to make do with a little bit less in compensation for the Medicare patient year over year. This year that payment reduction was 10.1 percent.

Now, you might say, well, a physician's practice isn't just Medicare patients. There is commercial insurance. There is self-pay. Why are we so concerned about the Medicare aspect? What percentage of a physician's practice will be taken up by Medicare patients? And the answer is, it varies and it depends on different places in the country and what the patient mix is in various places in the country. Arguably, it might be higher in a State like Florida than it would be in a State like Wyoming.

But nevertheless, the other effect of these Medicare compensation, Medicare reimbursement reductions that happen and are scheduled to happen every year for the next 15 or 20 years, the other effect is that every commercial insurance company in this country, almost, not all of them but almost, pegs their rates, pegs what they compensate, the level of what they compensate doctors to the Medicare formula. So they pay a formula such as 110 percent of Medicare usual and customary. Some will pay less than Medicare. But most pay a little bit more, not a generous amount more, but a little bit more than Medicare.

But if Medicare cuts its rates by 10.1 percent, then guess what? The commercial insurance company will be only too happy to reduce their compensation rates by 10.1 percent. And I don't think it was ever the intent of Congress to legislate an improved business plan for America's insurance companies. They are perfectly capable of doing that on their own. They are perfectly capable of going into the physician community and negotiating a lower rate if they need to do that if that is what needs to happen so they can continue to provide the care for the patients, continue to provide the coverage for the patients.

They are perfectly capable of going to the physician community and saying this is what we need to do with the new rate structure; but they kind of get a little gift every Christmas from the United States Congress that says, well, we are going to reduce our Medicare rates if we don't do our work. And guess what? All of you patients who are covered under private insurance, your doctors are going to get paid a little less even though they are going to do exactly the same work on January 3 or 4 that they did on December 27 or 28.

Again, Mr. Speaker, I know I need to confine my remarks to the Chair, and I will keep my remarks confined to the Chair. But it does happen that sometimes people actually do watch C-SPAN this late at night and they do see these discussions, and I have gotten some feedback, Mr. Speaker, when I have put up this poster before. I actually have three posters that delineate the actual payment formula for physicians under the Medicare system. I have only brought one tonight in the interest of time.

And I bring this not to elicit sympathy but I just want people to be understanding and cognizant of just how complicated, how complicated this process is under the actual gyrations that we go through to come up with these physician formulas.

Now, this is actually the first part of what really should be three slides, but I did promise some people that I wouldn't bring all three slides tonight. But the payment for physicians is figured by taking the relative value unit for work, geographical factor, a relative value unit or the cost of inputs, the practice costs which is the subscript P C in the middle parenthesis there, again, the geographic factor that is figured in, and then the relative value unit for liability insurance, and again a geographical factor figured in. Then the whole thing is multiplied by a conversion factor down here, there is a misprint, that should be C F, which is "conversion factor," and the calculation of the conversion factor is every bit as complicated as this first part of the formula

Again, I don't want to lose people with this discussion, but I want you to understand how difficult this is conceptually. As a consequence, Members of Congress on both sides of the aisle, when you sit down and say, I want to talk to you about how we compensate physicians under the Medicare system, literally their eyes glaze over and roll back in their head because this is simply too hard for many people to think about.

Again I have spared, Mr. Speaker, the House from looking at the other two slides which also are filled with various parts of the formula.

And too, let me, Mr. Speaker, this will give you some idea of how long I have been doing this particular talk, because actually this slide was current this time last year when I was doing this very same discussion. And I need to update, because now we have completed fiscal year 2007, so no longer will 2007 have an asterisk beside it. We actually have the actual figures for that, and the figures for 2008 need to be added on.

□ 2230

This illustrates the problem we have. Now, last year right before the end of Congress, we hadn't quite figured out what we were going to do, so it was projected that doctors would have a little over a 4½ percent payment cut. It turns out that that didn't happen. We actually at the last minute came in and held doctors at what we euphemistically call a zero percent update.

Well, I am here to tell you that anywhere else in Washington, if you come in saying we are going to hold you at level funding, they will say, Wait a minute, the cost of inflation, the cost of doing business has gone up so much, that is actually a cut. Well, that is exactly right, and doctors did receive essentially a cut, but we called it a zero percent update, and we did not score it as a cut, but they were scheduled to get a 4½ percent payment reduction.

This year, if we don't take up the legislation that the Senate just zipped through at the last minute here at the end of the day on Tuesday, if we don't take that up and pass that before we leave town to have Christmas with our families, this negative projection will actually be twice as far, down past the end of the page, because that is a 10.1 percent reduction that doctors are facing this next year.

What happens, Mr. Speaker, is every year that we come in at the last minute with that fix, that money that we come in at the last minute to provide our physicians, guess what? It gets added on to the end of that very complicated formula that I just showed you. So every year that we don't fix the fundamental problem, which is to repeal the sustainable growth rate formula, every year we don't do that, we make the problem harder to solve next year, and at some point we will simply reach the point where it is too hard to solve, it's too expensive to solve, and people will either restructure the formula because it just collapses of its own weight, or just say we are not going to even try to solve it any longer because it is just too hard. It's an odd concept because it's money that has already been spent.

Going back to 2002, when there was a 4.4 percent negative update, and I was in practice then, and that did happen, but the moneys that were paid in the Medicare system in 2002 have already been paid, they have already been spent. So when they say it costs more to repeal the sustainable growth rate formula every year, it's because we are actually going to have to account for that money on our books, but the money has already been spent.

There's not any magic here. We have paid the money to the physicians for that given year. We just haven't quite accounted for it on our books, and that is why there is that additive factor that goes on year after year that kind of makes it impossible to ever dig out of this hole. We certainly won't be able to if we don't ever start, and that is the direction I have tried to take in the last Congress and tried again in this Congress. I wasn't really successful in getting a lot of people to understand the significance of this.

The reality is that as we continue, continue to cut at the compensation rate for physicians in the Medicare program, what happens is more and more physicians say, You know what? I just can't do it anymore. I can't keep the lights on. I can't pay the help. I can't buy my liability insurance and continue to see Medicare patients. And worse than that, there's the pernicious effect of, come on, we are right on top of the end of the year here and we are asking doctors around the country to kind of trust us on this; we are going to fix it.

How do you plan in your business for expansion? How do you plan to take out loans, take capital risks? How do you plan when year over year over year in the Medicare system you have cuts stretching out ahead, and, oh, by the way, commercial insurance is going to follow suit if Congress keeps those cuts intact and keeps them in place, because we don't really have a free market for health care in this country. We have Federal price controls, and it's essentially cloaked in the Medicare program, but, nevertheless, the end result is Federal price controls on medical reimbursement rates for procedures all over the country.

Now, one of the things that really disturbs me about this is it really also is a pernicious effect, a chilling effect on young people who might be thinking about a career in health care. I remember as a young man in high school and college thinking about what a great thing it would be to be a physician, to be worthy to serve the suffering, to serve my fellow man. Yeah, I expected to make some money doing it, but that wasn't the primary reason for going into the field.

But, at the same time, I didn't face the kinds of student loans that the young individual today will face at the end of their 4 years of getting their BA degree, let alone the loans going through medical school, and then they have got to really defer earnings the years that they are in residency. Yes, they are paid something during residency, but nowhere near enough to pay the freight on those lines they have through undergraduate school and through medical school. Basically, we are talking about a person who may spend between 10 and 18 years after high school getting through all of their education and their training.

Well, you think about that. Someone is graduating from high school and 15 years later some of his classmates have already built and sold a business and they are sort of semiretired. You give up. You postpone those active earning years by a decade, a decade and a half, and that is just one of the things that you expect when you take on a career in medicine.

Well, young people are looking at that and saying, You know what? That postponement of my active earning years, and the Federal Government being so injudicious with what it is doing in the Medicare system, and that affecting other areas in the commercial aspect of medicine, maybe that is just something that I shouldn't do. Maybe I will do something else with my life, because that is a little iffy, and I don't really know if I will be able to afford the liability insurance to go into practice.

So we have got to do something to help young people understand that we value, we value their service in becoming a physician or becoming a nurse, that this is something that we in Congress encourage them to do and want them to do. But right now I have got to tell you they look at it and say, I don't know if that is for me.

One of the other things, and this has come up just in the last two weeks here in Congress, is we kind of worked with this concept of what are we going to do to make things right for the doctors before we get to the end of the year. Along comes this bill to require physicians to begin e-prescribing. Well, that is a good concept. Certainly, no one wants to argue with the theory. But it reminds me of an old professor I had in undergraduate school. When he was asked a question too tough for him to answer, he would look you back in the eye and say, Do you want the theory or the application?

This is one of those instances where the theory is pretty good but the application, at least as has been discussed in the last two weeks, the technical term for it would be it stinks, Mr. Speaker, because we want physicians, we want them to come into the 21st century, we want them to use electronic medical records and things like e-prescribing.

Any one of us can cite chapter and verse all of the good things that will come from e-prescribing; yet the number one group that we have got to get to buy into this concept, well, we don't treat them very well when we come at them with legislation, as the legislation that was brought out a couple of weeks ago over on the Senate side, but it's also been talked about over here on the House side, the so-called carrot-and-stick approach. We'll give you a little something nice now if you do it and, by golly, we are going to make you pay in a couple of years. The carrot-and-stick concept in this case really is more like, I don't know what vegetable I would associate with it, probably something more along the lines of spinach, or if we're talking about the first President Bush, perhaps broccoli. But the other end, the stick, is extremely onerous for physicians who are in practice.

Let me just give you the very quick version of what this legislation, as provided to us, would entail. For doctors who participate in the Medicare system, we are so anxious for them to prescribe in the e-prescribing regimen, we are going to generously provide them an additional 1 percent, a 1 percent upgrade on what we provide in Medicare compensation.

Well, Mr. Speaker, I don't remember exactly what I received for a moderately complex patient return visit. I am going to wage it was not as much as $50. But let's stipulate, because the math is easy, let's stipulate that that is a $50 reimbursement rate from the Medicare system. And a good physician who is practicing careful medicine and doing all the right things they are supposed to do as far as history taking, good careful physical exam, patient education after coming to a diagnosis and a treatment plan, you can probably see that patient in 15 minutes. So four an hour are what we are talking about, and we are talking about a physician generating, not making, but generating $200 in income for that hour they spend in their office seeing those four moderately complex return visit Medicare patients for which the Federal Government pays them the generous sum of $50.

Now, if we add a 1 percent update to that, let's see, each patient, that is about 50 cents. So for that hour's work we are going to add $2 to the compensation for that physician.

E-prescribing takes a little time. It takes some investment. It takes some time to learn. It is not something you can just pick up. It is quicker to scribble down a handwritten note. Now, no one may be able to read it, but nevertheless you have performed that record-keeping requirement, and it is much quicker to scribble down that handwritten note in the treatment plan and write out a prescription and rip it off and hand it to the patient.

The reality is e-prescribing takes some time. It adds time to that patient encounter. It is time that realistically someone should compensate that provider for providing. That would be a fair assessment.

Now, what do we do if, after three or four years' time, the doctors just haven't cottoned to this idea that we are going to pay them an extra 50 cents per patient on average to do this work for us? Well, then we come in with the stick phenomenon, and that will be a 10 percent reduction on that patient's services. So here we have gone from a $2 increase for those four patients for that hour's work, or, perhaps if the doctor hasn't done it, then that will be a $20 fine for those patients for that hour's work.

Once again, our physician community is going to look at that and say, No, thank you. I don't think I will participate in that. You can keep your Medicare patients and you can keep your e-prescribing and I will go off and do something else, and the patient is the one that suffers.

But it is a good concept. It is a good concept, and it is worthy of Congress spending the time, and it is worthy of Congress providing the proper compensation for physicians who are willing to invest in this technology.

Right now, the bill as rolled out would provide $2,000 to buy the equipment. It probably costs $25,000 in reality. Even if you gave it to a physician's practice free, there is still going to be ongoing costs of the maintenance of the software, the ongoing costs of educating the physicians in that particular practice, and it takes longer to fill out that electronic medical record and to fill out that form for e-prescribing than what the doctors historically are used to in an old paper system. But we have decided that is not a value and we are not going to pay for that.

Now, some people think that this is such a good idea because they are, in fact, going to make a significant amount of money. Certainly the people that sell the software are likely to make a significant amount of money. Certainly the pharmacy benefit managers, the big pharmaceutical mail-order houses, they are likely to reap some benefits from this.

But for whatever reason, all of this good stuff that is going to come from e-prescribing, no one is really thinking that it is worthwhile to share that with the physician. But the physician is the one we want to buy into this new system. And it is a new system. It is a new way of learning and it is a new way doing things.

Now, indeed, if nothing happens, younger physicians, as they go through their training, they will be exposed more and more to electronic prescribing and electronic medical records. There will come a time in probably the not-too-distant future where this evolution will just take place on its own. But the bill that was rolled out a couple of weeks ago was an effort to make it happen a little faster, to get some of those good benefits from e-prescribing, and they are significant, to get some of those good benefits out there and established early.

Again, it is going to make a significant amount of money for some people who will be involved in this. But again, for whatever reason, the Federal Government does not see value in allowing the practitioner, the physician, to participate in that distribution of all of that value that we are going to derive from this system.

Now, I don't mean to give the impression that I don't believe in e-prescribing and electronic medical records. Let me just go with one last poster, Mr. Speaker, and then we will wrap this up for tonight.

I haven't always been a big believer in electronic medical records. Again, I have tried a couple of different systems in my time in private practice and I didn't find them all that intuitive or user friendly, but this is the day I became a believer in electronic medical records.

This is the basement of Charity Hospital in New Orleans. Charity Hospital, one of the venerable teaching institutions in this country. Many of the professors I had at Parkland Hospital in the 1970s actually did their training in this very building at Charity Hospital.

Charity Hospital in 2005, August of 2005, was ground zero for the strongest hurricane probably to ever hit the continental United States in anyone's memory. And the flooding that followed that hurricane obviously dealt a severe blow to infrastructure all over the City of New Orleans, and the basement of Charity Hospital was, in fact, underwater for a significant amount of time. So all of these records were submerged.

This photograph was taken in probably October of 2005. So 2 months after the hurricane, a month, maybe 5 weeks after the city was dewatered, that is a verb I learned from the United States Corps of Engineers, I didn't know it was a verb before they used it, but the city was dewatered.

Here the medical records sit. Now we have black mold growing on the manila folders. Probably the ink on many of these records was actually just washed off in the flooding. Who knows? It wouldn't be safe to have anyone go in there and look at those records, because look the at the mold spoors that are ready to be blown off in a big cloud waiting to be inhaled by a pair of unsuspecting lungs and cause great damage.

□ 2245

So these medical records are in fact lost forever. And who knows what is in there, someone waiting for a kidney transplant, someone's hypertension that has been under treatment for two decades; someone's diabetes that was carefully monitored but not so much anymore. All of these records have been lost forever.

Electronic medical records and medical records that are then controlled in an electronic fashion in a secure fashion up on the Internet where they can be accessed, all of these patients that had to leave the city. Many came to the Metroplex area in north Texas, and many of them were cared for by physicians at Parkland Hospital, John Peter Smith Hospital, and private physicians in the area. None of their medical records were available, and many of these patients had very complex medical conditions and were on multiple medications at the time. And if it had not been for the good graces for some of the pharmacies that actually had patient records electronically that were able to set up outside some of the triage centers to provide that data to physicians who agreed to see these patients as they came off of the transportation from New Orleans and arrived in Dallas, you can construct a pretty good medical history just going to the pharmaceutical history, and those pharmacy records were invaluable in providing good care and immediate care to those patients.

But it certainly made a believer out of me in January, or when this picture was made after the flooding in New Orleans that paper records have inherently within them a fundamental flaw, and that is, in time of great natural disaster they are not going to be there to provide useful information for those patients if they are suddenly displaced, as these patients were, the medical records themselves. They could have been destroyed in a fire, they could have been damaged in an earthquake in some other parts of the country. And, unfortunately, these types of tragedies do happen, and electronic medical records does take some aspect of that tragedy away because it does provide a way for that record to be accessed in a different location, and all of that data can be pulled off the Internet and be made available to the now receiving physician who is treating that patient.

Mr. Speaker, a little preventive medicine would go a long way in this entire Medicare policy debate. I just can't help but note the irony: November 1, when the Center for Medicare and Medicaid Services came out and said, Doctor, 10.1 percent cut, unless Congress does something before the end of the year. About that same time, the conference Chair on the majority side had an op-ed in The Washington Post that said, you know what, we have done such a good job with providing government health care and Medicare and we are doing a great job now with what we are doing in SCHIP. We know how that has turned out so far. We want to extend Medicare benefits to people who are down to the age of 55. We want to drag and drop this population into what is happening in the Medicare policies right now.

I would just argue, before we expand the program to that degree, shouldn't we ask ourselves are we doing a good job with what we have right now.

I think the mere fact that we are here at the 11th hour of this Congress and we have not dealt with the problem of physician compensation, doctors' offices across the country are looking at Congress and saying, what gives, guys? How am I going to prepare for next year? Do I hire that new doctor or not? Do I buy that piece of medical equipment or not? Do I take out a loan to improve my office or not? Because they don't have any certitude about what the activity of this body is going to be. And even at the best, the best we can do at this point is say we are going to punt for 6 months, and we will see you in June.

Mr. Speaker, that is not acceptable. This Congress has an obligation to this country's physicians to behave in a responsible way. And certainly, certainly let's quell the talk of expanding the reach and grasp of the Federal Government until we take care of what we already have.

Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. HOYER) for today until 2 p.m.

Mr. HASTINGS of Florida (at the request of Mr. HOYER) for December 17 and the balance of the week on account of official business.

Mr. PASTOR (at the request of Mr. HOYER) for today and the balance of the week on account of a death in the family.

Mr. GARY G. MILLER of California (at the request of Mr. BOEHNER) for today and December 12 on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KENNEDY) to revise and extend their remarks and include extraneous material:)

Mr. BUTTERFIELD, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. CUELLAR, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. CARDOZA, for 5 minutes, today.

Mr. SPRATT, for 5 minutes, today.

Mr. KENNEDY, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. GINGREY, for 5 minutes, today and December 19.

Mr. KING of Iowa, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material):

Ms. KAPTUR, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

Mr. LARSON of Connecticut, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Mr. HILL, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mrs. CAPPS, for 5 minutes, today.

Ms. CORRINE BROWN of Florida, for 5 minutes, today.

Mr. ELLISON, for 5 minutes, today.

Mr. SHAYS, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 6. An act to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers, to increase the efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.

H.R. 797. An act to amend title 38, United States Code, to improve low-vision benefits matters, matters relating to burial and memorial affairs, and other matters under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

H.R. 2408. An act to designate the Department of Veterans Affairs outpatient clinic in Green Bay, Wisconsin, as the "Milo C. Huempfner Department of Veterans Affairs Outpatient Clinic".

H.R. 2671. An act to designate the United States courthouse located at 301 North Miami Avenue, Miami, Florida, as the "C. Clyde Atkins United States Courthouse".

H.R. 3703. An act to amend section 5112(p)(1)(A) of title 31, United States Code, to allow an exception from the $1 coin dispensing capability requirement for certain vending machines.

H.R. 3739. An act to amend the Arizona Water Settlements Act to modify the requirements for the statement of findings.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced her signature to enrolled bills of the Senate of the following titles:

S. 597. An act to amend title 39, United States code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

S. 2174. An act to designate the facility of the United States Postal Service located at 175 South Monroe Street in Tiffin, Ohio, as the "Paul E. Gillmor Post Office Building".

S. 2484. An act to rename the National Institute of Child Health and Human Development as the Eunice Kennedy Shriver National Institute of Child Health and Human Development.

S.J. Res. 13. Granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

ADJOURNMENT

Mr. BURGESS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Wednesday, December 19, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4702. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Eligibility of Chile to Export Poultry and Poultry Products to the United States [Docket No. FSIS-2007-0024] (RIN: 0583-AD25) received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4703. A letter from the Comptroller, Department of Defense, transmitting the Secretary's certification that the current Future Years Defense Program (FYDP) fully funds the support costs associated with the UH/HH-60M and the MH-60S multiyear program, pursuant to 10 U.S.C. 2306b(i)(1)(A); to the Committee on Armed Services.

4704. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of Lieutenant General John M. Brown III, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

4705. A letter from the Director, Office of Legislative Affairs, Department of the Treasury, transmitting the Department's final rule — Fair Credit Reporting Affiliate Marketing Regulations [Docket ID. OCC-2007-0010] (RIN: 1557-AC88) received November 20, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4706. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; General Hospital and Personal Use Devices; Classification of Remote Medication Management System [Docket No. 2007N-0328] received November 13, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4707. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Revision of Refrigerant Recovery and Recycling Equipment Standards [EPA-HQ-OAR-2006-5065; FRL-8493-5] (RIN: 2060-A032) received November 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4708. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Redesignation of the Centre County (State College) 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Area's Maintenance Plan and 2002 Base Year Inventory [EPA-R03-OAR-2007-0533; FRL-8494-2] received November 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4709. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 16-07 informing of an intent to sign Amendment Number One to the Joint Strike Fighter (FSF) Initial Operational Test and Evaluation (IOT&E) Memorandum of Understanding (MOU) between the United States and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

4710. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on the status of consular training with respect to travel or identity documents, pursuant to Section 7201(d) of the Intelligence Reform and Terrorism Prevention Act of 2004; to the Committee on Foreign Affairs.

4711. A letter from the Secretary, Department of the Treasury, transmitting a six month periodic report on the national emergency with respect to Belarus that was declared in Executive Order 13405 of June 16, 2006, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

4712. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-21, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to United Kingdom for defense articles and services; to the Committee on Foreign Affairs.

4713. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2008-7, Waiver of Reimbursement Under the U.N. Participation Act to Support UNAMID Efforts in Darfur; to the Committee on Foreign Affairs.

4714. A letter from the Secretary, Department of the Treasury, transmitting the Financial Report of the United States Government for Fiscal Year 2007, pursuant to 31 U.S.C. 331(e)(1); to the Committee on Oversight and Government Reform.

4715. A letter from the Archivist, National Archives and Records Administration, transmitting the Administration's FY 2006 and FY 2007 Commercial Activities Inventory and Inherently Governmental Inventory, as required by the FAIR Act and OMB Circular A-76; to the Committee on Oversight and Government Reform.

4716. A letter from the Director, Office of Personnel Management, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum M-08-02, the Office's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

4717. A letter from the Chairman, Federal Communications Commission, transmitting the Commission's final rule — Electioneering Communications [Notice 2007-26] received December 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

4718. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting the Department's final rule — Indian Oil Valuation (RIN: 1010-AD00) received December 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4719. A letter from the Administrator, Environmental Protection Agency, transmitting a legislative proposal to implement an important new treaty for the protection of the world's oceans from ocean dumping; to the Committee on Transportation and Infrastructure.

4720. A letter from the Under Secretary for Science, Department of Energy, transmitting the Department's report on issues related to energy and water supplies pursuant to Section 979 of the Energy Policy Act of 2005; to the Committee on Science and Technology.

4721. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Chapter 9 Tax Shelters: The Disclosure Regime [LMSB-04-1107-076] received December 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4722. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Chapter 6 Partnership Allocations [LMSB-04-1107-076] received December 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4723. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Chapter 5 Loss Limitations [LMSB-04-1107-076] received December 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4724. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Chapter 4 Distributions [LMSB-04-1107-076] received December 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4725. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Chapter 3 Contributions of Property with Built-in Gain or Loss IRC Section 704(c) [LMSB-04-1107-076] received December 17, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4726. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue Paper Biotech and Pharmaceutical Industries Non Refundable Upfront Fees, Technology Access Fees, Milestone Payments, Royalties and Deferred Income under a Collaboration Agreement [LMSB-04-1007-073 UIL 263.13-02] received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4727. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Action on Decision SUBJECT: United States v. Roxworthy, 457 F.3d 590 (6th Cir. 2006), rev'g No. 04-MC-18-C (W.D. Ky. Apr. 4, 2005) [IRB No: 2007-40] received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4728. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Proposed Changes to the Process for Obtaining the Commissioner's Consent to Change a Method of Accounting [Notice 2007-88] received October 23, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4729. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 7(a) of the Jerusalem Embassy Act of 1995 (Pub. L. 104-45), a copy of Presidential Determination No. 2008-6 suspending the limitation on the obligation of the State Department Appropriations contained in sections 3(b) and 7(b) of that Act for six months as well as the periodic report provided for under Section 6 of the Act covering the period from June 18, 2007 to the present, pursuant to Public Law 104-45, section 6 (109 Stat. 400); jointly to the Committees on Foreign Affairs and Appropriations.

4730. A letter from the Director, Defense Security Cooperation Agency, transmitting notification that the Department intends to use FY 2008 IMET funds for the enclosed list of countries, pursuant to Public Law 109-102; jointly to the Committees on Foreign Affairs and Appropriations.

4731. A letter from the Director, Office of Personnel Management, transmitting notification of an approved proposal for a personnel management demonstration project within the Office of Federal Student Financial Aid (FSA), pursuant to 5 U.S.C. 4703(b)(4)(B); jointly to the Committees on Oversight and Government Reform and Education and Labor.

4732. A letter from the Director, Office of Personnel Management, transmitting notification of an approved plan for a personnel management demonstration project at the Department of Energy's National Nuclear Security Adminstration, pursuant to 5 U.S.C. 4703(b)(6); jointly to the Committees on Oversight and Government Reform and Energy and Commerce.

REPORT OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GORDON of Tennessee: Committee on Science and Technology. H.R. 1834. A bill to authorize the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration; with an amendment (Rept. 110–311, Pt. 2). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committee on Armed Services discharged from further consideration. H.R. 1834 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2830. Referral to the Committee on Energy and Commerce extended for a period ending not later than January 15, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself, Mr. BARTON of Texas, Mr. BRADY of Texas, Mr. BURGESS, Mr. CARTER, Mr. CONAWAY, Mr. CUELLAR, Mr. CULBERSON, Mr. DOGGETT, Mr. EDWARDS, Mr. GOHMERT, Mr. GONZALEZ, Ms. GRANGER, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. HALL of Texas, Mr. HENSARLING, Mr. LAMPSON, Mr. MARCHANT, Mr. MCCAUL of Texas, Mr. NEUGEBAUER, Mr. ORTIZ, Mr. PAUL, Mr. POE, Mr. REYES, Mr. RODRIGUEZ, Mr. SESSIONS, Mr. THORNBERRY, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. SAM JOHNSON of Texas):

H.R. 4774. A bill to designate the facility of the United States Postal Service located at 10250 John Saunders Road in San Antonio, Texas, as the "Cyndi Taylor Krier Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. DEFAZIO (for himself, Mr. GEORGE MILLER of California, Mr. FARR, Ms. SUTTON, Ms. SCHAKOWSKY, Mr. HINCHEY, Mr. MCGOVERN, Mr. KUCINICH, Mr. MORAN of Virginia, Mr. COHEN, and Mr. SERRANO):

H.R. 4775. A bill to prohibit the manufacture, processing, possession, or distribution in commerce of the poison sodium fluoroacetate (known as "Compound 1080"), to provide for the collection and destruction of remaining stocks of Compound 1080, to compensate persons who turn in Compound 1080 to the Secretary of Agriculture for destruction, to prohibit the use of certain predator control devices by the federal government, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ (for herself and Ms. CLARKE):

H.R. 4776. A bill to establish programs to provide counseling to homebuyers regarding voluntary home inspections and to train counselors to provide such counseling, and for other purposes; to the Committee on Financial Services.

By Ms. VELÁZQUEZ:

H.R. 4777. A bill to amend chapters 83 and 84 of title 5, United States Code, to provide for the indexation of deferred annuities; to provide that a survivor annuity be provided to the widow or widower of a former employee who dies after separating from Government service with title to a deferred annuity under the Civil Service Retirement System but before establishing a valid claim therefor, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GONZALEZ:

H.R. 4778. A bill to amend title XVIII of the Social Security Act to exempt negative pressure wound therapy pumps and related supplies and accessories from the Medicare competitive acquisition program until the clinical comparability of such products can be validated; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself and Mr. SMITH of Texas):

H.R. 4779. A bill to enact certain laws relating to public contracts as title 41, United States Code, "Public Contracts"; to the Committee on the Judiciary.

By Mr. CONYERS (for himself and Mr. SMITH of Texas):

H.R. 4780. A bill to enact title 51, United States Code, "National and Commercial Space Programs", as positive law; to the Committee on the Judiciary.

By Mr. BROUN of Georgia (for himself, Mr. PITTS, Mr. KINGSTON, Mr. SHADEGG, Mr. FRANKS of Arizona, Mrs. MYRICK, Mr. BURTON of Indiana, Mr. GINGREY, Mr. WESTMORELAND, Mr. SAM JOHNSON of Texas, Ms. FOXX, Mr. CONAWAY, Mr. WOLF, Mr. DEAL of Georgia, Mr. LINDER, Mr. WELDON of Florida, Mr. FEENEY, Mrs. MUSGRAVE, Mr. GOODLATTE, Mr. ISSA, Mrs. BACHMANN. Mr. WILSON of South Carolina, Mr. HERGER, Mr. WAMP, Mr. DAVID DAVIS of Tennessee, Mr. GARRETT of New Jersey, Mr. BRADY of Texas, Mr. FORTUÑO, Mr. WALBERG, Mr. DOOLITTLE, Mr. KUHL of New York, Mr. GOHMERT, Mr. PENCE, Mr. SALI, Mr. KING of Iowa, Mr. BARRETT of South Carolina, Mr. ROSKAM, and Mr. PRICE of Georgia):

H.R. 4781. A bill to prohibit the Secretary of Veterans Affairs from authorizing honor guards to participate in funerals of veterans interred in national cemeteries unless the honor guards agree to offer veterans' families the option of having the honor guard perform a 13-fold flag recitation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WU:

H.R. 4782. A bill to suspend temporarily the duty on tilting arbor table saws with motors of an output equal to or greater than 3357 watts and less than 4103 watts and with contact detection and reaction systems; to the Committee on Ways and Means.

By Mr. WU:

H.R. 4783. A bill to suspend temporarily the duty on tilting arbor table saws with motors of an output equal to or greater than 1865 watts and less than 2611 watts and with contact detection and reaction systems; to the Committee on Ways and Means.

By Mr. REYNOLDS:

H.R. 4784. A bill to extend the reduction of duty on Bifenthrin; to the Committee on Ways and Means.

By Mr. REYNOLDS:

H.R. 4785. A bill to suspend temporarily the duty on Clomazone; to the Committee on Ways and Means.

By Mr. REYNOLDS:

H.R. 4786. A bill to suspend temporarily the duty on Cyazofamid; to the Committee on Ways and Means.

By Mr. REYNOLDS:

H.R. 4787. A bill to suspend temporarily the duty on Flonicamid; to the Committee on Ways and Means.

By Mr. SPACE:

H.R. 4788. A bill to address emergency shortages in food banks; to the Committee on Agriculture.

By Mr. BERMAN (for himself, Mr. ISSA, Mr. CONYERS, Mr. SHADEGG, Ms. HARMAN, and Mrs. BLACKBURN):

H.R. 4789. A bill to provide parity in radio performance rights under title 17, United States Code, and for other purposes; to the Committee on the Judiciary.

By Ms. CASTOR:

H.R. 4790. A bill to amend title XVIII of the Social Security Act to provide for standardized marketing requirements under the Medicare Advantage Program and the Medicare Prescription Drug Program and to provide for State certification prior to waiver of licensure requirements under the Medicare Prescription Drug Program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLAY (for himself, Mr. TOWNS, and Mr. WAXMAN):

H.R. 4791. A bill to amend title 44, United States Code, to strengthen requirements for ensuring the effectiveness of information security controls over information resources that support Federal operations and assets, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. COBLE:

H.R. 4792. A bill to extend the suspension of duty on pyroxystrobin; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4793. A bill to extend the suspension of duty on cyprodinil; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4794. A bill to extend the suspension of duty on difenoconazole; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4795. A bill to extend the suspension of duty on mixtures of difenoconazole and mefenoxam; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4796. A bill to extend the suspension of duty on formulations of Thiamethoxam, Difenoconazole, Fludioxonil, and Mefenoxam; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4797. A bill to extend the suspension of duty on mixtures of cyhalothrin and application adjuvants; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4798. A bill to extend the suspension of duty on mucochloric acid; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4799. A bill to extend the suspension of duty on mixtures of mefenoxam, fludioxonil, and cymoxanil with application adjuvants; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4800. A bill to extend the duty suspension on S-[(5-Methoxy-2-oxo-1,3,4-thiadiazol-3(2H)-yl)methyl]- O,O-dimethyl phosphorodithioate; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4801. A bill to extend the duty suspension on 4-(Cyclopropyl- -hydroxymethylene)-3,5-dioxocylohexanecarboxylic acid, ethyl ester; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4802. A bill to suspend temporarily the duty on Flumetralin Technical - 2-chloro-N-[2,6-dinitro-4-(tri-fluoromethyl)phenyl]-N-ethyl- -fluorobenzenemethanamine; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4803. A bill to suspend temporarily the duty on DCDNBTF Benzene, 2,4-dichloro-1,3-dinitro-5-(trifluoroethyl)-; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4804. A bill to suspend temporarily the duty on 4-Chloro-3.5 Dinitrobenzotrifluoride: Benzene, 2-chloro-1,3-dinitro-5-(trifluoromethyl)-; to the Committee on Ways and Means.

By Mr. COBLE:

H.R. 4805. A bill to suspend temporarily the duty on 2-Chloro-6-Fluorobenzyl Chloride: Benzene, 2, 4-dichloro-1,3-dinitro-5-(trifluoromethyl)-; to the Committee on Ways and Means.

By Ms. HARMAN (for herself, Mrs. LOWEY, Mr. LANGEVIN, Mr. MARKEY, Mrs. CHRISTENSEN, Mr. PERLMUTTER, Ms. LORETTA SANCHEZ of California, Ms. ZOE LOFGREN of California, Ms. NORTON, Mr. DICKS, Mr. CARNEY, Ms. CLARKE, Ms. JACKSON-LEE of Texas, and Mr. ETHERIDGE):

H.R. 4806. A bill to require the Secretary of Homeland Security to develop a strategy to prevent the over-classification of homeland security and other information and to promote the sharing of unclassified homeland security and other information, and for other purposes; to the Committee on Homeland Security.

By Ms. HERSETH SANDLIN (for herself, Mr. WAXMAN, Ms. MCCOLLUM of Minnesota, Mr. VAN HOLLEN, Mrs. MALONEY of New York, Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. ROSS, Ms. BALDWIN, Mr. SERRANO, Mr. TIERNEY, Mr. NADLER. Mr. FILNER, Mr. MICHAUD, Ms. SOLIS, Mr. CUMMINGS, Ms. LINDA T. SÁNCHEZ of California, Mr. GRIJALVA, Ms. SLAUGHTER, Ms. SUTTON, and Mr. HARE):

H.R. 4807. A bill to amend the Social Security Act to protect Social Security cost-of-living adjustments (COLA); to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HULSHOF:

H.R. 4808. A bill to extend the temporary suspension of duty on EPDC; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 4809. A bill to extend the temporary suspension of duty on Fipronil; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 4810. A bill to extend the temporary suspension of duty on mixtures of 2-amino-2,3-dimethylbutanenitrile and toluene; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 4811. A bill to extend the suspension of duty on 2,3-quinoline dicarboxylic acid; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 4812. A bill to extend the temporary suspension of duty on 3-Pentanone; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 4813. A bill to extend the temporary suspension of duty on methyoxyacetic acid; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 4814. A bill to extend the temporary suspension of duty on 3,5-Difluroraniline; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 4815. A bill to extend the temporary suspension of duty on Quinolinic acid; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 4816. A bill to suspend temporarily the duty on Benzeneacetic acid, -amino-4-chloro; to the Committee on Ways and Means.

By Mr. HULSHOF:

H.R. 4817. A bill to extend the temporary suspension of duty on Ethoxyquin; to the Committee on Ways and Means.

By Mr. KING of New York (for himself and Mr. RANGEL):

H.R. 4818. A bill to combat illegal gun trafficking, and for other purposes; to the Committee on the Judiciary.

By Mr. LAHOOD:

H.R. 4819. A bill to extend the temporary suspension of duty on 2-Methyl-4-methoxy-6-methylamino-1,3,5-triazine; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 4820. A bill to extend the temporary suspension of duty on N-[[(4,6-dimethoxypyrimidin-2-yl)amino]carbonyl]-3-(ethylsulfonyl)-2-pyridinesulfonamide and application adjuvants; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 4821. A bill to extend the temporary suspension of duty on 2-amino-4-methoxy-6-methyl-1,3,5-triazine; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 4822. A bill to extend and modify the temporary suspension of duty on Carfentrazone; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 4823. A bill to extend and modify the temporary reduction of duty on Sulfentrazone; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 4824. A bill to extend the temporary suspension of duty on 3-(Ethylsulfonyl)-2-pyridinesulfonamide; to the Committee on Ways and Means.

By Mr. LAHOOD:

H.R. 4825. A bill to extend the temporary suspension of duty on carbamic acid; to the Committee on Ways and Means.

By Mr. MEEKS of New York (for himself, Mr. ACKERMAN, Ms. CLARKE, Mr. HINCHEY, Mr. TOWNS, Mr. BISHOP of New York, Mrs. MALONEY of New York, Mr. JEFFERSON, Mr. AL GREEN of Texas, Ms. CORRINE BROWN of Florida, Ms. VELÁZQUEZ, Mr. SERRANO, Mrs. LOWEY, Mr. MCHUGH, Mr. MCNULTY, Mr. CROWLEY, Mr. NADLER, Mr. HIGGINS, Mr. RUSH, Mr. KUHL of New York, Mr. RANGEL, Mr. FOSSELLA, Mr. WEINER, and Mr. ENGEL):

H.R. 4826. A bill to designate the facility of the United States Postal Service located at 88-40 164th Street in Jamaica, New York, as the "Clarence L. Irving, Sr., Post Office Building"; to the Committee on Oversight and Government Reform.

By Mr. MOLLOHAN:

H.R. 4827. A bill to extend Corridor O of the Appalachian Development Highway System from its current southern terminus at I-68 near Cumberland to Corridor H, which stretches from Weston, West Virginia, to Strasburg, Virginia; to the Committee on Transportation and Infrastructure.

By Mr. ORTIZ:

H.R. 4828. A bill to amend the Palo Alto Battlefield National Historic Site Act of 1991 to expand the boundaries of the historic site, and for other purposes; to the Committee on Natural Resources.

By Mr. PAUL:

H.R. 4829. A bill to authorize the Secretary of the Army to convey the surface estate of the San Jacinto Disposal Area to the city of Galveston, Texas; to the Committee on Transportation and Infrastructure.

By Mr. ROSS:

H.R. 4830. A bill to require the Administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus temporary housing units stored by the Federal Government across the Nation at taxpayer expense; to the Committee on Transportation and Infrastructure.

By Ms. SLAUGHTER (for herself and Ms. BEAN):

H.R. 4831. A bill to extend the temporary duty reductions and suspensions on certain wool products, and for other purposes; to the Committee on Ways and Means.

By Mr. UDALL of Colorado:

H.R. 4832. A bill to promote wildland firefighter safety; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico (for himself, Mrs. WILSON of New Mexico, and Mr. PEARCE):

H.R. 4833. A bill to require the Secretary of the Treasury to mint coins in commemoration of the quadricentennial of the City of Santa Fe, New Mexico; to the Committee on Financial Services.

By Mr. RANGEL:

H.R. 4834. A bill to award a congressional gold medal to Ossie Davis in recognition of his many contributions to the Nation; to the Committee on Financial Services.

By Mr. INSLEE (for himself and Mr. REICHERT):

H.R. 4835. A bill to promote transparency in the adoption of new media ownership rules by the Federal Communications Commission, and to establish an independent panel to make recommendations on how to increase the representation of women and minorities in broadcast media ownership; to the Committee on Energy and Commerce.

By Mr. INSLEE (for himself and Mr. WYNN):

H.R. 4836. A bill to reduce the incidence, progression, and impact of diabetes and its complications and establish the position of National Diabetes Coordinator; to the Committee on Energy and Commerce, and in addition to the Committees on Oversight and Government Reform, Agriculture, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PRICE of Georgia:

H.J. Res. 71. A joint resolution proposing an amendment to the Constitution of the United States to limit the number of years Representatives and Senators may serve; to the Committee on the Judiciary.

By Mr. OBEY:

H.J. Res. 72. A joint resolution making further continuing appropriations for the fiscal year 2008, and for other purposes; to the Committee on Appropriations.

By Mr. SHERMAN:

H.J. Res. 73. A joint resolution proposing an amendment to the Constitution of the United States relating to the process by which the House of Representatives chooses the President of the United States in the event no candidate receives a majority of the electoral votes; to the Committee on the Judiciary.

By Mr. FORTENBERRY (for himself and Mr. MCCAUL of Texas):

H. Con. Res. 272. Concurrent resolution urging the United States Government to initiate a diplomatic surge to foster security and stability in the Middle East by engaging international stakeholders and governments throughout the region to curtail destabilizing influences, help prevent the spread of violence, address humanitarian concerns, and enhance prospects for security, political, and economic progress in Iraq; to the Committee on Foreign Affairs.

By Mr. BACA:

H. Res. 883. A resolution honoring the heroic service and sacrifice of the 350 American soldiers detained at the Nazi camp at Berga during World War II; to the Committee on Armed Services.

By Mr. RANGEL:

H. Res. 884. A resolution providing for the concurrence by the House in the Senate amendments to H.R. 3997, with an amendment; to the Committee on Education and Labor. considered and agreed to.

By Mr. PUTNAM:

H. Res. 885. A resolution electing Minority Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. LAMBORN (for himself, Mr. PERLMUTTER, Ms. DEGETTE, Mrs. MUSGRAVE, Mr. SALAZAR, Mr. TANCREDO, and Mr. UDALL of Colorado):

H. Res. 886. A resolution expressing sympathy to the victims and families of the tragic acts of violence in Colorado Springs, Colorado and Arvada, Colorado; to the Committee on Oversight and Government Reform.

By Mr. JONES of North Carolina (for himself, Ms. BORDALLO, Mr. GOODE, Mr. BISHOP of Georgia, Mr. COBLE, Mr. MURTHA, Mr. MCDERMOTT, and Mr. WILSON of South Carolina):

H. Res. 887. A resolution expressing the sense of the House of Representatives that a commemorative postage stamp should be issued in remembrance of the victims and in honor of the veterans of the peacekeeping mission in Beirut, Lebanon, from 1982 to 1984; to the Committee on Oversight and Government Reform.

By Mr. FORBES (for himself, Mr. MCINTYRE, Mr. AKIN, Mr. BARRETT of South Carolina, Mr. CULBERSON, Mr. DOOLITTLE, Mr. FEENEY, Mr. GINGREY, Mr. GOHMERT, Mr. HAYES, Mr. HENSARLING, Mr. HERGER, Mr. JONES of North Carolina, Mr. MCHENRY, Mrs. MUSGRAVE, Mr. PEARCE, Mr. PENCE, Mr. PITTS, Mr. RYAN of Wisconsin, Mrs. SCHMIDT, Mr. WALBERG, Mr. WILSON of South Carolina, Mr. WOLF, and Mr. YOUNG of Florida):

H. Res. 888. A resolution affirming the rich spiritual and religious history of our Nation's founding and subsequent history and expressing support for designation of the first week in May as "American Religious History Week" for the appreciation of and education on America's history of religious faith; to the Committee on Oversight and Government Reform.

By Mr. HASTINGS of Florida (for himself, Mr. DELAHUNT, Mr. ACKERMAN, Mr. POE, and Mr. COHEN):

H. Res. 889. A resolution condemning the December 11, 2007, terrorist bombings on the people of Algeria and United Nations personnel, and expressing sympathy to the victims of these terrorist attacks; to the Committee on Foreign Affairs.

By Mr. REHBERG:

H. Res. 890. A resolution congratulating the Carroll College Fighting Saints football team for winning the 2007 NAIA National Championship; to the Committee on Education and Labor.

By Mr. UDALL of Colorado (for himself and Mr. REGULA):

H. Res. 891. A resolution celebrating 35 years of space-based observations of the Earth by the Landsat spacecraft and looking forward to sustaining the longest unbroken record of civil Earth observations of the land; to the Committee on Science and Technology.

By Mr. WILSON of Ohio:

H. Res. 892. A resolution expressing support for designation of March 11, 2008, as "National Funeral Director and Mortician Recognition Day"; to the Committee on Oversight and Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 154: Mr. FILNER.

H.R. 181: Mr. KUCINICH.

H.R. 241: Mr. KELLER.

H.R. 333: Mr. COSTELLO.

H.R. 388: Mr. GRIJALVA.

H.R. 457: Mr. TERRY.

H.R. 460: Ms. LEE.

H.R. 463: Mr. SESTAK.

H.R. 471: Mr. GOODE and Ms. ZOE LOFGREN of California.

H.R. 549: Ms. LINDA T. SÁNCHEZ of California.

H.R. 552: Mr. HONDA, Mrs. TAUSCHER, and Mr. REYNOLDS.

H.R. 594: Mr. COURTNEY.

H.R. 621: Mr. ALEXANDER.

H.R. 699: Mr. FRELINGHUYSEN.

H.R. 860: Mr. STARK.

H.R. 882: Mr. KIRK and Mr. NUNES.

H.R. 891: Mrs. GILLIBRAND, Mr. PATRICK MURPHY of Pennsylvania, Mr. DAVIS of Illinois, Ms. EDDIE BERNICE JOHNSON of Texas, Mr CROWLEY, Mrs. BONO, Mr. HARE, Mr. WYNN, Mr. CHANDLER, Mr. ISRAEL, Mr. INSLEE, and Mr. KIRK.

H.R. 962: Mr. FILNER.

H.R. 1000: Mr. WU, Mr. GONZALEZ, Mr. THOMPSON of Mississippi, Mr. WHITFIELD of Kentucky, Mr. EMANUEL, Mr. UDALL of New Mexico, Mr. GENE GREEN of Texas, Mr. COSTA, and Ms. BALDWIN.

H.R. 1084: Mr. BOUCHER, Mrs. BOYDA of Kansas, Mr. MCDERMOTT, and Mr. COHEN.

H.R. 1103: Mr. STARK.

H.R. 1193: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CALVERT, Ms. ROYBAL-ALLARD, and Mr. PLATTS.

H.R. 1201: Mr. GOHMERT.

H.R. 1237: Mr. STUPAK, Ms. GINNY BROWN-WAITE of Florida, and Mr. BERMAN.

H.R. 1244: Mr. DELAHUNT.

H.R. 1343: Mr. FORTUÑO.

H.R. 1357: Mr. GOHMERT.

H.R. 1360: Mr. PICKERING.

H.R. 1363: Mr. WEINER.

H.R. 1386: Mr. ALEXANDER.

H.R. 1394: Mr. CLAY.

H.R. 1440: Mr. CALVERT.

H.R. 1497: Mr. STUPAK.

H.R. 1540: Ms. DELAURO.

H.R. 1542: Mr. WEINER.

H.R. 1609: Mr. CONYERS and Ms. TSONGAS.

H.R. 1671: Mr. SIRES, Mr. EMANUEL, Ms. CORRINE BROWN of Florida, Mr. SPRATT, and Ms. BERKLEY.

H.R. 1673: Mr. COHEN, Mr. WEINER, and Mr. ALEXANDER.

H.R. 1746: Mrs. MALONEY of New York.

H.R. 1747: Mr. DAVIS of Illinois.

H.R. 1791: Mr. ALEXANDER.

H.R. 1843: Ms. BERKLEY.

H.R. 1884: Mr. KIRK.

H.R. 1937: Mr. MOORE of Kansas.

H.R. 1968: Mr. WEINER.

H.R. 1903: Mr. CARNAHAN and Mr. BLUMENAUER.

H.R. 2040: Mr. SCOTT of Georgia, Mr. SNYDER, Mr. SAXTON, Mr. SHUSTER, Mr. WOLF, Mr. JONES of North Carolina, Mr. MORAN of Kansas, Mr. RAMSTAD, and Mr. BARTLETT of Maryland.

H.R. 2064: Mr. HINCHEY and Mr. KENNEDY.

H.R. 2091: Mr. MCCOTTER and Mrs. BOYDA of Kansas.

H.R. 2117: Mr. ROHRABACHER.

H.R. 2122: Ms. WATSON, Mr. MCCOTTER, Mr. HONDA, and Mr. SESTAK.

H.R. 2214: Mr. HONDA.

H.R. 2265: Mr. UDALL of Colorado.

H.R. 2290: Mr. JEFFERSON and Mr. BAKER.

H.R. 2303: Mr. ALEXANDER.

H.R. 2327: Mr. SHERMAN.

H.R. 2332: Mr. MARCHANT and Mr. GOHMERT.

H.R. 2353: Mr. MCCAUL of Texas, Mr. WELCH of Vermont, Mr. HONDA, Ms. DELAURO, Mr. SESTAK, and Mrs. MALONEY of New York.

H.R. 2452: Mr. COHEN.

H.R. 2470: Mr. CRAMER, Mr. GUTIERREZ, Mr. DELAHUNT, Mr. FRANK of Massachusetts, Ms. VELÁZQUEZ, Mr. WEINER, Mr. BRADY of Pennsylvania, Mr. MOLLOHAN, Mr. KING of New York, Mr. LATOURETTE, Mr. MURTHA, and Mr. BAIRD.

H.R. 2550: Mr. CHABOT and Mr. PETRI.

H.R. 2583: Mr. MCCOTTER.

H.R. 2585: Mr. MCCOTTER.

H.R. 2668: Mr. UDALL of Colorado.

H.R. 2694: Mr. MOORE of Kansas and Mr. HONDA.

H.R. 2702: Mr. HALL of New York.

H.R. 2742: Mr. BAIRD.

H.R. 2964: Mr. MILLER of North Carolina, Mr. ROTHMAN, and Mrs. GILLIBRAND.

H.R. 3014: Mr. GEORGE MILLER of California and Ms. ZOE LOFGREN of California.

H.R. 3025: Ms. CASTOR and Mr. BLUMENAUER.

H.R. 3033: Mr. WEINER.

H.R. 3090; Mr. ALTMIRE.

H.R. 3109: Mr. REICHERT.

H.R. 3114: Mr. MARKEY.

H.R. 3133: Mr. MCNERNEY.

H.R. 3182: Mrs. EMERSON.

H.R. 3213: Mr. ALEXANDER.

H.R. 3298: Mr. SMITH of Washington, Mr. HINCHEY, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. DELAHUNT.

H.R. 3314: Mr. PASCRELL, Mr. LEWIS of Georgia, and Ms. BEAN.

H.R. 3327: Mr. HINCHEY.

H.R. 3334: Mr. STARK and Mr. MORAN of Virginia.

H.R. 3357: Mr. SESTAK.

H.R. 3360: Mr. HODES.

H.R. 3372: Mr. FATTAH.

H.R. 3404: Mr. FILNER.

H.R. 3409: Mr. BLUMENAUER.

H.R. 3418: Mr. SESTAK.

H.R. 3426: Mr. CRAMER.

H.R. 3434: Mr. DEAL of Georgia, Mr. ENGLISH of Pennsylvania, Mr. HALL of Texas, Mr. LINDER, and Mr. WALSH of New York.

H.R. 3514: Ms. SLAUGHTER, Mr. FILNER, Mr. GORDON, Ms. SCHWARTZ, Mr. HONDA, and Ms. BERKLEY.

H.R. 3533: Mr. LANGEVIN, Mr. CARNAHAN, Mr. PEARCE, and Mr. BOREN.

H.R. 3612: Mr. FORBES.

H.R. 3634; Mr. WALSH of New York.

H.R. 3636: Mr. WEINER.

H.R. 3637: Ms. ZOE LOFGREN of California.

H.R. 3646: Mr. COHEN and Mr. ENGLISH of Pennsylvania.

H.R. 3647: Mr. ALTMIRE.

H.R. 3663: Mr. MILLER of North Carolina, Ms. CORRINE BROWN of Florida, Mr. ELLISON, Mr. LANTOS, Mr. OBERSTAR, Mr. HASTINGS of Florida, Mr. VAN HOLLEN, Mr. SMITH of New Jersey, Mr. SMITH of Washington, and Ms. CLARKE.

H.R. 3697: Mrs. CAPPS.

H.R. 3700: Mr. WYNN.

H.R. 3750: Mr. ORTIZ.

H.R. 3753: Mr. SMITH of Texas.

H.R. 3770: Ms. BERKLEY and Mr. HERGER.

H.R. 3793: Mr. POE and Mr. MOORE of Kansas.

H.R. 3818: Mr. BILBRAY.

H.R. 3834: Ms. LINDA T. SÁNCHEZ of California.

H.R. 3842: Ms. LINDA T. SÁNCHEZ of California.

H.R. 3896: Mr. FRANK of Massachusetts, Mr. BLUMENAUER, and Mr. MCDERMOTT.

H.R. 3905: Mr. VAN HOLLEN, Mr. HOLT, Mr. KIND, and Mr. WEINER.

H.R. 3981: Mr. DAVIS of Illinois, Mr. LINCOLN DAVIS of Tennessee, Mr. CLEAVER, and Mrs. GILLIBRAND.

H.R. 3989: Mr. WALSH of New York.

H.R. 3990: Ms. WOOLSEY.

H.R. 4001: Mr. MATHESON and Mr. ALEXANDER.

H.R. 4008: Mr. ALTMIRE and Mr. SOUDER.

H.R. 4014: Mr. PASTOR, Mr. CUELLAR, Ms. HERSETH SANDLIN, Mr. GEORGE MILLER of California, Mr. COSTA, Mr. KILDEE, Mr. LANTOS, Mr. MOORE of Kansas, Mr. GRIJALVA, Mr. PAYNE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FARR, Ms. WOOLSEY, Mrs. NAPOLITANO, Ms. BERKLEY, Mrs. CHRISTENSEN, Ms. SOLIS, Mrs. TAUSCHER, Ms. ZOE LOFGREN of California, Ms. HARMAN, Ms. BALDWIN, Ms. DELAURO, Mrs. CAPPS, Mr. PRICE of North Carolina, Mr. BRALEY of Iowa, Mr. REYES, Mr. HINCHEY, Mr. VAN HOLLEN, Mr. RODRIGUEZ, Mr. HASTINGS of Florida, Mr. SIRES, Mr. SERRANO, Mr. HONDA, Ms. LINDA T. SÁNCHEZ of California, Mr. MCGOVERN, Ms. LEE, Ms. CLARKE, Mr. SALAZAR, Mrs. LOWEY, and Ms. WATSON.

H.R. 4015: Mr. PASTOR, Mr. CUELLAR, Ms. HERSETH SANDLIN, Mr. GEORGE MILLER of California, Mr. COSTA, Mr. KILDEE, Mr. LANTOS, Mr. MOORE of Kansas, Mr. GRIJALVA, Mr. PAYNE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FARR, Ms. MOORE of Wisconsin, Ms. WOOLSEY, Mrs. NAPOLITANO, Ms. BERKLEY, Mrs. CHRISTENSEN, Ms. SOLIS, Mrs. TAUSCHER, Ms. ZOE LOFGREN of California, Ms. HARMAN, Ms. BALDWIN, Ms. DELAURO, Mrs. CAPPS, Mr. PRICE of North Carolina, Mr. BRALEY of Iowa, Mr. REYES, Mr. HINCHEY, Mr. VAN HOLLEN, Mr. RODRIGUEZ, Mr. HASTINGS of Florida, Mr. SIRES, Mr. SERRANO, Ms. SCHAKOWSKY, Mr. HONDA, Ms. LINDA T. SÁNCHEZ of California, Mr. MCGOVERN, Ms. LEE, Ms. CLARKE, Mr. SALAZAR, Mrs. LOWEY, and Ms. WATSON.

H.R. 4016; Mr. PASTOR, Mr. CUELLAR, Ms. HERSETH SANDLIN, Mr. GEORGE MILLER of California, Mr. COSTA, Mr. KILDEE, Mr. LANTOS, Mr. MOORE of Kansas, Mr. GRIJALVA, Mr. PAYNE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FARR, Ms. MOORE of Wisconsin, Ms. WOOLSEY, Mrs. NAPOLITANO, Ms. BERKLEY, Mrs. CHRISTENSEN, Ms. SOLIS, Mrs. TAUSCHER, Ms. ZOE LOFGREN of California, Ms. HARMAN, Ms. BALDWIN, Ms. DELAURO, Mrs. CAPPS, Mr. PRICE of North Carolina, Mr. BRALEY of Iowa, Mr. REYES, Mr. HINCHEY, Mr. VAN HOLLEN, Mr. RODRIGUEZ, Mr. HASTINGS of Florida, Mr. SIRES, Mr. SERRANO, Mr. HONDA, Ms. LINDA T. SÁNCHEZ of California, Mr. MCGOVERN, Ms. LEE, Ms. CLARKE, Mrs. LOWEY, and Ms. WATSON.

H.R. 4040: Mr. MURPHY of Connecticut, Ms. BEAN, Mr. CUMMINGS, and Ms. SCHAKOWSKY.

H.R. 4052: Mr. MICHAUD.

H.R. 4054: Mr. EMANUEL.

H.R. 4061: Mr. LINDER, Mr. VAN HOLLEN, Mr. WESTMORELAND, Mr. PATRICK MURPHY of Pennsylvania, and Mr. LANTOS.

H.R. 4063: Ms. ZOE LOFGREN of California.

H.R. 4105: Mr. ROHRABACHER, Mr. MCHUGH, and Ms. SLAUGHTER.

H.R. 4137: Mr. LOEBSACK, Mr. SHERMAN, Mrs. NAPOLITANO, and Mr. CROWLEY.

H.R. 4171: Mr. WOLF.

H.R. 4174: Mr. HINCHEY.

H.R. 4176: Mr. LEWIS of California.

H.R. 4181: Mr. FRANKS of Arizona.

H.R. 4226: Mr. EHLERS.

H.R. 4244: Mr. COHEN, Mr. PETERSON of Minnesota, and Mr. BLUMENAUER.

H.R. 4264: Mr. KLEIN of Florida, Mr. CARNEY, and Mr. KELLER.

H.R. 4266: Mr. LOBIONDO.

H.R. 4280: Ms. ZOE LOFGREN of California.

H.R. 4297: Mr. GERLACH.

H.R. 4301: Mr. STARK, Mr. LEWIS of Georgia, and Mr. MORAN of Virginia.

H.R. 4318: Mr. WESTMORELAND.

H.R. 4332: Ms. GINNY BROWN-WAITE of Florida.

H.R. 4464: Mr. LAMBORN, Mr. BARRETT of South Carolina, and Mr. JORDAN.

H.R. 4544: Mr. RENZI, Ms. BERKLEY, Mr. ALEXANDER, Mr. BERMAN, Mr. DELAHUNT, Mr. MELANCON, and Mr. ROSS.

H.R. 4545: Mr. AL GREEN of Texas.

H.R. 4577: Ms. FALLIN.

H.R. 4627: Mr. FEENEY.

H.J. Res. 6: Mr. ALTMIRE.

H.J. Res. 14: Mrs. DAVIS of California.

H.J. Res. 64: Mrs. DAVIS of California, Mr. GUTIERREZ, Mr. DEFAZIO, and Mr. FRANK of Massachusetts.

H. Con. Res. 154: Mr. MILLER of Florida.

H. Con. Res. 214: Mr. CLAY.

H. Con. Res. 227: Mr. MORAN of Virginia and Mr. HONDA.

H. Con. Res. 244: Mrs. JONES of Ohio, Mr. SCOTT of Georgia, Mr. LARSEN of Washington, and Mr. CALVERT.

H. Con. Res. 266: Mr. HASTINGS of Florida.

H. Con. Res. 267: Mr. GUTIERREZ, Mr. BRALEY of Iowa, Mr. TANNER, Mr. PETERSON of Minnesota, Mr. COHEN, Mr. DAVIS of Alabama, and Mrs. BLACKBURN.

H. Res. 111: Mr. CANTOR, Mr. KAGEN, Mr. COHEN, Mrs. LOWEY, Mr. FORBES, and Ms. BALDWIN.

H. Res. 556: Mr. SHUSTER.

H. Res. 618: Mr. HOLT.

H. Res. 653: Mr. MCGOVERN, Ms. WOOLSEY, Mr. FILNER, and Mr. ELLISON.

H. Res. 700: Mr. BARRETT of South Carolina.

H. Res. 713: Mr. MILLER of North Carolina.

H. Res. 753: Mr. WILSON of South Carolina, Mr. FORBES, and Mr. ORTIZ.

H. Res. 783: Mr. WALDEN of Oregon.

H. Res. 815: Mr. SIRES, Mr. COHEN, and Mr. NEUGEBAUER.

H. Res. 838: Mr. ENGLISH of Pennsylvania, Mr. GALLEGLY, Mr. GOODLATTE, and Mr. RENZI.

H. Res. 854: Mr. HOLT, Mr. KLEIN of Florida, Ms. WASSERMAN SCHULTZ, Ms. SCHAKOWSKY, Mr. ISRAEL, Mr. BERMAN, Mr. CROWLEY, Mr. BURTON of Indiana, Ms. BERKLEY, and Mr. WEINER.

H. Res. 863: Ms. GINNY BROWN-WAITE of Florida and Ms. GRANGER.

H. Res. 866: Mr. MICA and Mr. LARSEN of Washington.

H. Res. 879: Mr. CANTOR, Ms. BERKLEY, Mr. MARIO DIAZ-BALART of Florida, and Mr. LINCOLN DIAZ-BALART of Florida.

SENATE—*Tuesday, December 18, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable CLAIRE McCASKILL, a Senator from the State of Missouri.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Heavenly Father, You are our fortress and shield. Your laws guide us, and Your teachings protect us. Your way is perfect, and Your word is true. You sent Your Son to serve and not to be served. Bless all who follow in his steps, giving themselves to serve others with wisdom, patience, and courage.

As our Senators seek to serve, empower them to minister in Your Name to the suffering, the friendless, and the needy. Give them wisdom and strength for this day, that they may dispose of their responsibilities in ways that honor You. Help them in all their relationships to be constructive and edifying, speaking words that will bring life and not death. Empower them to find joy in their work, despite pressure and opposition.

We pray in the Name of Him who laid down his life for us all. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CLAIRE McCASKILL led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 18, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CLAIRE McCASKILL, a Senator from the State of Missouri, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. McCASKILL thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The minority leader.

Mr. McCONNELL. Madam President, it is my understanding that the majority leader will be here momentarily, and therefore I suggest the absence of a quorum because he will be speaking first.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

HONORING SENATOR TRENT LOTT

Mr. REID. Madam President, I have publicly stated my feelings about TRENT LOTT on a number of occasions since he indicated he was going to retire by the end of this year. We had a lovely reception for him in the Mansfield Room. Other people have their own views as to the strengths of TRENT LOTT, but having worked with him here on the Senate floor for these many years, his greatest attribute can best be summarized by the statesman Edmund Burke:

> All government . . . every virtue and every prudent act—is founded on compromise . . .

That is not negative. That is positive. Compromise is something we as legislators must do. Legislation is the art of compromise. That is what we have been taught, and that is the way it is. There is no better example of that than what we have before us now or should have in a short time from the House, the omnibus spending bill. That has been the epitome of compromise by legislators and by the White House as the executive. That is what TRENT LOTT did best, approaching a difficult issue, trying to figure a way out of it. No one who has ever legislated and gotten a bill passed with their name on it has had what they really started out to do. We all must compromise. That is a negative term in some people's mind, but it really isn't if you are a legislator.

The special skill TRENT LOTT has, the special kind of understanding and pursuit of the common good, requires us to find common ground. TRENT LOTT embodies that skill. He is a true legislator. In all my dealings with TRENT LOTT, he is a gentleman. I have never, ever had Senator LOTT say something to me that he was not able to carry through on. His commitments are as good as gold.

We have had some jokes here about his dealings with John Breaux. They have a lot of qualities, but their qualities were the ability to make deals. When we needed something done during the Daschle years, the first person we went to was John Breaux. I am confident the first person he went to was TRENT LOTT. They have been close personal friends for all these years. As a result of their friendship, their trust of one another, it kind of spilled off on the rest of us, and we were able to get a lot of work done.

It goes without saying that we disagree on policy often, Senator LOTT and I, but with TRENT, these disagreements never seemed to be that important because he was always able to approach these challenges with a genuine desire to find a solution.

The history books will be written about this institution. I am confident they will be written about the State of Mississippi. There will be chapters that will have to be dedicated to TRENT LOTT because he has been part of the history of the State of Mississippi and of this institution and the House of Representatives. No one has ever, in the history of our country, some 230 years, served as the House whip and the Senate whip, but TRENT LOTT has. I believe he has made our country more secure in many ways. When we talk about security, it doesn't mean necessarily the military because our security depends on a lot more.

Senator LOTT, I wish you and your wonderful wife and your family the very best. I believe my dealings with you have made me a better person and a better Senator.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

Mr. McCONNELL. Madam President, after the news of TRENT's retirement had spread, a young farmer in Jackson had this to say about the man he had called "Senator" most of his life:

> He's a good person to represent the State, caring for people like he does.

That farmer had it exactly right because whether TRENT was making sure an old man in Pascagoula got his Social Security check or ducking into a kitchen in Tunica to thank the cooks after a political event, no service was too small, no task too insignificant when it came to serving the people of Mississippi.

One time, when TRENT was a young Congressman, a constituent called his office to have his trash removed. When TRENT asked why he hadn't called the town supervisor first, the man replied that he didn't want to start that high.

Nobody ever saw TRENT LOTT as a Congressman or a Senator. To them, he was just TRENT. As he vowed last month, that commitment to the people of Mississippi does not end here. "I will work hard for the State, the last day I am in the Senate," he said, "and I will work hard for this State until the last day I am alive."

In a plaque on his office wall, visitors will find TRENT's rules. The most important one he always said was this: You can never have a national view if you forget the view from Pascagoula.

He never forgot his roots. TRENT dined with Presidents, yet he still remembers facing the winters of his childhood without indoor heat. He also remembers his first hot shower. And he never forgot the source of that luxury. "It came from hard work," his mother said. He would spend a lifetime proving that he took her words to heart.

The love of politics came early, thanks in part to some lively debates with his folks around the dinner table. They always treated him with respect—"as an equal," he said—and they watched with pride as he threw himself into his studies and everything else that was available to a blue-collar kid growing up along the gulf coast in 1950s America.

TRENT was an early standout. His high school classmates voted him class president, most likely to succeed, most popular, a model of Christian conduct, most polite, and, of course, neatest. One friend recalls that TRENT was the only guy he ever knew who tidied up his bed before going to sleep at night.

Of course, TRENT's reputation for neatness outlasted high school. It has been the source of a lot of jokes over the years. But some of those jokes really are not fair. It is not true, for example, that TRENT arranges his sock drawer according to color every day. He is perfectly content to do it once a week—black on one side, blue on the other.

In college, the connection to Mississippi deepened. Surrounded by the white pillars and ancient oaks of Ole Miss, he formed lifelong friendships and grew in respect for the traditions of honor, integrity, duty, and service that had marked his beloved Sigma Nu from its beginnings.

There was always something to do, and TRENT did it all: frat parties, swaps, campus politics, singing, leading the cheers at the football games, and, occasionally, even studying. One of TRENT's college friends recalls that Mrs. Hutchinson's sophomore literature class was TRENT's Waterloo.

But after a less than impressive showing on her midterm exam, he refocused—and one of the things that came into view was a pretty young girl he had first met in high school band practice. One day TRENT told a fraternity brother he had met a girl he wanted to date. When he showed him Tricia's picture, the friend said: Yes, I think you should do that.

Then it was on to law school and marriage and private practice. Then, in the winter of 1968, a surprise phone call came that changed absolutely everything. It was TRENT's Congressman, Bill Colmer. He wanted to know if TRENT would be interested in a job as his top staffer in Washington.

It was a tough decision. TRENT had never thought of coming here, and the money was not good. But it seemed like a good opportunity. And, as TRENT says, he never made a choice in his life based on finances. So he took it. And Tricia was behind him all the way. That spring, they packed everything they could pack into their Pontiac and headed north. It was the first of many gambles that would pay off for TRENT LOTT.

The new city and its temptations did not change the boy from Pascagoula. He put his energy and his people skills to work, learning the rules and customs of the House and cementing new friendships over a glass of Old Granddad and a cigar—always a cheap cigar—by night.

The second big gamble came when Congressman Colmer decided to retire. TRENT wanted to run for his boss's seat, but he would do it his way. Although more than 9 out of 10 Fifth District voters were Democrats, TRENT decided he would run as a Republican.

It was the hardest race of his life, but TRENT loved every greased-pig contest, every county fair, every parking lot rally, and every conversation in every living room he burst into—often unannounced, and usually uninvited. And the voters loved him back.

Buoyed by the Nixon landslide and a last-minute endorsement by his boss, he won. And so at 32, TRENT had achieved what so many others in this country have experienced: the realization, through wits and hard work, of an outrageous dream. The boy from Pascagoula would return to Washington as the gentleman from Mississippi full of energy and ready to put it to use.

A year later came Watergate, new wisdom, and soon the recognition by TRENT's colleagues that he was a leader.

It was an exciting time to be in Washington. The Reagan revolution was about to take hold. As TRENT later recalled: "You could feel the political ground shift." And he would play a leading role.

Rising up the leadership ladder, he revolutionized the House's whip operation and found his place in the push and pull of counting votes. The only Member in history to serve as whip in both Chambers, TRENT put his skills on display every day on the floor and in some close leadership races over the years, three of which he won by a single vote. "If you win by two," TRENT always said, "you've wasted a vote."

But his special gift back then, as now, was his ability to bring people around to his point of view. One of his college friends put it this way:

> TRENT could carry on a conversation with a tree stump—and make it feel good about itself.

His colleagues soon learned that TRENT LOTT's word was as solid as a Mississippi oak. So armed with a reputation for honesty, charm, wits, and a group of trusted soldiers—including an Arizona lawyer named JON KYL and a young former Maine State senator named OLYMPIA SNOWE—he turned minority Republicans into a potent legislative force, ensuring some of the biggest victories of the Reagan revolution.

At the end of the Reagan years, TRENT set his sights on the Senate, and his opponent in that first race came right at him. But TRENT was ready for the fight. When the opponent said TRENT's hair was too neat, TRENT politely offered him a comb. When he falsely accused TRENT of being an elitist, the pipefitter's son responded the old-fashioned way: He and Tricia met just about every voter in the State that summer. The voters could judge for themselves what kind of guy he was.

And, of course, they liked him, and they made him their Senator. And he did not disappoint. Again, he rose quickly, becoming conference secretary and then whip. Then came another retirement, sending TRENT to the top of the class again as his party's leader in the Senate. On passing tough legislation, he did not understand the word "no." On working out deals, he was without equal.

We all saw it up close after Katrina, when TRENT became a ferocious advocate for the people of Mississippi and the wider gulf coast, many of whom would rather live in tents than move away. And in a fight that brought together all his skills as a politician and home State advocate, he won.

We all know how valuable good staff is. TRENT has always had the best. We honor all of them today—past and present—for their tremendous contributions. To those who stay behind, we are glad you will be here. For those who do not, we wish you every success.

TRENT has lived life fully, never afraid to reach higher and always ready to accept whatever fate would bring. Who in this Chamber was not impressed by the way he dusted himself off after stepping down as leader? He never quit. And there is something deeply admirable in that.

To me, TRENT has always been the perfect colleague. We have been in a lot of tough spots together. He has always helped me in every possible way, and he has taught me a lot.

Looking back on his beginnings, it is astonishing to think of how far the son of Chester and Iona Lott has come. He leaves this place with a remarkable 35-year record of accomplishment of which he can be justly proud and scores of admirers from across the ideological spectrum. He will leave a mark on this institution that long outlasts the political fights of the day.

It is hard to believe TRENT will not be around when we all come back in January and the gavel drops on another session. But when it does, we will remember at some point in the days and weeks that follow that mischievous grin or a heavy slap on the back or some happy tune we heard him whistle once when he passed us quickly in the hall.

Then we will be glad to have served with a man like TRENT LOTT, and renewed in the hope that this institution and this Nation that he loves—to borrow the words of another Mississippian—will not merely endure, they will prevail.

Madam President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 409, which is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 409) commending the service of the Honorable TRENT LOTT, a Senator from the State of Mississippi.

There being no objection, the Senate proceeded to consider the resolution.

Mr. McCONNELL. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 409) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 409

Whereas Chester Trent Lott, a United States Senator from Mississippi, was born to Chester and Iona Watson Lott on October 9, 1941, in Grenada, Mississippi;

Whereas Trent Lott was raised in Pascagoula, Mississippi, attended public schools, and excelled in baseball, band, theater, and student government;

Whereas after graduating from Pascagoula High School, where he met his future wife during band practice, Trent Lott enrolled in the University of Mississippi in 1959;

Whereas Trent Lott pledged Sigma Nu, rising to become its president; formed a singing quartet known as The Chancellors; and was elected "head cheerleader" of the Ole Mississippi football team;

Whereas upon graduating college, Trent Lott enrolled in the University of Mississippi Law School in 1963, excelling in moot court and as president of the Phi Alpha Delta legal fraternity;

Whereas upon graduating from law school in 1967, Trent Lott practiced law in Pascagoula, then served as administrative assistant to United States Representative William Colmer until 1972;

Whereas upon Congressman Colmer's retirement, Trent Lott was elected to replace him in November 1972 as a Republican representing Mississippi's Fifth District;

Whereas Trent Lott was reelected by the voters of the Fifth District to seven succeeding terms, rising to the position of minority whip and serving in that role with distinction from 1981 to 1989;

Whereas Trent Lott was elected to the U.S. Senate in 1988 and reelected three times, serving as chairman of the Senate Committee on Rules and Administration from 2003 to 2006;

Whereas Trent Lott was chosen by his Senate Republican colleagues to serve as Majority Whip for the 104th Congress, then chosen to lead his party in the Senate as both Majority Leader and Minority Leader from 1996 to 2003;

Whereas Trent Lott was chosen by his peers to serve as Minority Whip for the 110th Congress;

Whereas Trent Lott's warmth, decency, and devotion to the people of Mississippi and the country have contributed to his legendary skill at working cooperatively with people from all political parties and ideologies;

Whereas, in addition to his many legislative achievements in a congressional career spanning more than three decades, Trent Lott has earned the admiration, respect, and affection of his colleagues and of the American People;

Whereas he has drawn strength and support in a life of high achievement and high responsibility from his faith, his; beloved wife Tricia, their children, Tyler and Chet; and their grandchildren;

Now, therefore, be it *Resolved*, That the Senate

Notes with deep appreciation the retirement of Chester Trent Lott;

Extends its best wishes to Trent Lott and his family;

Honors the integrity and outstanding work Trent Lott has done in service to his country; and

Directs the Secretary of the Senate to transmit a copy of this resolution to the family of Senator Trent Lott.

Mr. McCONNELL. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. COCHRAN. Madam President, the decision made by my State colleague to retire from the Senate has left me with a deep sense of loss. I respect his right to leave the Senate, and I know he will enjoy a well-earned respite from the demands and challenges that go with this job.

TRENT LOTT has served with distinction, and he has reflected great credit on our State and Nation. I have enjoyed his personal friendship and the opportunity to come to know his family, his wonderful wife Tricia and their two fine children, Chet and Tyler.

TRENT and I were elected to serve in the U.S. House of Representatives in 1972. At that time, he was serving as the administrative assistant to Congressman William Colmer, who was the chairman of the Rules Committee in the House. So I looked to him for advice and counsel because of his experience on the Hill and his insight into how the House really worked, as only an insider such as he would know.

We became friends right away. We were the first Republicans elected from our districts in Mississippi since the Reconstruction period following the Civil War.

In due course, we were elected to serve in this body, and we have worked together over the years on the many challenges that have confronted our State.

I will truly miss serving with TRENT in the Senate. I have come to respect him and appreciate his legislative skills and his great capacity for hard work. He is a tireless and resolute advocate for causes and issues which he decides to support. In a word, he is a winner. He gets things done.

I know TRENT and his family will enjoy the new opportunities they will have following his great career in the House and the Senate. They have certainly earned the right to new, less burdensome, and more rewarding experiences in the years ahead.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. SMITH. Madam President, I have been privileged to serve as a U.S. Senator now going into the 12th year of a second term. In all 12 of those years, it has been for me a great privilege and a high honor to serve as a colleague of TRENT LOTT.

Over the course of those 12 years, TRENT LOTT has told me many times that he has visited every State in the Union except Oregon. Notwithstanding that, this Oregonian feels great pride today in speaking for TRENT LOTT.

I hope TRENT will come to Oregon someday, and when he comes to Oregon, there is a place I would like to take him. We have in Oregon many groves of very ancient trees. It is tall timber. These trees go back 2,000 and 3,000 years. But because they are old, occasionally one of these sequoias will fall. And when they fall, a hole in the huge canopy in the sky is opened.

When you are in one of these groves, you feel something of the presence of the sacred, a sanctuary. That is a feeling that I often have when I come to the floor of the U.S. Senate. Occasionally, some tall timber leaves our presence—through retirement or death or from other causes—and when that happens, a great hole is left in the Senate. That is the feeling I have as I contemplate the retirement of TRENT LOTT. In this sanctuary, a great hole in the canopy will be opened.

Madam President, when I think of the men I have known, the women I have known in the Senate, they are people of extraordinary ability, but one stands apart in my mind as how to get things done, and that is TRENT LOTT. I have never seen his equal in the cloakroom. We have all felt his warm slap on our back, a steely look in his eye, and a strong urging to vote this way or that. But it was always done with understanding that we represent not just a party but our country and our States, and that is where our obligation lies.

It was because TRENT was so good, in my mind, that he is still, and will forever be, something of an ideal because he was my first leader. What I saw in him was someone who knew this institution deeply, who worked relentlessly, who could define differences and help us to reach honorable compromises so that when we went home, we could look back on something of an accomplishment.

I am proud of the example my first leader set for me. It is a high standard. I thank you, TRENT, for that standard. It is the gold standard, in my mind.

I was halfway around the world when an event befell TRENT LOTT that shook me deeply. I was celebrating my reelection and on vacation. I watched over international news as his words were misconstrued—words which we had heard him utter many times in his big warm-heartedness, trying to make one of our colleagues, Strom Thurmond, feel good at 100 years old. We knew what he meant, but the wolf pack of the press circled around him, sensed blood in the water, and the exigencies of politics caused a great injustice to be done to him and to Tricia. It was a wrong, but it was a wrong that was righted.

I was privileged to be asked by TRENT LOTT to speak for him when he ran for whip. On that occasion, as I thought of TRENT, I thought of more than my leader, my first leader. I thought of him as something much more. I thought of him as a friend and as a father figure. I recalled on that occasion words I spoke regarding my own father at his funeral that seemed to define the man—the man I called dad and the man I called my leader. They are words that were put into the mouth of the character Anthony by the great writer Shakespeare. Shakespeare said of Caesar, when Caesar had fallen, these words:

> His life was gentle and the elements so mixed in him that nature might stand up and say to all the world: this was a man.

I am privileged to call this man my friend. May God bless TRENT and Tricia Lott and thank God for their service to Mississippi and even to Oregon and to the United States of America.

The ACTING PRESIDENT pro tempore. The majority whip is recognized.

Mr. DURBIN. Madam President, I join my fellow Senators in wishing my colleague, TRENT LOTT, the best of luck as he begins the next chapter in his life. You are getting to hear your eulogies today, TRENT, and they are pretty good. Most of us never think we will have that opportunity.

Senator LOTT and I sure have had our differences in the 11 years I have served in the Senate, and I guess we always will when it comes to some issues, but serving together this past year as whips for our respective parties has given me a chance to work closely with TRENT on a number of issues and this I can say: TRENT LOTT is a committed Republican. He can be a partisan, but he cares about the Senate. He understands that politics, in the Senate and in life, is the art of compromise. He has been willing to reach across the aisle to try to find a way to make the Senate work and make our Government work and I respect him very much for that.

F. Scott Fitzgerald famously declared that: "There are no second acts in American lives." Well, Mr. Fitzgerald obviously didn't meet TRENT LOTT.

In the first act, TRENT LOTT began his career on Capitol Hill working for a Democratic Congressman from Mississippi. He then, of course, was elected as a Republican Congressman from the same State. He spent nearly four decades in Congress serving the people of Mississippi. As a leader in the Senate, he helped steer America through some of the most turbulent chapters in our recent history: Two shutdowns of the Federal Government, an impeachment trial, a 9/11 terrorist attack on our Nation, and anthrax attacks on the U.S. capital. With my friend, Tom Daschle, he negotiated the delicate terms of our Nation's first-ever 50-50 Senate split.

Seven years ago this week, TRENT LOTT stepped aside as majority leader. Some wondered then whether Senator LOTT might be through with the Senate. But he stayed and he managed in a short time to write one of the most remarkable second acts in this Senate in recent memory.

I know TRENT must be feeling mixed emotions as he leaves the Senate. I can assure my fellow whip he has left a mark and will be remembered for a long time, not for seersucker Thursday, not for wearing kilts on the floor of the Senate, TRENT LOTT will be remembered because he is one of us.

I wish Senator LOTT and his wife Tricia and his family the best of luck as they begin another new act.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

Mrs. DOLE. Madam President, Harry Truman was wrong. Truman famously defined a statesman as "a politician who has been dead for 20 years." It is a good line, but it wasn't true then, as Truman's own career attests, and it is not true today. That said, we can never have enough statesmen and women to validate our democratic creed, which makes our sense of loss all the greater when an authentic statesman leaves this place.

For 35 years, TRENT LOTT has served the people of Mississippi with distinction, never forgetting their interests, even as he advanced our national interests: Economic development for Mississippi, meeting transportation infrastructure needs, persuading businesses to build plants and provide jobs. His effectiveness is legendary, whether championing a strong national defense, encouraging entrepreneurship in a dynamic economy or expanding both educational opportunity and accountability. Through it all, TRENT kept faith with the people who sent him here. Just as he long ago earned their trust and confidence, so he impressed Members on both sides of the aisle with his integrity and his decency.

The only person ever to serve as a party whip in both Houses, TRENT soon became much more than a party leader. To his lasting credit, he helped convince us tax cuts were the road to economic revitalization. At the same time, he argued for a bipartisan approach to education reform. In the bleak aftermath of 9/11, TRENT appealed to what Abraham Lincoln called the better angels of our nature. Similar to Ronald Reagan, he wears an optimist's smile, for he never confused an adversary with an enemy. TRENT LOTT will be remembered as someone who preferred to narrow our differences rather than exploit them.

The junior Senator from Mississippi has scaled the heights in his political career and he has experienced life's valleys as well. With dogged determination, he made adversity, whenever it occurred, a strengthening experience. As one who has shared Senate Bible studies with both TRENT and his beloved wife Tricia, I know that his has been a profoundly spiritual journey and one that is far from over.

In a town where talk is cheap—indeed, it is the only thing that is cheap—TRENT prefers solutions to sound bites, and he has never mistaken civility for weakness. One of his basic principles is to respect others whose views might differ. More often than not, he found a way to distill the best of each, which to me is the definition of a statesman.

His ability to get things done—to work effectively and foster relationships with colleagues from both parties—resulted in his numerous triumphs as the Senate majority leader. In his first year as leader, he personally led his colleagues to pass two landmark legislative items: Welfare reform and the budget compromise, which resulted in the first balanced budgets with surpluses in 30 years.

Of course, the Senate is also a family, and on this day, I must mention some of my most cherished memories in the Dole family album, of TRENT and Tricia campaigning for me in Rocky Mountain, NC, in the autumn of 2002; of Bob Dole showing up for the Spouses Club, presided over by Tricia, though begging off on a tour of the Capitol since he said he had already seen the place. Nor will I ever forget sitting in TRENT's cherished rocking chair on the front porch of his Pascagoula home—a home that would vanish on a brutal morning a little more than 2 years ago, when a tempest named Katrina scoured miles and miles of Mississippi coastline.

Similar to so many who looked out on the gulf, the Lotts lost everything that day—everything but life and love and the faith that gives to them both a meaning that no storm can wash away. In the years since, the victims of Katrina have had no more passionate advocates than TRENT and Tricia Lott. No one has worked harder, longer, to ensure that we honor the promises made to our fellow men and women along the gulf coast. As the mayor of Gulfport said about TRENT:

> Although suffering catastrophic personal losses himself, he has tirelessly fought our battles and won our wars for us time and again. His legacy will be recognized in every corner of our great State and the pages of history will reflect the honor and service of the Senator from Pascagoula who restored hope in the citizens of Mississippi.

I would add I have great respect for Tricia's enormous efforts to provide needed supplies and hope to the Katrina victims.

Houses, we have learned, are vulnerable to the fury of nature. Supremacy in politicians is even more transitory. Majorities shift similar to the sands of Biloxi. But some things endure. Honor endures. True leadership generates its own legacy. True leaders stake their own claim to posterity's gratitude. That is the stuff of statesmanship, and that is the essence of TRENT LOTT.

The gentleman from Mississippi has had a lengthy and purpose-driven career in this institution, and he will be greatly missed. With deep admiration and respect for a trusted colleague, I wish TRENT and his family all the best.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. HATCH. Madam President, when I came to the Senate after the election of 1976, the chairman of the Judiciary Committee was a very distinguished gentleman from Mississippi named James Eastland. I can remember the first time I met Senator Eastland as a citizen newly elected to the Senate, when nobody thought I was going to make it. I was invited into his office and the first thing he did was offer me a cigar. I said: "Well, I am sorry, sir. My faith does not permit me to smoke." He said: "Well, then, have a drink." I replied: "Well, sorry, sir, but my faith doesn't permit me to drink." Senator Eastland then exclaimed very loudly: "What the expletive is the matter with you Mormons?"

I want everybody to know Senator LOTT has never offered me a cigar nor has he ever offered me a drink, although I think he has been tempted a few times.

Let me say this: I have such admiration for Senator LOTT and his wife Tricia and for the love and respect they have shown to all of us and this institution, and for all of their hard work.

It is no secret that I bitterly resent the way Senator LOTT was treated after Senator Strom Thurmond's 100th birthday party. It was wrong, and it was hitting below the belt. It would have crushed any one of us to go through what he went through, facing such harsh attacks knowing that he certainly did not mean to say what others tried to put in his mouth. But TRENT fought his way back, kept his head high, became a friend to everybody in the Senate again the very next day, and, of course, won the respect of virtually everybody who has ever known him or what he stands for.

I have tremendous respect and love for TRENT and Tricia for the sacrifices they have made for their State and for this country. He and Senator COCHRAN have been one of the best duos in the history of the Senate—two real gentlemen, two strong, tough people. But, they are also two people who have shown respect for this body and all of its members in ways that not many others have.

All I can say is I wish Senator LOTT and Tricia the best of luck in all of their future endeavors. While I am certain he will be an asset to any effort with which he becomes involved, I am equally certain the Senate is going to be a lesser place without him.

Supporting Senator LOTT throughout his time in the Congress is one of the most beautiful and noble women in the history of the Senate. Tricia Lott has been the quintessential Senate wife, and I doubt Senator LOTT would have been as great as he has become had it not been for his relationship with Tricia.

Elaine and I are going to greatly miss you, TRENT. I know I am not supposed to refer to you by your first name, but I am going to make an exception in this case. We will always be pulling for you, your success, and your happiness in this life. This old Senator is going to miss you greatly. We are going to miss the efforts you put forth. We are going to miss the talents you have. We are going to miss the energy you bring to the Senate. And, we are most certainly going to miss your ability to bring us together, making better Senators out of us all.

God bless the Lotts. We in the Senate will surely miss them.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Madam President, about exactly 21 years ago, after I had been elected to the House of Representatives from the State of Arizona, my wife Caryll and I came to Washington and almost immediately met TRENT and Tricia Lott. In fact, we have a photograph that is displayed in our home with TRENT and Tricia on which TRENT made a wonderful inscription.

I learned from the very beginning that TRENT LOTT was a leader—a leader in the House of Representatives and a leader among his colleagues. I have been following TRENT LOTT ever since as House whip, as Senate whip, as Senate Republican leader, and as a colleague in battles too numerous to mention.

Chaplain Black began this morning asking that we come here to serve. No State has ever been served better than by their representative TRENT LOTT. He always puts Mississippi first, yet always is able to balance his devotion to his constituents with the national interest and with his responsibilities in representing his colleagues.

That he came to serve, again to use the Chaplain's word, is best illustrated by his decision to run for reelection a year ago. Many of us knew TRENT had come to believe that he had to prioritize his family responsibilities and had concluded it was about time for him to leave public service. But the catastrophe of Hurricane Katrina hit the coast of Mississippi, destroying not only the Lotts' home in Pascagoula but so many of the homes and businesses of his friends in Mississippi. It did not take TRENT too long in pondering what he faced to conclude that he owed it to his constituents in Mississippi to continue to use his skills in Washington, DC, to represent them, to help them recover from the devastation that had been visited upon them. It was this service, after he had already concluded that his time had come to move out of public service, that I think illustrates perhaps better than anything else his devotion to the people of Mississippi, to his friends there. He did not decide to leave the Senate until his work was done, and for that the people of Mississippi, I know, will be forever grateful to TRENT LOTT.

TRENT has always been known as being a person who has been able to find the common ground among his colleagues. That is a very special skill. Some people call it dealmaking. Some people talk about it in terms of the art of compromise, frequently talking about TRENT's ability to move across the aisle and to work with friends on both the Democratic and Republican side.

I think his ability to do this, which is unprecedented in my 21 years in Washington or unequaled, I should say, is due to a variety of qualities. First, TRENT's intelligence; second, his boundless energy; third, his knowledge of the institutions, of both the House and the Senate. Again, I know of no equal in terms of the knowledge of how these bodies work and how we can achieve great things by working with people in both bodies.

His knowledge of the nature of man—this is something my father taught me and I have tried to learn from people such as TRENT LOTT—what makes people tick—you can find that common ground and achieve great things if you understand people. I think that is one of TRENT's greatest qualities and one which will be missed in this body. And, of course, his commitment to what he has always believed was right for Mississippi and America. Also contributing to his success is his faith, and it sustained him more than we will ever know. And finally, of course, his family.

It is interesting that everybody who has commented about TRENT's service in the Senate has quickly moved to also comment about his commitment to his family and in particular his wonderful wife Tricia. It has to say something when that is one of the first things people think of when they think of you. I know if that is the way TRENT is remembered, he will be a very happy man.

TRENT LOTT has been serving almost his entire adult life. The people of Mississippi, the people of America, his colleagues in the House and Senate, and I have been honored to serve with TRENT for 21 years. I have learned a lot. Most importantly, I have enjoyed my time with TRENT, especially quiet time.

Now it is time for TRENT to serve his family more in accordance with his priorities, and no one can argue that he has not earned that right.

So TRENT LOTT, a man for all seasons—Representative, Senator, servant, leader, husband, father, and grandfather, proud American and Mississippian and friend—thank you. God bless you.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I noticed the Senator from California and I rose virtually simultaneously. I yield to her.

Mrs. FEINSTEIN. Madam President, I thank the Senator from Pennsylvania very much. It is very generous of him. My remarks are very brief and they are very personal.

TRENT, I want you to know how much I have enjoyed working with you. I have enjoyed your friendship, I have enjoyed your sense of humor and, yes, I have even enjoyed your singing.

(Laughter.)

I have found you to be both forthright and truthful. I have found that when you give your word, you keep it. I tend to judge people on two bases: how they go through the tough times and whether I would want to be in a bunker with them in a real debate.

I watched you go through the tough times. I remember you showing me a picture of a chair that had gone a mile from the home that blew down in the hurricane. I remember your fight with the insurance company, and I can only say to that insurance company: Give up, you are going to lose.

I want you to know how much I treasure the relationship we have had. You have a great future. For you and your family, you are probably doing the right thing. For us, it is going to be a real loss. I want you to know how much I enjoyed the times we had socially, the seersucker caucus, seeing you turn up here in white bucks, all clean, spotless, a seersucker suit, a pink shirt, and a pink tie. No one in seersucker quite equals you, TRENT LOTT. For me, a westerner, to see a southerner at his peacock best was incredibly special.

I thank you for your contributions to the Senate. I thank you for your friendship. I wish you well, and may the wind always be at your back.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I join my colleagues in expressing my heartiest congratulations to my good friend, Senator TRENT LOTT, on his historic career of 35 years as a member of the U.S. Congress. I also express deep regrets that following the new year, we will no longer have TRENT LOTT as a member of this body. His announcement that he will be retiring was a shock to some of us here in the Senate. TRENT has been the embodiment of what's good in this body for so long, that it will be difficult to think of the United States Senate without the Senator from Mississippi. I applaud TRENT's outstanding service to the people of Mississippi, and the nation which he has successfully undertaken in both wings of the U.S. Capitol.

TRENT LOTT was born on October 9, 1941, in Grenada, MS, the only child to a shipyard worker, Chester Lott, and a school teacher mother Iona. TRENT attended a high school which in later years would bare his name, the Trent Lott Middle School. LOTT went to the University of Mississippi where he achieved an undergraduate degree in public administration in 1965 and a law degree in 1967. During his time at college he met and married his wife Patricia Thompson in December 1964. Together the couple had a son and a daughter, Chester and Tyler.

After graduating from law school, TRENT began a law practice in Pascagoula, MS, but leaving after less than a year when he was offered a job working in Washington as an administrative assistant for Congressman William Colmer, a Mississippi Democrat. When Congressman Colmer announced his retirement from the House of Representatives, TRENT LOTT announced his candidacy as a Republican to seek the vacant office. LOTT, even as a Republican, won Colmer's endorsement, vowing to fight the increasing power of Government that was developing in Washington. LOTT went on to win the seat with 55 percent of the vote. The next 35 years would mark a series of extraordinary moments in history as TRENT LOTT begins his career as a Member of Congress.

I have had the privilege of serving with TRENT in the Senate for the past 19 years. I have watched him throughout his Senate career develop into a strong and effective leader, mastering the art of compromise, a feat which is hard to accomplish in these times. These qualities served TRENT well as he climbed the ranks in House and Senate leadership: he served as House minority whip from 1981 to 1989; Senate majority whip for 5 months in 1995; and in June of 1996, he succeeded my good friend, Senator Bob Dole, to become the 16th majority leader of the Senate. TRENT served a brief stint as minority leader after the 2000 elections produced a 50–50 split in the Senate, with Vice President Al Gore still being the tiebreaking vote. As the Bush administration came into office, with Vice President DICK CHENEY now being the tiebreaker, control went back to the Republicans and TRENT resumed his duties as majority leader. Later in 2001, TRENT would once again become Minority Leader as Senator Jim Jeffords, a Republican from Vermont, became an Independent and caucused with the Democrats, allowing them to regain the majority. Presumably, TRENT will leave the Senate while serving in his most recent leadership position; he was elected this Congress to serve as the Republican whip. Senator TRENT LOTT is the first person to have served as whip in both Houses of Congress.

Drawing on his impressive experience as a legislator and a negotiator, majority Leader, LOTT was instrumental in promptly moving legislation from Congress to the President's desk. Working harmoniously with the executive and legislative branches of Government, the country witnessed landmark bills being signed into law. Major policy initiatives, such as the Welfare Reform Act of 1996 and bringing balance to the Federal budget for the first time since 1968, were both accomplished under TRENT's leadership. However, I was most impressed with the role TRENT played in the impeachment proceedings for President Bill Clinton. Working with him during this difficult time in our country's history was an experience I will always remember.

Aside from a distinguished career as majority leader, Senator LOTT has been a champion for his own State of Mississippi. Recognizing that the top priorities in Mississippi are an expanded transportation system and innovative education, TRENT time and time again proved to the people of his State his ability to deliver. He has secured Federal funding to improve Mississippi's transportation expansion and has more than doubled research funding for Mississippi's public universities. Recognizing TRENT's leadership through public service, the University of Mississippi in Oxford, where he received both his undergraduate and law degrees, named its leadership institute after him.

On a personal note, I believe all my colleagues can agree with me, that along with his remarkable accomplishments in Congress, what we will miss most about TRENT is his affability, commonsense persona, and his enjoyable sense of humor. He brings a breath of fresh air to Washington, a town which desperately needs it at times. No one questioned TRENT's motive when he revived a long-forgotten Senate tradition known as Seersucker Thursday, a tradition which this Senator has participated in, and will continue to participate in.

Senator TRENT LOTT's service and leadership were invaluable to this institution. Truly a great Senator, he will be missed in this body. I wish him, his wife Patricia, and all his family the very best in the years to come.

I am pleased to join in this tribute to Senator LOTT. My only regret is that it is occurring perhaps 18 years too soon.

I would characterize TRENT's attributes, among many, as his talent, his character, and his flair. He has brought to this body enormous intellectual capability and great street smarts. Ordinarily, the two do not go together, but with TRENT, they have been united to the great benefit of the body.

We have watched TRENT in his positions in the Senate before taking a leadership role after his election in 1988, being the majority leader, and the way he makes contacts on the Senate floor. We all move around, none with the speed and alacrity of TRENT LOTT. There is always an intensity to his conversations. He doesn't buttonhole people or he doesn't lean over as Lyndon Johnson was reputed to have done, but there is a real intensity. Usually at the end of the short conversation, the other person is nodding in the affirmative.

At our Tuesday luncheons, the way he moves around from table to table, it was almost as if he were in Club 21. Here again, moving in and out with a great deal of speed and, again, the conversations and what I surmise at some distance to be success.

He has been characterized as a deal maker, a term which is not always used in the highest sense, but with TRENT LOTT it is. The great problem with our body is there are not enough deal makers. Not enough Senators willing to come to an accommodation. It is an understanding of the varied points of view.

On the rare occasions when I have disagreed with a majority vote—may the record show TRENT is smiling—he has been understanding in his leadership position, never conceding, and frequently advocating, but always understanding.

If there is one thing this body lacks, it is a sense of accommodation. That is evident by anybody who will take a photograph of the Chamber today and note how many people on the other side of the aisle have appeared here. I hope their numbers will be increased before this proceeding is concluded.

The business about our political process being dominated by the extremes of both parties is very much to the detriment of the country. Those who are willing to cross the aisle, as the last speaker did on the Democratic side, the Senator from California, the country owes a great debt of gratitude to. And to those such as Senator LOTT who have been able to forge compromises, it is in the greatest tradition of the Senate and the greatest tradition of the United States.

Just a word or two about his character. I attended the 100th birthday party of Senator Thurmond on December 4, 2002. I have seen many comments blown vastly out of proportion during my tenure in the Senate and before, but never have I seen one blown as much out of proportion as that one was. And I said so at the time. My record on civil rights is one which no one yet has questioned. What Senator LOTT said was in no means out of line. And then to continue in the Senate and really move as a Member without leadership credentials was to his enormous credit. Then to come back and to run for another leadership position and be successful was in the greatest tradition of the Phoenix rising from the ashes. I haven't seen any greater display of character in this body in the time I have been here.

Then there is the matter of flair, which this body needs more of. Always a smile, always a pat on the back, always the joviality, and the great tradition of seersucker Thursday. It is always an interesting time when people come, not recognizing seersucker Thursday. One day, our leader, Bill Frist, went out and bought a suit—and I have a picture hanging proudly in my outer office—and Bill couldn't get the trousers adjusted, and the highlight of the picture is the unadjusted trousers of one of our Senate colleagues.

Let me end on a note which I have debated whether I should comment about, but it is relevant because of the response TRENT made to a short story I told recently at the celebrity comedy evening. I dusted off an old story from mayor Bill Daley at the 1968 convention and made TRENT the object of the story. It went to the effect that when TRENT came back to the Senate after the losses in Mississippi, he was devastated and very glum.

I approached him on the Senate Floor one day and said: TRENT, why are you so unhappy? What is wrong?

I knew, in one sense, but he seemed especially morose.

He said: Well, ARLEN, not only was my entire property destroyed in Mississippi, but my entire library was destroyed—both books—and I wasn't finished coloring one of them, either.

Well, that little bit of joviality at TRENT's expense was met with his approaching me on the floor—and this part of the story is true and what makes it perhaps relevant to these comments—and with a scowl on his face, he said: ARLEN, I thought you and I were friends. We have been in this body a long time together. Now I hear you are making me the butt of jokes at comedy hour, so I don't really understand. And besides your unfairness and your incivility, you are wrong—I have more than two coloring books.

In a sense, that characterizes TRENT LOTT's magnanimity, and we are all going to miss him very much. He has made a great contribution. When TRENT decided there was another course for him and his family, I had great respect for that decision as I have great respect for him.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I had an opportunity to hear the first half hour of this tribute to Senator LOTT, and then I had to go on to another piece of business, and I have just returned. But in all of this conversation about Senator LOTT, there has been some levity. I am not going to be able to add to that because my wife always tells me every time I try to be funny, I kind of screw up. So I want to add to the business aspect of Senator LOTT and the Senate.

I think most of the tribute I heard praised Senator LOTT for making the Senate work, the process of the Senate, moving things through the Senate, making the Senate a great part of our institution of self-government, and he does that. But I would like to talk about the substance of policy I have seen TRENT LOTT bring to the Senate and bring to the people, and whatever I talk about is part of the laws of the United States to which I think he has contributed.

Like all of my colleagues, it is hard for me to imagine the Congress, and especially the Senate, without TRENT LOTT being a part of it.

I met my friend TRENT LOTT when I was elected to the House of Representatives in 1974. He had already been in the House of Representatives at that time for 2 years. As has been said so many times, he went on to become a very competent House Republican whip, first showing what a successful national leader he would prove to be again and again, as he is now in that position in the Senate.

I also remember talking with Congressman LOTT 8 years after I came to the Senate, as he was imagining whether he should run for the Senate. But it has really only been in the last 12 years that I have had the opportunity to work most closely with Senator LOTT. He has been a very strong ally, particularly for me as a leader on the Finance

Committee, but he has also, on occasion, been a worthy opponent.

Senator LOTT has fought tirelessly for legislation that respects the principle of less government and more freedom, particularly economic freedom. His support for tax relief, expanded market opportunities for U.S. manufacturers and for job creation, and for consumer-driven health care has been essential to the many successful legislative initiatives that have come from the Committee on Finance in recent years.

Back in 1997, as a new member of the Finance Committee, Senator LOTT worked for passage of the Tax Relief Act of 1997. This legislation included a $500-per-child tax credit, a 20-percent capital gains tax rate, the Roth IRA, and estate tax relief for small businesses. In fact, Senator LOTT was a leading proponent of capital gains tax relief, and he remains unfailing today in his commitment to this vitally important progrowth tax policy.

In 1998, Senator LOTT was a key player on the Finance Committee in putting together a final agreement on the highway bill.

In 2001, when I became chairman of the Finance Committee and we had the opportunity to pass the largest tax relief bill in a generation, Senator LOTT was Republican leader at that time, but he continued as a member of the Finance Committee and in turn an essential supporter and contributor to what has become known as the Economic Growth and Tax Relief Reconciliation Act of 2001. This legislation lowered rates for all taxpayers, made the Tax Code more progressive, and created the first ever 10-percent marginal tax rate.

Two years later, after September 11, we were at work on the Finance Committee to pass legislation to stimulate the economy. Again, Senator LOTT was in the forefront as an advocate for reducing the capital gains tax rate to 15 percent, where it is today. Senator LOTT weighed in heavily to get it done. Also, with lowering taxes on income from dividends and capital gains, the Job Growth Tax Relief Reconciliation Act of 2003 accelerated some of the tax changes passed in 2001 and increased the exemption amount for the alternative minimum tax. These initiatives encouraged economic growth and were vital to mitigating the economic shock of the terrorist attacks of September 11, 2001. By spurring economic activity, those tax policies altogether resulted in recordbreaking revenues collected by the Federal Treasury.

Senator LOTT has brought tremendous energy to policy and tremendous energy to getting the work of the Senate done. But I am going to remember his contribution to the policy this Senate has made—very good policy—and he has been there working very hard as a member of the Senate Finance Committee to do that. The drive to get the work done has helped me get my work done in the Senate.

Now, there is no doubt he served his constituents of Mississippi very effectively. After nearly three decades in the Senate, he showed his loyalty by staying in the Senate after a planned retirement just last election. He decided to run for reelection in order to do what he has done for an entire life as a public servant—to help the people of Mississippi, and in this specific instance to help the people of Mississippi recover from Hurricane Katrina. Mississippians didn't quit, and neither did Senator LOTT quit. He used his influence and power in the Senate to help his State recover.

As a Republican leader in the Senate, TRENT LOTT's experience and knowledge of the Senate and the Senate's procedures have proven to be invaluable. It will be a long time, if ever, that we see anyone work the whip process better than Senator LOTT has.

Senator LOTT leaves the Senate with a great legacy of accomplishments. Woven throughout everything, though, is Senator LOTT's ability to lead. He demonstrated repeatedly his talents and abilities for building winning coalitions. He led with commitment to getting things done. He understood that there are different points of view but that they can be brought together for the right approach that brings results and, as a result, good policy.

I salute Senator LOTT's tremendous success as a leader in the Senate, and I am truly sorry to see Senator LOTT leave the Senate. I will miss him as a colleague and as a friend. TRENT LOTT has made the Senate, he has made his home State, and, for sure, the Nation a better place.

Thank you for your service, TRENT LOTT.

The ACTING PRESIDENT pro tempore. The Senator from Maine.

Ms. SNOWE. Madam President, I wish to join all of my colleagues, sadly and regrettably, in a big farewell to my very good friend, a good friend to this institution, a giant in this institution, as TRENT prepares to leave the Senate and usher in a new chapter of his much-accomplished life. With his 35 years of distinguished service, his leaving the Senate represents an enormous loss to our Nation and to his beloved State of Mississippi, to the Senate, and to many of us personally.

There is no question that it speaks volumes about his dedication and commitment to his beloved State of Mississippi when he could not and would not leave the Senate until his State found solid ground and footing in the aftermath of the horrific devastation of Hurricane Katrina.

I must admit I feel as if I bear some responsibility in TRENT's leaving the Senate. You see, a few weeks ago, prior to the recess, TRENT said: Olympia, if you don't vote with me, I am leaving the Senate. Always the straightforward approach. TRENT, I just didn't realize you were serious. So I am a little relieved to know it wasn't about me.

But, you know, I have known TRENT for 28 years, since we first served together in the House of Representatives, and I have always known him to be an adept and thoughtful legislator in his various leadership capacities in both the House and Senate. He forged the template for reaching out and solving problems and strengthening the respective institutions in which he served.

I saw firsthand his masterful skills as minority whip when he was elected in 1981. In 1982, he raised a few eyebrows when this conservative man from the South named a centrist woman from Maine as his chief deputy whip. That was groundbreaking at the time because it was the first Republican woman to serve in that capacity. But in 1981, we only had 192 Republicans in the House, and TRENT demonstrated his legendary abilities to cross party lines, secure the votes, and was so instrumental to instituting President Reagan's agenda. So it was no surprise that President Reagan would frequently call TRENT and his whip organization to the White House, because he knew TRENT was central and crucial to securing those early threshold victorious for his key initiatives.

For those who served at that time in the House of Representatives, we had epic budget and tax-cut battles. We were rebuilding our hollow forces after Vietnam and of course the Cold War was in full force. Indisputably, TRENT rose to the occasion time and time again. He was a consummate coalition builder. He created what he described as the buddy system, bridging the political divide, understanding that there would be regional, political, and philosophical differences that would divide us, but he would find a way to unite us.

At that time we had, what was it, Gypsy Moths, which were the Northeast-Midwest Republicans, those of us who were there, Republicans, and then the Boll Weevils, who were southern Democrats. I will leave it up to you to decide whether it is appropriate to name Members of Congress after insects. Nevertheless, that was the regional divide and it was TRENT's challenge to bridge that divide, and he did it time and time again. Even after the 1982 election—we lost 26 Republican seats in the House of Representatives, now we were down to 166 Members of the House—he managed to secure votes that would have eluded others. In fact, we were able to obtain a 100-percent increase in defense spending in 5 years. That is what he was able to accomplish, because he systematically and mathematically as well as philosophically worked with people across the political lines to make it work. As he says himself, he is a congenital doer, who wants to solve the problems of this great Nation.

It is no surprise, then, that he would be the first person elected to whip in both the House and Senate. He rose rapidly here within the ranks of leadership, with the culmination as Senate majority leader in 1996. He characteristically wasted no time once again applying the same formula for coalition building and achieving the passage of watershed legislation, as has been mentioned—whether it was the minimum wage, Kassebaum-Kennedy legislation on health care portability, the landmark welfare reform, even after it had been vetoed twice by the President.

We all know during that period of time as well his tenure was bookended by unprecedented and historic events—the impeachment trial, a 50-50 Senate for the first time in 120 years, and the worst attack on American soil. He managed to achieve the first balanced budgets in probably more than a half a century. He, as we all well know, guided this institution with dignity and skill during those tumultuous times.

On a more personal note, one of the crowning achievements of his persuasive powers is when, as others have mentioned here today, he was determined to dedicate Thursday, one summer day, for Seersucker Day. He approached me with the idea. He said, OLYMPIA, are you going to wear a seersucker suit? I said, TRENT, be serious; I am from Maine. We don't wear seersucker suits and I will not wear it. Not over my dead body.

Of course, when Seersucker Day arrived, I showed up in a seersucker suit, to his surprise, alive and well. But that is an indication of his ability to persuade.

Finally, I think there can be no discussion of TRENT's legacy without paying tribute to his extraordinary wife Tricia. Theirs is truly a special partnership. I know TRENT would be the first to say he could not have done any of it without Tricia. She in her own right has contributed immeasurably, in both the House and the Senate, and their wonderful children as well.

To the Senator from Mississippi, Senator LOTT, you have been a pivotal and positive and powerful force for the good for our first branch of Government, bearing a close resemblance to what our Founding Fathers had in mind—Madison in particular—when he said he expected of the Senate "to prefer the long and true welfare of our country."

It is with profound gratitude we say farewell and wish you well. God bless you and Tricia and your entire family.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Ms. STABENOW. Madam President, I rise today also to express my friendship and gratitude to the great Senator from the State of Mississippi. When I think about comments that have been said about his effectiveness, I have to say from this side of the aisle, we have lamented his effectiveness from time to time—and appreciated, as well, the desire and the practical side of the Senator from Mississippi, to want to get things done, to be able to make things work. I, for one, am very grateful for that.

I am assuming some of that comes from having been on the staff side as well as having been in the House and the Senate and learning how things work and valuing governing, valuing relationships, and wanting to get things done.

Back in my home State of Michigan, when I talk about the legislation Senator LOTT and I have championed, folks raise their eyebrows. What are you two doing working together on something? I talk to them about the fact that if it weren't for Senator LOTT and his leadership, joining with me, we would not have achieved something important earlier this year based on legislation we introduced to provide more competition in the area of prescription drugs, and to lower the price of prescription drugs through the ability of generic drugs to come into the marketplace. We were successful in amending the FDA bill. It got tough in conference. A lot of folks didn't want to see those loopholes closed. I thank TRENT for hanging in there or we would not have achieved that. Businesses around the country will benefit from lower prices on prescription drugs for their employees as a result of your leadership. Seniors will benefit as a result. I thank you for stepping up at the time when it was not easy to do.

It has been a great pleasure to work with you in many different ways. I have to say also, always to me you have been a southern gentleman. I, too, never thought in my wildest dreams I would wear a seersucker suit. Along with Senator SNOWE, and with the help of Senator FEINSTEIN—who chided and pushed and persuaded all of us, and helped all of us be able to find seersucker suits—we have all joined and had a great time every year being able to come together for that great picture I have in my office.

I know you will be missed on both sides of the aisle. We understand that you understand the process. I know your book "Herding Cats" reflects what in fact it is oftentimes in the legislative process. But you have been able to do the herding and been able to get people to come together, and you will be known for being an extraordinary leader in the Senate.

I rise today to congratulate you, to thank you, to wish you and Tricia and your children and grandchildren nothing but happiness as you move to the next chapter of what I am sure will continue to be a very meaningful and exciting life.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. BENNETT. Madam President, one of the words we often hear as people talk about relationships is the word "mentor." It is always assumed that the older person mentors the younger person. The record is clear that I am 8 years older than TRENT LOTT. But the record is also clear that he has acted as my mentor as I have come here to the Senate.

We have all heard about his legislative accomplishments. I wish to pick out three items of my relationship with TRENT where he has taught me things that have been valuable. When TRENT ran for the whip position, I worked for the election of Alan Simpson. I didn't know TRENT all that well. Alan and I were friends from long ago. We first met up in the family gallery when our respective fathers were being sworn in as Senators. He introduced me to his child bride and I introduced him to mine. He made the Simpson-like comment. He said:

> Having married younger women, this means in our older age we will smell perfume instead of liniment.

After I got to know TRENT and appreciate his abilities, I made the comment, If I had known you to have been as good a leader as you are, I would have voted for you in the beginning. He corrected me and said, No, your relationship with Simpson was so strong and so personal that you should have supported him, and I didn't even ask you because I respected that relationship.

That was a very important thing he taught me there about relationships and commitments that I have tried to remember ever since.

Second: As a freshman Senator who was sure I understood the institution, I moved out aggressively in a variety of circumstances and suddenly found myself caught in a vice between two very senior, very powerful, very opinionated Senators, whose names I shall not disclose.

I didn't know what to do. Whatever I did, I would offend one or the other and both of them had reputations for very long memories and determination to take revenge. In my moment of great panic, I called TRENT and laid this before him, more or less seeking some kind of balm or salve, and received instead a solution. He, with his expertise, knew how to maneuver between these two giants, and what was in some ways my most difficult day in the Senate became, with TRENT's help, one of the better days I experienced in the Senate, as I watched these two clash together, with me on the sidelines, staying out of it because of his help. He taught me again: Don't get yourself into that kind of problem in the first place.

Finally, emotions run high around here. People get all wrapped up in the issue of the time. We had one of those, where some members of the Republican conference deserted leadership and there was a sense of great anger. Some people were talking about retaliation. TRENT taught me this great truth. He said: The most important vote is the next one. Do not allow your concern over that vote to damage your relationship that you may need on the next vote.

Those among us of the Republican conference who wanted to retaliate—TRENT did his best to say to them: No, don't carry that grudge, don't carry that forward. Understand, the most important vote is the next vote.

Those were the three things I wanted to highlight that I have learned from TRENT. But I want to point out that he himself, when the blow fell—as Senator SPECTER has said, in a vastly overblown reaction to an appropriate comment—he himself demonstrated in his own life his commitment to those principles. He did not allow anything that had happened as a result of that to destroy his relationships, the friendships he had built. Even if there were some who could have been attacked for having abandoned him, he did not attack those relationships. He did not show any desire to retaliate. He may have felt it. Indeed, he would not be human if he didn't. But he came back to the Senate with his optimism showing, his determination to stay calm, his determination to stay engaged and not allow a sense of revenge or retaliation to take him over. That, of course, served him in good stead when he was returned to leadership by the same massive majority that he had when he took the whip's job the first time—by 1 vote.

This is a man we shall miss. This is a man who has taught us a lot. This is a man who served as a mentor to me, and because of him, I now own a pair of white bucks.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, once upon a time in the spring of 1968, even before TED STEVENS was a Senator, a young man with carefully combed hair came from Pascagoula, MS, to Washington, DC, and he moved into a spare bedroom in the house at the corner of Klingle Street and Foxhall Road.

It was almost 40 years ago. I remember it very well, because I was already in that house along with four other single young men in our 20s. Our new resident from Mississippi was different in several ways than the rest of us. No. 1, we were single, and he was married. Tricia and Chet, then a baby, were still back in Mississippi. No. 2, he was a Democrat and we were Republicans. But at that age, that did not matter to us very much.

And No. 3 is—and this is hard for anyone in the Chamber to imagine, for me even to say—I remember him as quiet.

Maybe it was because he did not stay long, because he remembers that we were noisy—playing the piano, staying up late, as he said yesterday, having parties, and then getting up at 6 a.m. in the morning and going to work.

So for whatever reason, maybe because of those differences, our friend from Mississippi moved out after a few months. Tricia and Chet came to Washington, I believe, and he continued his job with Mr. Colmer, the Congressman, from the area where he grew up.

My other roommate was Glover Robert, who was from Gulfport and who had introduced us all to TRENT, and who later was TRENT's campaign manager in his race for Congress. I can remember Glover saying at that time that everybody in Mississippi knows TRENT LOTT is one of two young men in Mississippi who is going to grow up to be Governor of Mississippi. The other young man who Glover talked about was THAD COCHRAN, who we also met that year in 1968. He was also a Democrat in 1968. Neither of them grew up to be Governor of Mississippi, at least not yet. But one became the chairman of the Appropriations Committee, and one became the leader of the Senate, and both are our friends.

Now TRENT, after 35 years in Congress, is moving on to the next chapter of his life. I understand his decision. We talked about it. As far as anyone can say from outside the Lott family, it looks like a wise decision on a personal basis. But on a personal basis too, I am truly sorry to see him go, because over those 40 years, we have been in different places most of the time—I mostly in Tennessee, he mostly here—but we have stayed in touch in many different ways.

When our roommates got together at the Governor's mansion in Tennessee in the 1980s, I remember reading to the group after dinner from a book on manners. When I came to the Senate, I received a book, "George Washington's Rules of Civility," that was inscribed, "To my friend, Senator Alexander, the history professor, Trent Lott."

In 1986, I became a little bit exasperated with the House Republicans from a distance and I called up TRENT and said: What is going on? Are we Republican Governors and the House Republicans on the same page? He introduced me to Newt Gingrich, and a group of the Governors and the Republican leaders in the House met at Blackberry Farm in the Smoky Mountains for a whole weekend and had a terrific weekend, in terms of charting the future course for our party.

A few years later I came to Washington as Education Secretary and immediately turned to TRENT—who was always in some sort of leadership position, usually some different one—for advice and support.

Those who follow the Senate know that TRENT has, along the way, taught all of us various lessons. He has especially taught me lessons, particularly how to count. It is because of TRENT LOTT that a year ago, it was necessary for me to write 27 thank-you notes for 24 votes in the race for whip. I have worked hard to learn my lesson from him over a period of time.

About 6 weeks ago, TRENT and Tricia invited my wife Honey, me, and the Greggs down to their home outside Jackson. We spent a weekend. It was following up a nice weekend we had had in the mountains of Tennessee sometime earlier. Most of the remarks today about TRENT have been about TRENT in Washington, DC and they are all very appropriate. And here in the Senate we often think of TRENT as having the wiliness of Lyndon Johnson and the joyfulness of Hubert Humphrey—two other great figures in Senate history—but it is more fun to see him in Mississippi. Going through the airport, every single woman in the airport in Mississippi wanted to talk to TRENT LOTT, and he talked to them all of the way through the Jackson airport.

To see the number of buildings in Mississippi already named after him—and he is not even dead yet—and to see the beautiful home they have outside Jackson, MS is something to behold. JUDD and I counted five different tractors in his garage, and we rode in most of them. We should have known, or I should have known, from seeing how happy he is there and how much he loves to do this, that his mind was probably more on becoming farmer of the year in Mississippi than it was on spending another 5 or 10 years in the Senate.

TRENT, transitions—I have had a number of them—are not always easy, but they have been for me the most rewarding parts of my life. I believe for you and Tricia this next transition will be the same—liberating, not entirely easy, but perhaps the most rewarding period of your life.

I tried to think of some words that would describe it, and I thought of words that better describe the Smoky Mountains where I am from than the Mississippi area where you are from. But the thought still applies. They are words from Emily Dickinson, which say:

> Goodbye to the life I used to lead and the friends I used to know. Now kiss these hills just once for me, for I am ready to go.

It is a reassurance for us to know that you are not going far. I hope it will be reassuring to you to know that you are not going far, that your old friends are still here and we are still your friends.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Madam President, let me note—it has probably been noted here on the floor already—that it is so much nicer to hear your eulogy in person than afterward. In many ways you know it is more heartfelt because the Senator from Mississippi is here and has the ability to correct it, something he would not have 40 years or so from now when he might rejoin his Maker.

I think, though, about TRENT LOTT. TRENT is one of those Senators who has great respect on both sides of the aisle. I think it is because he is from the old school. I do not want to damage his reputation in Mississippi to have one of the more liberal members of the opposite party praise him, but I do it easily. Because, as I told TRENT within an hour after he made his announcement—we were on the phone, and I told him that one of the things I liked about him is he followed that rule Mike Mansfield told me my first week here in the Senate: Senators should always keep their word. Every time Senator LOTT and I have worked together, to find our way, sometimes through a very tangled parliamentary or legislative morass, we got through because I could always count on him once he made a commitment to keep his word and he would keep his commitment. I think he knows I did the same with him. As Senator Mansfield tried to instruct all of us, those of us who were here at that time, this is the mark of what a real Senator should do. Because while you may disagree on one issue, you are going to be allies the next day on a different issue. And that is what makes the Senate work best.

Marcelle and I have had the opportunity to travel with TRENT and Trish, and I must admit this is a great deal of fun. I think he even has some of the photographs I have given him from some of those trips. As they have told me in Vermont, on occasions when he came up, a number of Vermonters came up to me afterward and said, "Boy, the Senator from Mississippi is really good looking." I said: "Well, yes, he is." "He has got all of that hair." I said, "Yes, he does." And they said, "He can really sing well." And I said, "I do not need to talk with you anymore."

They would go on. Those trips—and I will close with this—one of the reasons why more of us should take such trips, bipartisan trips, is you find that you have so many things in common. Trish and Marcelle would talk about children and their hopes for them growing up. All four of us would talk about the difficulties in maintaining homes in our home State and in Washington, and doing it if you are not wealthy. We would talk about those things where we felt the Senate should come together. We talked about our backgrounds, our faith, our hopes for this country. I think somebody listening in would have been hard pressed to know which one was the Democrat and which one was the Republican.

I have served all these years with TRENT LOTT. I will miss him as a colleague, but I might say I will miss him especially as a friend.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Texas.

Mr. CORNYN. Mr. President, my State, like many States, has produced some political giants: Lyndon Johnson, Phil Gramm, John Tower, many great political figures. But one I recall specifically: Bob Bullock, a Democratic Lieutenant Governor in what was generally considered the most powerful political position in State government. I remember one time he said that there are two types of politicians: one who wants to be somebody, and the other who wants to do something. Most decidedly, TRENT LOTT is of the latter category.

I have heard comments today about his great ability to compromise. I think compromise is in and of itself overrated. Compromising with principle, looking for common ground while staying true to your convictions and your principles, is an art and one that TRENT LOTT has practiced throughout his congressional career.

Since the foundation of our Nation, Congress has been the workplace for many men and women who have come from modest beginnings and who took it upon themselves to shoulder great responsibilities. They have undertaken the noble yet difficult work of governing in the best interests of the American people. This has always been the defining characteristic of our country. In Lincoln's phrase: Government of the people, by the people, and for the people. This year, after more than three decades of public service in the Congress, we bid farewell to a man who has embodied this notion.

TRENT LOTT from Pascagoula, MS, always took to heart his responsibility as a representative of the State and he has never lost touch with his roots. We have heard reference to his memoir, "Herding Cats," which I told him, after reading it: It was surprisingly good. He said: Why were you surprised? I said: I am not going to go there. It was surprisingly good.

But he answered one particular critic in his memoirs by saying: I ascended to the leadership of the Senate because I was from the Magnolia State. I found this to be a telling statement about a man who not only represented his State's interests but sought to represent its character and was literally impelled to public service.

As we know, he served Mississippi in both the House of Representatives and the Senate, in the majority and minority, through the administrations of seven Presidents. He has experienced just about everything a life in politics has to offer—the good, the bad, and the ugly. When his beloved home State was hit by a natural disaster named Katrina, he made it his top priority to see that the people of Mississippi were shepherded through the most difficult of times. Throughout his life and service, Senator LOTT has served his home of Mississippi with unflinching resolve. His principled and dedicated service has earned him a national reputation as a strong leader. His fervent desire to solve some of our Nation's biggest problems has put him at the forefront of national politics.

TRENT has always sought to find common ground on important legislation, and there is no doubt in my mind his absence will be profoundly felt. But as many have already observed, Senator LOTT has paid his dues. He has done his time. He has served his State. He served his country. So while it is with sadness we say goodbye to a colleague and a statesman and, most importantly, a friend, it is with great joy that I wish Senator LOTT the best of luck in the next stage of his life.

TRENT, thank you for everything you have done for our country, for the Senate, this great institution, and for everything I have learned from your example. I know you and Tricia have a bright future ahead, and I know you especially look forward to spending more time with your children and grandchildren. We wish you the very best.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I rise to say a few words about the retirement of my friend and colleague, Senator TRENT LOTT. TRENT has visited Colorado. However, he complained he was kept busy and couldn't appreciate Colorado's vistas. Now he will have time to appreciate the great State of Colorado, and I invite him to revisit us because he will have time.

TRENT was majority leader when I came to the Senate in 1997. A large percentage of the views I have of how this body should work and how we can best come together, despite differences of opinions and goals, was formed watching TRENT LOTT shepherd through legislation organizing 100 competing agendas into a manageable schedule. I have always felt we were sent here by the people of our States to solve problems and achieve results. I know ideas can and do vary as to what solutions are or even what the problems are. That makes the end goal of finding solutions most of us can agree to that much harder and the skills required to do so much more rare. The Senate has been lucky to have TRENT in our midst as we worked through the pressing issues of these times.

It should be noted TRENT has done his work here, all the while remaining a genuinely decent man and a true gentleman. He is, everyone agrees, a fundamentally nice person who enjoys the human contact and personal relationships that come with his position. He enjoys working on behalf of the people of Mississippi. He has represented their interests well, and they have made it clear they approve of his service.

TRENT attended Pascagoula Junior High, which is now called TRENT LOTT Middle School. He is truly an example for future Americans to emulate. I join my colleagues in thanking TRENT and his wife Tricia for their service and thank God for providing him to public service in the Senate, where I personally know of his service.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Mr. President, I rise to pay great tribute to TRENT LOTT. Similar to so many on the floor, I felt compelled, had a great desire to come to the floor because of my deep respect and affection for TRENT. I mean that.

It is probably a great testament to TRENT, given those very deep and sincere feelings of mine, to remember how we were introduced politically. I was running for Congress and he endorsed my opponent. For a lot of people, it would have meant that person would never have built a strong working relationship with the other or it would have taken a long time. For TRENT, it took about 5 minutes. After I won, he called me and congratulated me and explained that my opponent was a former colleague of his and a friend and he felt loyalty and affection for the person. But the past was the past and the future was the future and he wanted to build that same friendship and sense of loyalty with me. So that was that.

It wasn't just words. He put that into action and made it perfectly clear from the beginning he was sincere. That is TRENT. That is probably the first and one of the most important lessons he imparted to me.

I will always feel privileged to have learned other lessons in two particular settings. One, I was honored to be asked to join his whip team over the last couple years, and I did so. I have learned an enormous amount as a member of that team. I will always remember his being very forthcoming in asking me for advice and ideas and what I thought about this or that, all the while paying compliments about my insight into things. I will remember it not because any of those compliments were true but because it showed his spirit and effectiveness at including people, getting the best out of them and bringing folks together.

As a member of his whip team, I will also always remember and appreciate his taking me under his wing and trying to help me develop relationships and friendships with other Senators more and, as he would put it, be able to "schmooze" more effectively. I hope, TRENT, you continue your work with me, as you join the private sector because obviously we still have a long way to go. But I appreciate the spirit of that work.

The second setting that is so important, in terms of my personal experience with TRENT is, of course, the experience of Katrina and dealing with that horrible hurricane. There couldn't have been allies in terms of our recovery work than TRENT and Thad. I will always be deeply indebted to them for all their work on behalf of the entire gulf coast. In south Louisiana, occasionally in the press there would be some story or comment resentful toward Mississippi in terms of the recovery, saying they got this per capita and we got this; we didn't do well enough. I would always explain that, boy, they got it exactly wrong. Because our best allies throughout all that horrible experience were TRENT and Thad. Were it not for them, we would not have fared nearly as well. I will be the first to admit that. I thank them on behalf of my State for their tireless efforts on behalf of the entire gulf coast.

So, TRENT, I join everyone in wishing you and Tricia and your family all the best. You deserve it. I know this is not the end of anything. It is the beginning of new great things. I look forward to our continuing tutorials on schmoozing and maybe even getting me to wear a seersucker suit someday.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, those of us who come from the South take great pride in our heritage. Part of the heritage we are very proud of is the fact that whether it is the State of Mississippi that sent John Stennis and Senator Eastland to this body or whether it is my State that sent Richard Russell and Paul Coverdell and Sam Nunn, we are very proud of the folks we have sent to the Senate. Come January, we are going to add the name of TRENT LOTT to those great men who have represented the South in this body.

When I think of TRENT LOTT, I think about something that a lot of people probably can't relate to, but he and Thad will directly relate to. TRENT is the epitome of the genteel southern gentleman, married to a beautiful belle with whom he went to college.

In the fall in Oxford, MS, there is a special occasion that takes place on football Saturday afternoons. They have a place down there called the Grove that is unlike any other area I have ever been to on any football afternoon. The Grove is what one might think. It is truly a beautiful spot with trees and green grass. All the University of Mississippi football fans gather in the Grove and, instead of backing up SUVs and pickup trucks with beer kegs on the back, as we do in Athens, they pull out silver goblets, white tablecloths, chandeliers on the table, and they enjoy a great festive atmosphere. TRENT LOTT brings that same gentility, that same mannerism of our part of the world to the Senate.

A couple of quick personal anecdotes that somewhat relate to that. TRENT has a way of being able to look at somebody and, whether it is trying to figure out how they are going to vote, what they are feeling like that day or whatever it may be, boy, he can get right to the heart of it. I am reminded of when I was thinking about running for the Senate back in 2002. TRENT came to me in the summer of that year. I remember this conversation like it was yesterday.

He said: Look, I know they are working on you to run for the Senate. You and I have been good friends for several years during your House days. I don't think you have got the fire in the belly. Unless you do, you better not run.

He was exactly right. About 6 months after that, he came to me again and said: I have heard you speak more and more about what you want to do, and you have the fire in the belly. It is the time to run.

The other anecdote I will never forget about TRENT is that during my campaign, we had a farm bill we had finished in conference. It was a late farm bill that year. It was in the early spring of 2002. I needed to be all over my State campaigning. Unfortunately, I got stuck in Washington for a weekend with the farm bill conference. TRENT was coming to Georgia to campaign for me. I told him: TRENT, I am not going to be able to go. I feel bad about this. He said: Don't worry about it. Stay here and do what you have to do. Julianne and I will take care of this.

So he went to Georgia, spent the whole day traveling around to five different events in different parts of my State, drew big crowds because he was TRENT LOTT.

He called me up on Sunday morning when he got back and said: SAXBY, I got this thing figured out. I know how you are going to win this campaign. What you need to do is stay in Washington and let Julianne and me take care of that campaign for you.

TRENT is one of those people whom those of us junior Senators looked up to from day one. As I think back on my class, LINDSEY and a couple of us served in the House together, where we got to know TRENT. But whether it was ELIZABETH or NORM or LAMAR or others in our class, from day one, TRENT has been one of those individuals whom we admired so greatly because of his knowledge of the institution, because of his ability to come to you when you knew you were struggling with an issue. He could talk to you for 2 minutes and all of a sudden you would feel better about whatever it was you were struggling with. That is the kind of person TRENT LOTT is and that is the part about TRENT LOTT I truly am going to miss.

His office happens to be right around the corner from mine. There is many a day we will be on the elevator together going back after a vote. He will start picking at me about something. He will say: I know you have been worried about something. What is it? Invariably, again, he is right. He has had the ability to say a couple words that all of a sudden changed my perspective on whatever the issue was I was struggling with.

So, TRENT, we are mighty proud of you as a Southerner. We are mighty proud of you as an American. And we are certainly mighty proud of you as a Member of this body. You are truly going to be missed. But I treasure the last 13 years of having the privilege of serving with you in my House days as well as my Senate days.

God bless you, and may God bless your family.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I appreciate so many of these remarks. I would like to say a few things about TRENT.

I think TRENT's strength, first, is his roots. He knows where he came from. He knows how he was raised. He is loyal to his constituents and his people. He loves the people of Mississippi, and they love him. If he chose to move to Alabama and run for the Senate, he would be a winner there. He is well known in our State. He used to have a television program with the three Congressmen from that region, the "Gulf Coast Report." It went for 35 years. It ended last year. He started that with former Congressman Jack Edward of Mobile and it had such a tremendous following. In fact, it was front-page news in Alabama when TRENT LOTT announced his retirement.

Secondly, TRENT was at the forefront of what clearly has been a historical movement of mainstream Republican thought in the South. It has been a trend that has been steady and strong and has shaped the Nation. It ended up helping provide a Republican majority in the House and the Senate to accomplish things that would not have been accomplished otherwise.

I am not that much younger than TRENT, but I remember when he made that fateful decision to run for Congress as a Republican in Mississippi. Those of us who were following politics at that time knew his decision was an important one. We young Republicans, throughout the South in particular, all watched with tremendous interest to see whether he would be successful. He and Thad both were successful that year. It was a movement of significant historical importance because many have followed his path.

TRENT has had an incredibly wise way of dealing with people. I remember sitting right over here, having not been here long, and a very important bill was on the floor. A very critical amendment was being decided, an amendment, if it had gone the wrong way, could have derailed the entire legislation. I had reasons to vote against it, but I had not made up my mind. There were a lot of reasons I could have voted against it. Some good friends were on the other side. He sidled up to me, and all he said was: Look at old Phil. This is his first big bill on the floor. It would be a shame to see him lose that bill.

(Laughter.)

He did not say any more. Those simple words touched my concerns, and I thought about them for a day and a half before I decided to vote with Phil and TRENT. He had a gift to sense your concerns, to know where members were.

I will mention two other things I think were of historical importance.

We could not agree on how to handle the impeachment. TRENT was the leader of the Senate. The Senate was supposed to try the House charge of impeachment. The Chief Justice who sat back here off the floor was asked: What procedures shall we use, Mr. Chief Justice? He leaned back in his chair and said: Well, it is the Senate's job to figure out how to conduct the impeachment trial. That is what the Constitution says. It is your problem, not mine. And still we could not agree.

TRENT thought and worried and did everything he could possibly do to reach an agreement on procedure. That agreement could not be reached, so he took an unprecedented step of calling the Senate together in the Old Senate Chamber. Do you remember that? That is when we had, what TRENT called, the great epiphany when Ted Kennedy and Phil Gramm spoke up and an agreement was reached. We did not embarrass the Senate. We did our duty. We followed through successfully. We met the constitutional responsibility we had. He was creative in trying to impress on us the importance of reaching that decision.

I can think of another one from the Republican side. In our movement in 2001 to reduce taxes the vote was close, with every single vote critical. Senator DOMENICI was the Budget chairman at that time, and I believe the critical vote was over the budget reconciliation. TRENT called a meeting of the Republicans in the Senate Chaplain's office.

(Laughter.)

The room has a high arched ceiling—so I guess we had a prayer meeting up there. You could look down the Mall and see the Washington Monument. Such a location had never been used before or since. There were a couple of votes TRENT had to have. He knew; he could count votes. Maybe there was just one vote he had to have. So that meeting was orchestrated carefully, and it worked. Our tax cuts passed, with every vote crucial and ultimately on the floor the vote was a 50–50 tie, with the Vice President breaking the tie. For 10 years, however, we will have had tremendous tax relief for Americans. It has surged our economy.

Without a truly skilled leader in both those instances, this Senate could have gone the other way and the history of our country quite differently.

I have enjoyed my friendship with TRENT LOTT and Tricia. I think he is a fabulous leader who has done remarkable things for our country. It has been an honor to serve with him.

If you come to Alabama, you can have my Senate seat, TRENT.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. TRENT, this is the time, on an occasion like this, where somebody always rises and says: Whatever could be said about this subject has been said, it is just that everybody has not said it yet. But in this case, it is not true. We have only been talking for 2 hours 7 minutes. It would take a lot longer than 2 hours 7 minutes to say all the things that could be said about your distinguished career.

But there are two things I wish to say, the two most powerful words in the English language: Thank you—first, on behalf of the late Paul Coverdell and his lovely wife Nancy.

I will never forget in March of 1993 meeting Paul—as I had for 20 years, as I led the Georgia House and he led the Georgia Senate—at the International House of Pancakes in Buckhead at 7 a.m., his first time back in Georgia after being sworn in. I had him tell me about the place known as the Senate. All he could talk about was TRENT LOTT. He said: JOHNNY, TRENT LOTT has the two Ls. He can legislate and he can lead.

So on behalf of Paul, whose legislation—the Coverdell Education Act, and many other things—was done here, thank you for what you did for him. I know you always have shared with me how much you appreciate what "Mikey" did for you.

But, secondly, TRENT, thank you on my behalf. If every one of us in this room stood up and thought about it, we could take a specific incident that in our career has been accomplished that would not have happened were it not for your insight, your leadership, and your commitment.

For me, it was the pension bill last year and the pension of 91,000 Delta employees in Georgia. We got down to the lick log, as they say in Georgia, on the last day, in the last hour before the August recess. Bankruptcy was pending, and it was almost over. Thanks to your tenacity on Finance and your care and your willingness to be able to do what you did, that legislation passed. I got the credit, but the benefit belongs to you.

Thank you for what you have done for all of us.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I rise to pay tribute to my friend, my encourager, my mentor. Mae West once said: Marriage is a fine institution, but I am not ready yet for an institution.

Reflecting on the comments of my colleague from Georgia, I think when we get here, I don't know how many of us are ready for the institution. What I had—and what I know my other colleagues had—in TRENT LOTT was somebody who put his arm around you. He shared with you the importance of your word is your bond, the importance of family—more than things you can read in a rules manual or a procedural manual but the history of the heart and the soul of the institution, embodied by my friend and my encourager, TRENT LOTT.

This Chamber has been home to some of the great statesmen in American history. I say this not with hyperbole or superlatives, but I say it as a matter of established fact: that among the great statesmen in the history of this country, one is sitting in this Chamber today, who will move on to do other great things, I am sure.

Similar to me, he governs from the bank of the Mississippi. It is a little colder where I come from, the State I represent. But he is an outstanding representative of the heartland, the heart and soul of America.

On my way to the Senate complex, as I walk through, I sometimes stop and take a look at the words that are written in one of the office buildings by Everett McKinley Dirksen. I wish to read these words because this is inscribed on the wall: "His unerring sense of the possible that enabled him to know when to compromise; by such men are our freedoms retained." Such a tribute belongs to TRENT LOTT.

Freedom requires that we all express our views strongly and to do that on the floor. But in the end, you need those who can knit together, who can craft legislation. We all have stories of being in Trent's presence and watching him do that. He truly is today's current master of the Senate. He understands the art of what it takes to get things done.

Some of us have said the worst sin in politics is not knowing how to count. If that is the case, then TRENT is pure as the driven snow because he knows how to count. And not only knowing how to count, what he does is use that in a way to kind of guide us to ultimately get things done. That is what it is about.

I believe what we are suffering from in this country today is a deep partisan divide. So the American public looks at and wonders about our ability to do what we have been elected to do. If there is somebody today who has the antidote to that infection, it is TRENT LOTT. Because in the end, that is what he strives to do.

We all have our stories. I served on the conference committee on homeland security to reshape the way in which we do intelligence, to look at somehow getting rid of the silos that were problematic on 9/11 that the 9/11 Commission talked about, and to figure out a way to put together a system of gathering intelligence which works together, is seamless.

I watched time and again, when it seemed like we were not going to get it done—and it was not, by the way, partisan; it was not just Democrat versus Republican; sometimes it was House versus Senate—and I can tell you, almost every time, on every occasion—and Chairman COLLINS could tell you the same thing, and Ranking Member LIEBERMAN could tell you the same thing—at the moment you needed that, where it seemed like it was not going to get done, the voice that arose was the gentleman from Pascagoula, the Senator from Mississippi, who would offer a little something that would kind of pull us back together and move us forward. In the end, we passed the bill. The Nation is better for it.

I had the opportunity earlier this year to be honored with Senator LOTT by the Ripon Society, with the Theodore Roosevelt Rough Rider Award. That is, by the way, the progressive wing of the Republican Party. TRENT got up there, when he received his honor, and said: Before I got here, I used to be called a conservative.

He is still a conservative, a principled conservative. But the reason he was recognized by the Ripon Society—and I think by folks regardless of what side of the aisle they are on, what side of the political spectrum they are on—is because of his incredible ability to find common ground, to pull people together.

In Minnesota, we all know of the Scandinavian who loved his wife so much he almost told her. There are many in this institution who care so much they almost get something done. But TRENT LOTT is one of those who both cares so much and he gets things done.

I thank the LOTT family for sharing him with our Nation. I know the foundation of TRENT's service is commitment to freedom, to faith, and to family. That is about as solid a foundation as one could have. That is something this first-term Senator has seen, has appreciated, and carries in his heart.

I thank him for his lifetime of service to all Americans. I ask that God continue to bless TRENT, Tricia, and the Lott family.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, there are others seeking to be recognized and I shall be brief. But I think of my good friend in many ways, not the least of which, we are two Senators who stood in the well in kilts with our knobby knees showing and voted—to the astonishment of all our colleagues.

You have helped me through the years in many ways, particularly on the Defense bill. You have served on the committee. When that bill was dogged, disparaged, cast aside, you always were there to bring it back, sometimes six or seven times in the course of the spring, until we were able to pass it, always, always being guided by your heart and your concern for the men and women who wear the uniforms and their families.

But I wish to speak of you in a very personal way. We had our differences in elections. Like BOB BENNETT, I was on the Alan Simpson team. I remember sitting in your office discussing that and voting for Simpson. You won, but you never held it against me or BOB or others. That is the way you managed this institution.

But I think back on my own career, insignificant as it is, and I reflect on the fact that I have been privileged to serve with 271 Senators in the 29 years that I have been privileged to serve. My dear friend THAD COCHRAN and I have that record together as we came to the Senate in the fall of 1968.

What I didn't know about the Senate—and surprisingly, I had the opportunity as Secretary of the Navy to come here for 5 years and testify many times and to come and respond to the calls of Members who, for whatever reason, wanted to talk to the Secretary about their particular problems—I never realized how all-consuming this body would be in terms of it becomes your family, they are your friends, and those bonds continuously grow year after year. When one Member is celebrating exhilaration, accomplishments, be they on the floor of the Senate or be they in private life or whatever the case may be—winning an election, as THAD and I have done five consecutive times—you share those moments. But you also share the moments when a Member is faced with despair.

They often say the fall may be painful, but the road back is doubly challenging. I have watched you in those situations, and the strength that you and your lovely wife exhibited has been instilled in me. I pray to God that I never face some of the challenges that faced you: the devastation brought to your State, your graceful stepdown from the leadership, and your comeback, your magnificent and courageous restoration of your career in full—I say to you, Senator—in full. You made a tough decision, as I have done, not to return to this body and to our dear friends, but you did it on solid ground, and all of us join in our hopes that in your next challenge in life, you will make a contribution to this country you love, to the State you love, and to the Senate you love. Thank you for your friendship.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, this statement comes from the back row but no less love from us back-benchers. Let me tell you the Senate career that, for me, now completes 3 years has known no better friend than TRENT LOTT. I have certainly appreciated your willingness to mentor me. I was astonished to hear that BOB BENNETT considered you a mentor. I thought you did that for those of us who have just gotten here but, frankly, it looks as though you mentored about everybody in the Senate. So I consider myself very fortunate.

I think back to when we first met. I was first here in Washington as Secretary of Housing and Urban Development, and TRENT was the leader, the Republican leader of the Senate. We had occasion to meet, and shortly thereafter we were building a habitat for humanity house on a cold day, much like today, and I got the opportunity to know him on a more personal level and get to know Tricia as well. That has only endured and continued. I also very much appreciated you shepherding my nomination as HUD Secretary through the Senate, which I know was no easy lift, but you have my gratitude, in fact, then and now.

But, to me, as I look at my short career in the Senate, there was no issue that punctuates my time more than the very divisive issue of immigration. You didn't need to get involved in that—you really didn't. I know a lot of people in Mississippi probably wish you hadn't. The fact is, you saw a problem that needed solving. I remember you saying: Is there a problem? In fact, there was. And does this bill improve the situation from what it is today? And you said that it did, which I agreed with. Then you went on about trying to solve the problem, which is a quality that I greatly admire. You were moving the ball forward. You were trying to do what in your heart you felt was best for the Nation and something that would, in fact, move the ball forward and get it done. So you courageously worked, I know, sometimes against the grain. But I, for one, would rather have no one in a foxhole than TRENT LOTT during difficult times when they are lobbing them in at you.

So I very much appreciated the fact that you taught me a great deal in that difficult time, but also throughout my time in the Senate. I very much thank you for taking an interest in me and in my career, and I very much thank you for what you have done for our Nation and for your State.

As I look forward, my Senate career will be diminished by not having the opportunity to continue to work and learn from you, but I am grateful for the time I have had and what I have learned by your side. Thank you very much for your service and all the best to you and Tricia.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, let me first say of Senator LOTT I must make a slight confession. You know I am leaving next year, and one of the reasons I am leaving is because I have an ailment that has an impact on my brain. I say that in all honesty. I already told the whole world that. The point of that is I have difficulty remembering some things. I still am a pretty good Senator, so nobody is fighting about that. I just know that you and I have gone through some incredible legal situations, legislative situations, and I am trying to pull them up now in the next few minutes just to share them with you and to share them with everybody here.

I have been here 36 years, which is a little bit longer than TRENT, and that is six elections. You must know that I was in the middle of a lot of things or I couldn't have been here 36 years. I am not a back-bencher or an under-the-tabler. I am where the action is, and I lucked out on the committee that did a lot of exciting things.

One of the things TRENT LOTT has taught me about leadership is that it is quiet. It takes place without you knowing it is happening. That is what you did. When we had to put together the votes for the balanced budget and for the reconciliation tax bill, which was one of the most monumental acts, and we had to use that Budget Act drafted by the distinguished Senator BYRD and he didn't quite think we would be able to use it the way we did, and we had that battle and we won that on a vote, then we were using it to reconcile tax cuts for America. It is hard to explain, when you would get everybody around and then you would say: We are almost there, but we are not there. And here I am, I have been working on it forever, and we have this very unique process, and we just have to get the votes. We can't come back a second time on this kind of thing. We will get killed. It has to go right now. He would say we are one vote short or two, and you just knew that it was going to happen. He knew what was there, and when he would tell us to go, we would go, and sure enough, that is how it happened.

So I have had all kinds of situations, from the huge balanced budget, to—I remember when we reformed welfare. Many of these things came from the budget process, the way I used it on behalf of the Senate. We put in the numbers so that you couldn't avoid—if you did the welfare reform, you would get the protection of the budget. And I can remember that was an exciting day because it all of a sudden became bipartisan.

Do you recall, TRENT, that it didn't end up with just us; it was them. They came to the party, and so ultimately did the President. It was one great big party. But it was also, in the end, absolutely imperative that we had the reconciliation instruction that came with it that Senator LOTT—he wouldn't fuss with me. He wouldn't ask me to prove it. He would just say: Is that the way it is? I would tell him yes. And he said: Well, that is what we will do.

It was just terrific to be a chairman of important matters and have a leader like TRENT who would say: If that is what it takes, that is what we are going to do. We didn't redo it or rethink it because it got tough. Many times the path I chose was probably the harder one. He would say: If that is the way we are going to do it, we are going to do it. It was rather terrific to be part of a team like that.

Now, I want to tell you, it works both ways because TRENT LOTT was on the opposite side of something very important when he was over in the House. We did a Social Security change here to permanently fix Social Security—we thought—and TRENT—we heard from over in the House that the rocks and the stones weren't coming from the Democrats.

We said: Where are they coming from?

They said: They are coming from TRENT LOTT.

I said: Well, maybe I have to go over there and talk with him.

Then I said: Well, maybe I won't. Maybe I will just let him stew.

It was something Reagan was for and we were for, but his little team wasn't for. I think they were right. I think we made a mistake. But we didn't do that. We didn't get it done. Do you remember, TRENT? It died. You were over there and, clearly, you knew what you were doing, and I don't think you liked it very much because it was Republicans against Republicans.

But we did get back together, and for the one angst we had many memorable pluses that are just terrific when it comes to thinking back on the life of the Senator over a complicated, tough period of time, when we learned how to use a Budget Act for innumerable things. In fact, the Budget Act was used, over a period of 16 years, by me, as chairman, with my staff, as an instrument beyond which anybody ever thought it would be used. It changed how we functioned as a Senate because it permitted us to do things through the reconciliation process that were absolutely impossible without that act.

Then we got around to the balanced budget. That was the big monster event of our time. We had to get that done, and we got it done, sure enough, by reconciliation instruction that was really gigantic, and then sitting down in a little room that I use over here that I call my hideaway. I hope somebody puts a sign on it after I leave because that little room was the room wherein we negotiated, four people negotiated the balanced budget.

TRENT was the guy who would come in every now and then to see if we were making headway and see if we needed help. It was Speaker Gingrich, myself, and somebody from the White House. Sure enough, when we were through, he was right there by our side, having participated as if he really knew what the budget was all about. He could put on a terrific face. He didn't have any knowledge of what I was doing in there, but he just asked: Is it going all right?

Yes, all right. Is it going all right? Fine. Then he would walk out and have a terrific press conference. They would all think he really knew what this budget was about. I mean, I have to admit, you don't have to tell him very much. We were still a long ways from getting there, and he would walk out and say: They are making great headway. This is really moving ahead.

I would go home after having not slept for 2 weeks, and I would be worried that he shouldn't be saying that because we were so far apart, and all he would say is: Don't worry. Just give them a little bit of optimism; we have to keep them alive a little bit.

I close by saying, TRENT, I know what it is to sacrifice to be a Senator. I did that. I came here, believe it or not, with my eight children—and I am going to just mention it once because you had it a little bit better, not much—but the pay was about $38,000 with eight children, and we couldn't find a way to change the pay because we were scared to. That is the kind of suffering we went through. TRENT did the same in his early days. When he and his wife came here, the Senate had decided for a number of years that we did not want to pay ourselves a salary, which is one of the worst things we did. A democracy should not do that. We must pay people for these important jobs.

That wasn't what kept him going. He loved the place, and his family loved it, it is obvious. His son was ambitious and rambunctious, wanting to get ahead, and he did get ahead. He was able to do that while his dad served here, and that is truly to their betterment and a compliment.

I say thanks for the sacrifice for serving us, for serving in the Senate, and for serving our Nation. It is important you are leaving at a time when you are strong and have a lot of energy left. That means you will have a second life and you will say to me what James Baker has said at least 10 times. He said: DOMENICI, there is life after the Senate. And I say that to you: May that life be as good as the Senate or better, and may your family enjoy it as much as they have enjoyed the Senate, and may it be successful for all of them.

I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, I know that under the previous order, it is time for the policy luncheons. There are others here who may want to speak. I see Senator GREGG may well want to speak. Senator LOTT would like to respond. Senator BYRD also wants a few minutes.

I suggest the following: that Senator BYRD be recognized for 3 minutes, after which Senator LOTT be recognized for 5 minutes, after which we recess for the policy lunches. I know there may be others who wish to speak. Hopefully we can accomplish that sometime after the policy lunches. This is the last day we are here for our respective policy lunches. These are important lunches. We are going to have to begin them shortly. Therefore, I ask that consent.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object, I make an inquiry of the minority leader: Wouldn't it work out well if later on during quorum calls we have an opportunity to speak and then have all those speeches appear in the RECORD in continuity?

Mr. McCONNELL. It would be my hope and expectation, I say to my friend from Oklahoma, that there will be floor time after lunch and that any Member who wanted to comment on Senator LOTT's career can do that. Of course, we ask consent that all be consolidated at this place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUNNING. Mr. President, I rise today to honor my friend from Mississippi, Senator TRENT LOTT. TRENT and I have been friends since my first year in the House in 1987.

He was the minority whip in the House during my first year in Washington, DC. Now that we are in the Senate together 20 years later he is my minority whip again.

TRENT and I have enjoyed our time together on Wednesday afternoons in Chowder and Marching. My wife Mary and I have enjoyed spending time with TRENT and his lovely wife Trish. TRENT and Trish are college sweethearts and two of the great warming personalities in our Senate family.

We are proud that members of the Lott family call Kentucky home. TRENT and Trish often come to the Bluegrass State to see their son Chet and his family.

He has served the people of Mississippi well for over 30 years. After the devastation of Katrina, the gulf coast region had no stronger advocate than Senator LOTT.

TRENT has risen from humble roots in his beloved Pascagoula to one of the top leaders in Congress. I know his family and the people of Mississippi are proud to call him one of their own.

Mr. President, I would like to thank TRENT for his contributions to the Senate and wish him and his family well as they open a new chapter in their lives.

Mr. CRAPO. Mr. President, I rise today to honor a dear friend and colleague here in the Senate whom I have served with in this body as long as I have been in the Senate. Over the course of his 35 years in Congress, Senator TRENT LOTT has developed a reputation for strong leadership, a bipartisan approach to legislating, and an unwavering commitment to Republican ideals and values. As you know, he is the only Senator to have served as whip in both the House of Representatives and the Senate, and it was under his watch as a younger legislator that our Nation saw significant economic recovery and increased national security in the 1980s that had the support of those on both sides of the aisle. Over the years, from my time in the House of Representatives to my time here in the Senate, I have looked to TRENT for collaborative examples of how to accomplish important, conservative goals such as tax reform, support for our military, and health care transformation, to name just a few. He has gained a remarkable, lasting reputation for being able to bring competing interests to the table, to work out successful answers to policy challenges—a quality that is in increasing deficit here in Congress these days. TRENT has committed his congressional service to Mississippians to furthering policies that stand for America: a strong national defense, responsible and fair tax policies that encourage economic growth, and health care that puts patient needs above Government mandates. I am especially heartened that TRENT remains unequivocal in his belief in second amendment rights.

TRENT and I have worked together over the past few years on the Finance Committee, and I have been pleased to have his support on legislation that we have moved through the committee, legislation that advocates tax policies that do not penalize Americans for saving or investing. TRENT understands that tax structures that favor small business investments, individual saving and investing, and a financial services system unburdened by onerous regulations are critical keys to a healthy economy for the United States, one that translates into a more stable global economy.

I have been pleased to host TRENT when he has come to Idaho, and I have had the pleasure of visiting the great State of Mississippi. TRENT's retirement from the Senate, while in his best interest and in the interest of his family, will be a loss for the Senate and the promotion of conservative values here in Congress.

Mr. BURR. Mr. President, I rise today to honor a man who is my close friend but who, more importantly, is an American patriot and statesman.

Today, we pay tribute to TRENT LOTT, whom many, including myself, consider an institution within this great institution.

I have known TRENT for a number of years. He has served as an able and well-accomplished leader, a great Republican whip, and a distinguished Congressman and Senator from the State of Mississippi. A man of impeccable character, TRENT always shows the utmost respect for his colleagues and for Congress itself, always putting the interests of the country before his own. TRENT LOTT has a leadership style that I personally admire and I believe often went underappreciated. He loves this institution, and we respect him for that.

During his tenure in Congress, TRENT has been a legislative warrior fighting for commonsense solutions to our country's most difficult challenges. He does not seek credit for his achievements—they are too numerous to list—even though he has been instrumental in shaping our great democracy.

TRENT LOTT is a modest and honest man who has made the United States a better place from where it was when he first took the oath to serve in Congress decades ago. He is a true gentleman, and I have no doubt that his impressive legacy will live on for generations to come.

God bless TRENT LOTT and his beautiful family. Your service to this great Nation will certainly be missed but will never be forgotten.

Mr. ENSIGN. Mr. President. I rise today to celebrate the career of Senator TRENT LOTT—an accomplished leader, a great American, and a true friend. TRENT has spent more than three decades in Congress tirelessly fighting for a State and a people he dearly loves.

TRENT's path in life has followed closely that of the great American story. His humble beginnings, as the son of a hard-working teacher and pipefitter, established the foundation to value an honest day's work. These principles have remained ingrained in TRENT's heart throughout his historic rise to the Senate.

In his more than 30 years in Congress, TRENT has earned an immense amount of respect among his peers. Easily said, he knows all the ins and outs. While there are many things we can all learn from his legacy, the most notable of all is the power of compromise. Senator LOTT has proved to every one of us the impact reaching across the aisle can have on this country. It seems simpler these days to say "I am a Republican" or "I am a Democrat" and to leave it at that, but for TRENT Lott reaching across the aisle and working with others has led to results.

TRENT has shown all of us that we share the commonality of serving the American people in the Congress. We are here to make the best decisions we can for our country and its people, and bipartisan solutions are a vital component to the legislative process.

When looking back at Senator LOTT's accomplishments, the list is long and distinguished. In the areas of foreign policy and national defense, Senator LOTT has been a strong supporter of our armed services, stationed both domestically and abroad. He has fought hard for the security of our Nation and the protection of our service men and women. Likewise, he has not forgotten the commitment our veterans have made to this country and has upheld what he knows is our responsibility to support our veterans at every opportunity.

As a public servant, my colleague has fought strongly to keep Government off the backs of the American worker and set the stage for the Republican revolution through the progrowth gang the "Five Amigos." Alongside Congressman Jack Kemp, House Speaker Newt Gingrich, Senator Connie Mack, and Congressman Vin Weber, TRENT advocated President Reagan's approach to politics, tax cuts to promote economic growth for everyone in America.

Never far from his mind is his beloved home State of Mississippi, the sparkle in his eye. He has stood by the people of his State with unwavering devotion. When the people of his State were devastated by Hurricane Katrina, Senator LOTT shared their pain with his own family's loss and jumped into action. He dedicated his efforts to secure disaster relief and restoration construction.

Senator LOTT has recognized the importance education plays in developing tomorrow's leaders and has been a staunch advocate of improving the education system in Mississippi. Over the past few years, Senator LOTT has sent several excess Senate computers to public schools in Mississippi in and effort to increase their students' access to the vast amount of information in the 21st century. His commitment to education in his State will be enjoyed for years to come.

I have had the great privilege of working with Senator LOTT on a variety of issues. During my years in the House of Representatives, I remember when, as the Senate majority leader, TRENT worked tirelessly to help pass the landmark welfare reform bill of 1996, such a monumental piece of legislation that it is already receiving history's praise.

It has been a pleasure to work with him in Senate republican leadership and to serve alongside him on both the Commerce and Finance Committees. Last year, on the Commerce Committee, TRENT and I worked together to establish broad video franchising reform. This year, as a member of the Finance Committee, Senator LOTT has been a very strong advocate for enacting permanent tax relief without increasing other taxes.

There can be no question that Senator LOTT is a man of results; his remarkable list of achievements illustrates this very point. But it is important to highlight that TRENT does not overpromise. He will tell you just as straight as he can, "I'll be with you until I can't be with you anymore."

Senator LOTT stands among few men in this world; a promise isn't simply a word to him, it is a commitment to make good on a pledge. TRENT carries around a small notebook in which he records every promise made to him or by him. Senator LOTT is a man of his word who will hold you to yours.

For the 7 years I have been in the Senate, I have been in a small group with TRENT who have met to pray together and to share each other's burdens. I have seen him on the highest mountain and the lowest valley. Through it all he sought his Lord for wisdom, comfort, and strength.

On a personal level I will miss serving alongside my friend. But I know wherever this life leads you, I am certain the Lord will bless both you and your incredible wife Trish. I also know you will bless those whose paths you will cross.

As his role as a Senator nears an end, I ask that we remember Senator LOTT's legacy to this country, his State, and its people. Senator LOTT, I wish you and your family the best of luck. It has been a privilege to serve alongside you in the Senate.

Mr. ENZI. Mr. President, as we come together for this last week of legislative activity before we adjourn for 2007, I appreciate having this opportunity to join my colleagues in expressing our appreciation for the many contributions to the Congress that have been made by one of our colleagues who will soon be retiring. We have heard many great speeches, seen a lot of passion and emotion—all well-deserved and heartfelt.

TRENT LOTT, who has a well-earned reputation as a hard worker and great fighter for the people of Mississippi, has announced that he will be leaving the Senate so he can spend more time with his family. Although I understand the reasons for his departure, I know I will miss him and his presence and active participation in our work and the day to day life of the Senate.

TRENT's story begins in a town called Pascagoula in Mississippi. It is where he was raised and it is the place he still calls home. His dad worked in the shipyards and his mother was a teacher. Together they taught him the great lessons of life, and when he left for college he was already showing the presence of the leadership qualities that would someday help to lead him to a career in politics.

TRENT enjoyed his school years and after a year of law practice, TRENT got a job with Congressman William Colmer, who was from his hometown. When Congressman Colmer retired after 40 years in the House, he encouraged and endorsed TRENT as TRENT ran for and won his seat.

I have often heard it said that the great formula for success is preparedness plus opportunity. I know that TRENT believes it too, which is why when the opportunity came for TRENT to run for the House, he was fully prepared and that ultimately led to his success. He then served in the House from 1972 until his election to the Senate in 1988.

Here in the Senate, TRENT has compiled a remarkable record of achievements because he understands the importance of working together to reach common goals. I have a similar rule I have often put into practice during my service in the State legislature and here in the Senate. I call it my 80/20 rule. Simply put, it means we can agree on 80 percent of every issue. It is the other 20 percent that can sometime throw us off track and prevent a solution to the issue at hand. If we are going to make any progress, the key to success is to focus on that 80 percent and not allow ourselves to get sidetracked.

TRENT fully understands that principle and he has put it into effect throughout his political career. Whenever he was working on an issue he knew that it was better to walk away with half a loaf than wind up with nothing. He knew that, with half a loaf in hand, he could always work on negotiating for the other half sometime later on down the road.

That spirit of cooperation and compromise has been TRENT's hallmark and his guiding philosophy during his service in the House and Senate. That is why he was able to get so much done for his State.

There is no doubt that the people of Mississippi love TRENT and they greatly appreciate how hard he has been working for their best interests. That is why they kept sending him back to Washington after every election.

I will never forget when I was running for reelection in 2002 and TRENT came to Wyoming with his wife Tricia to help. He was a big hit and he received an enthusiastic response everywhere we went. It made a big difference to me to know that our leader in the Senate was willing to take the time to help a fellow Republican who was up for election.

I wasn't the only one, of course. Whenever TRENT saw an opportunity to help one of our nominees, he was always there to lend his support and provide whatever was needed to increase our chance for success.

TRENT has been very fortunate in his life, but nowhere has he done better than in his choice of a spouse. The old adage is true. He and I both "over-married" and our lives have been blessed with the presence of a spouse who makes it possible for us to do everything we need to do as Senators. Without them, our lives and our jobs would be impossible.

Now TRENT has decided to leave the Senate and pursue another adventure in his life. He will be greatly missed and, after more than 30 years of fighting for the people of Mississippi, he will be very difficult to replace.

TRENT will always be remembered as someone who had a talent for putting together agreements so that everyone came out a winner. He has been in more battles than I can count on the floor and in committee and through it all he has always stood up and fought for the things he believes in, like keeping our taxes low and providing a strong defense to keep us safe and free from harm.

In his statement about his retirement, TRENT reminded us of the Bible passage that tells us that everything has its own time, everything has its own season. For TRENT, this will be a time of great change and the beginning of another new season in his life. One thing that won't change, however, will be TRENT's continued service to God and the country he loves.

Mr. FEINGOLD. Mr. President, I join my Senate colleagues in wishing Senator TRENT LOTT well as he leaves the Senate. I have known Senator LOTT since I arrived here in 1993, and he has always been a model of civility, and someone whose word you can rely on. While we don't have a great deal in common politically, we still have worked together on important issues like media concentration and 527 reform. One of the best things about working in the Senate is finding ways to reach across the aisle and work together, and I am pleased that Senator LOTT and I could find that common ground. I think that is what the American people want us to do, and it is something that TRENT LOTT has always done very well. It was a pleasure from time to time to be on the same side as Senator LOTT. He is an effective and tenacious legislator, and I think we both enjoyed the strange bedfellows aspect of our work together. I particularly enjoyed appearing before the Rules Committee when Senator LOTT was its chairman.

Senator LOTT has given so much of his life to public service, serving 34 years in Congress, in a number of different leadership posts. I have appreciated his willingness to work together on a number of issues, and I have appreciated what a fair and courteous colleague he has been. I know that the people of Mississippi will miss his leadership, as will so many in this body. I wish him all the best as he leaves the Senate and returns to private life.

Mrs. HUTCHISON. Mr. President, I rise today to congratulate my friend, Senator TRENT LOTT, on his 35 years of service to the people of Mississippi in both Houses of Congress, and also to wish him well as he leaves the Senate, and begins the next chapter of his incredible life.

Senator LOTT was born in Grenada, MS, in 1941. His father was a shipyard worker, and his mother was a schoolteacher. He went to the University of Mississippi in Oxford, where he earned an undergraduate degree in public administration, and a law degree.

After finishing his education, he went to work for his local Congressman, William Colmer, for 4 years. When Congressman Colmer announced his retirement in 1972, he endorsed TRENT LOTT as his successor—even though Colmer was a Democrat, and LOTT ran as a Republican. TRENT LOTT won that election. And he was reelected to Congress seven times.

As a congressman, TRENT LOTT had a major, positive impact on his colleagues, and also on the economic vitality of America. After the 1980 election, he was elected to serve as House minority whip, and he became the first southern Republican to ever hold that position.

Counting votes, building coalitions, and moving legislation were things he seemed born to do, and he genuinely enjoyed the process. In 1981, he helped forge the bipartisan alliance that enacted President Ronald Reagan's historic, across-the-board tax cuts.

Those tax cuts have been extremely successful. Since they went into full effect, the U.S. economy has almost quintupled in size, the Dow Jones has surged from less than 1,000 to over 13,000, and a wave of revolutionary technologies, including cell phones and the Internet, have strengthened America's position in the global marketplace.

In 1988, TRENT LOTT ran for, and won, a seat in the U.S. Senate. Since he arrived, TRENT has earned strong marks from the people of Mississippi, and they have reelected him to the Senate three times.

Senator LOTT has never forgotten the needs and concerns of his constituents. I know about his compassion, dedication, and hard work because I have seen it firsthand.

In 2005, as we all know, Senator LOTT's house was destroyed by Hurricane Katrina—a storm that created so much destruction throughout the gulf coast.

Since then, Senator LOTT—along with his partner from Mississippi, Senator COCHRAN—have helped lead the fight to make sure that Washington meets its obligations to the people of the Gulf Coast states, who are rebuilding still today. His commitment during this time is a good part of why he decided to run for reelection.

Throughout his tenure in the U.S Senate, TRENT LOTT has demonstrated tremendous leadership ability.

After the 1994 election, he was elected Senate Republican whip, and in 1996, he succeeded another Senate legend, Bob Dole, as Republican leader.

During the next 6 years, Senator LOTT was a strong leader for several pieces of legislation that improved life in America in a wide variety of ways.

First and foremost was the landmark welfare reform bill of 1996.

The next year, Senator LOTT worked to produce a bipartisan agreement that cut taxes, cut spending, and most importantly, balanced the Federal budget for the first time in almost 30 years.

Then, in 2001, Senator LOTT led the fight for President Bush's tax cut package. Combined with the tax cuts that followed in 2003, lower taxes have once again recharged America's economy, even as the global economy grows more competitive

Since 2003, we have created 8.3 million jobs, which is more jobs than all the other major industrialized countries in the world combined. The economic growth caused by those tax cuts has also led to record tax revenue. Federal tax receipts are up more than 37 percent over the past 3 years. This has enabled us to cut the budget deficit in half, and if trends continue, we will be able to eliminate the deficit as soon as 2012.

During recent years, Senator LOTT has also taken a leadership role on other issues, including improving education and strengthening homeland security. In fact, he brokered the compromise that created the Department of Homeland Security. He was also instrumental in passing the Rail Security Act.

Senator LOTT's ability to round up votes and get results is clear for anyone to see. That is why his Republican colleagues elected him assistant Republican leader again last year.

I have had the privilege to serve with Senator LOTT as a member of the Republican leadership and have watched him affect the outcome of every major piece of legislation that has gone before Congress.

Last month, when Senator LOTT announced his intent to resign from the Senate, I was saddened—like all of my colleagues—to hear of his plans. However, like all of my colleagues, I also understand his desire to have time for himself and his family. After 35 years of public service, he deserves that and more.

America is a better place—and has a brighter future—because of TRENT LOTT.

I wish TRENT and Tricia, and their family all the best in the future.

Ms. COLLINS. Mr. President, as this session of the Senate draws to a close, I want to say thanks and farewell to one of our most dedicated Members, Senator TRENT LOTT of Mississippi, and to wish him all the best in the next phase of his life.

In his 36 years of service as a Member of both the House and the Senate, TRENT LOTT has consistently demonstrated his deep commitment to our nation and to his state. His amazing understanding of intricate Senate rules and procedures has guided us through many challenges. His outstanding work as our Republican whip has strengthened our caucus and our two-party system.

I have had the privilege of working with Senator LOTT on two issues of paramount importance to the safety and security of our Nation. Like me, he comes from a shipbuilding State and he fully understands how essential seapower is to preserving our freedom. We have worked together to strengthen our Navy and to pursue a dual-shipyard strategy because it is in the best interests of America.

As a leader of the Homeland Security and Governmental Affairs Committee, I had the opportunity to work closely with Senator LOTT during our investigation of the response to Hurricane Katrina. His knowledge of the gulf region was invaluable, and his compassion for the victims of that disaster was inspiring. Although his own home was destroyed by the storm, Senator LOTT was on the front lines from the start, directing resources where they were most needed and helping cut through the redtape. Before Katrina hit, he had planned to step down from the Senate last year, but with the needs so great and with a contribution yet to make, he instead ran again so that he could continue to serve at a time when his experience and dedication were most needed.

Although Maine and Mississippi are separated by great distance, both are rural States facing similar challenges, and I have always found Senator LOTT a strong ally in meeting them. I was especially pleased to cosponsor his Amtrak reauthorization bill, which recognized that the benefits of modern rail service must be made available to all States and to all of the American people.

Last April, I had the honor, at Senator LOTT's invitation, of addressing students at his beloved University of Mississippi. Specifically, I addressed students at Ole Miss's TRENT LOTT Leadership Institute, a designation made in honor of his commitment to public service. It is a commitment that has greatly benefitted our Nation, and it is the legacy for which Senator TRENT LOTT will always be remembered.

Mr. LIEBERMAN. Mr. President, it is with sadness and affection that I note the imminent departure from the Senate of my dear friend and distinguished colleague TRENT LOTT of Mississippi. TRENT and I came to the Senate together almost 20 years ago. Over that time, I have come to respect TRENT's leadership abilities, but most of all I have treasured his friendship and counsel.

TRENT and I come from different places but we share a deep love for our country and a deep respect and appreciation for this institution in which we have been privileged to serve. TRENT not only represented his beloved home State, but he became a national leader because his colleagues recognized that he had extraordinary abilities to make this institution work.

Like all successful and effective Senators, TRENT understood that for this institution to work for the American people, the 100 Members of this body must find a way to cooperate; despite the differences in region, ideology, party, and even personality. TRENT had a seventh sense of what motivated his colleagues and how they might approach an issue that was before the Senate. Sometimes, it was uncanny how prescient TRENT could be about the outcome of a particular vote on the Senate floor. He understood that one could compromise in order to achieve results without compromising core principles.

Yes, TRENT was a conservative Republican partisan when he needed to be. But TRENT also knew there were times when it was critical to put partisanship aside for the national interest. Particularly in the area of national security, TRENT comprehended that Republicans and Democrats must find a way to unite to promote America's interests.

In addition to being an effective legislator, TRENT is a man of considerable charm and warmth. Hadassah and I have great memories of the times we spent with TRENT and his wonderful wife Tricia. When we would travel abroad, TRENT was a terrific companion and always carried himself with honor, style, and grace. I even remember a moment when we were staying in a hotel in Scotland when we were forced to hurriedly exit in the middle of the night because of a fire alarm. Yet, there was TRENT, perfectly coiffed and unruffled. Our leader!

Although TRENT was always devoted to the institution of the Senate, he was also devoted to another critical American institution—the family. TRENT did not merely talk about family values—he lived them. TRENT saw no contradiction in being a good Senator and being a good husband and father. That is to his tremendous credit, and, for all of us, a tremendous lesson.

Above all, TRENT appreciated the miracle of America. He rose from modest means in Grenada, MI, to ascend to the legislative heights in Washington, DC. However, TRENT never abandoned the values of faith, family, and hard work that were his inheritance from his beloved parents, Chester and Iona Lott.

TRENT, as you begin this new chapter in your life, I wish you well. Your example of doing what is necessary to make this institution work is something we have all benefitted from. The people of Mississippi and the people of America are grateful for your service. And Hadassah and I look forward to continuing our friendship with Trish and you for years to come. May God bless you and yours, dear friend.

Mr. GREGG. Mr. President, I rise to speak about Senator LOTT. The Senate is a place—and we have heard it today for 2 hours with wonderful eloquence and thoughts and humorous stories and anecdotes about Senator LOTT—it is a place of words and language. It is also a place, obviously, of legislation, and legislation leading to laws. But, most significantly, the Senate is a place of people, of individuals—individuals who come here from all over our Nation, representing their people but always representing America, and who meld into the institutions and traditions of this extraordinary place in various ways. Certain individuals leave an indelible mark. There are not too many, but there are some who have.

I would expect that TRENT LOTT will be one of those individuals.

I have had the great pleasure and honor of working with TRENT LOTT off and on for a long time. I was elected in the class of 1988 to the House of Representatives. He was elected Republican whip of the House at that time.

Somebody mentioned in their statement—and I served in the House with him and have served in the Senate with him for many years—that he won three major leadership elections by one vote. I know I, at least, voted for him in those three elections, so maybe I was that one vote.

Our wives and our families have integrated over the years and have been close and done a lot of interesting and fun things together. Kathy and Tricia are very close friends. TRENT and Kathy are close friends. And I am a close friend of Tricia. We really enjoy that friendship, and it goes back to a lot of different instances.

There are a lot of stories told about TRENT LOTT. One of my favorites is that TRENT tends to like to sing and dance. I guess that comes from his cheerleading days at Mississippi. But he has so much energy he has to let it out through song and dance. On occasion, he can be drawn into this. In fact, it does not take too much to get him to sing.

We were at a gathering once, where Tricia and I and Kathy were sitting around a table near a stage, and TRENT was up on the stage singing with his good friend, Guy Hovis, and then there was dance music that started. Tricia, knowing TRENT as she does so well, turned to Kathy and said under her breath: If you don't look at him, he won't ask you to dance.

Little did Tricia know that Kathy actually likes to dance too. So the two of them went off and danced away and had a great time. Tricia and I sat at the table dancing inside. But as a practical matter, he has an energy and a personality that is effusive and effervescent, and it draws everybody in.

He is truly the American story. He is not a southern story, he is an American story. He came from a family of moderate means. His father was a pipefitter. His mother was totally committed to him. He raised himself up and went to his beloved University of Mississippi, which I think he still thinks he is going there some days he talks so much about it.

His whole life has revolved around Mississippi and the people of Mississippi and the people he has helped in Mississippi. This is what has made him go: his ability to reach out and make people's lives better, to change their lives and improve their lives.

He has brought all those Mississippi values here. I think there is some sort of almost genetic quality to Members of the Senate from the South. They just have this ability to move through this body with ease and with comfort and make everybody feel relaxed and enjoy them. They do not have that stoic nature that we might have, those of us from the Northeast. Rather, it is just the opposite. They have an energy and an effervescence and a personality that brings people in and causes people to want to work with them.

Of course, numerous statements have been made about what a great individual he is, about going across the aisle and understanding how you go across the aisle and make things work here. That is absolutely true. He is a tremendous doer of legislation because he has the capacity to bring together coalitions. He knows how to reach out to people in a comfortable way. He also knows how to fight a fight and win it.

But it goes well beyond this issue of working to reach compromise to make legislation pass because he has had a passion for getting things done. He also has a philosophy of how we should govern. He is truly a conservative, a fiscal conservative, an individual who understands the importance of giving the individual opportunity, giving the individual the capacity to succeed in our Nation because he had undertaken that and accomplished it.

But it always goes back to his Mississippi roots, I believe. He now has—I think it is something Senator ALEXANDER described because Senator ALEXANDER and his wife, Honey, and Kathy and I had the good fortune to be invited down to visit him at Tricia's new home—we call it Tricia's home—in Jackson, MS, where they bought this very nice house they are restoring. It is an antebellum house. It is a beautiful house. He just loves the land. He loves the people who come to the house. The people he sees, he loves, throughout his day and when he is traveling in Mississippi.

Of course, he loves his tractors. He has this whole shed full of tractors. I am sure there must be maybe 7 tractors there, farm equipment. Of course, only 1 or 2 of them actually work. But as a practical matter, he loves them. He loves them. He loves to just drive around his property and make sure his fields are cut. He cuts them, and he makes sure they are properly taken care of. He is working his Mississippi land. He and Tricia built this beautiful home down there, where I suspect their purpose is to gather their family which is so important to them: Chet, Tyler, their grandchildren coming over on a regular basis. Kathy and I just looked at them and said: These are special people. These people represent the values we really have as Americans—not as southerners but as Americans—the value of family, value of honesty, value of integrity, the willingness to get things done and to work hard. Succeed, and then take advantage of your opportunities to make life better for others, and that was his whole purpose in the Senate—to make life better for America but especially for his constituents in Mississippi.

Of course, then came Katrina. What a devastating effect it had on him and Tricia. They had this beautiful home in Pascagoula which, again, Kathy and I had a chance to visit, an extraordinary house in a line of Victorian houses right on the waterfront. Out behind the house there was this magnificent oak tree, just huge. I have never seen such a spectacular and large tree. The storm came, of course, and it wiped out his house, it wiped out his brother-in-law's house, his sister-in-law's house, and every other house anywhere near there was devastated. He found his class ring, I believe, three blocks away, or somebody found it and gave it to him. All of their memorabilia, the things that meant so much to them, the photos of their families, their notes and comments they received from people, from Presidents and others, all the memorabilia that had represented his lifetime and Tricia's lifetime, of family and Mississippi activity was also spread and destroyed by the storm, and the house, of course, was eliminated by the storm.

But I asked him, because I was so startled, if the tree was still there. He said to me: Yes, the tree is still there. The tree is still there, this huge oak tree that is so beautiful, so magnificent and so elegant. As TRENT leaves this Senate, I think of this oak. He may be leaving the Senate, but he is still here, and he will be here. His memory will be here, and the way he did things, the way he taught those of us who learned from him will be here. He will leave a legacy which, like an oak, will stand for a long time in this body. It was an amazing and an extraordinary privilege to have the ability, the right, and the privilege to serve with him, and for Kathy and I to get to know him and Tricia over these many years. So we thank him for his service, and we look forward to continuing our friendship as the years proceed.

Mr. CRAIG. Mr. President, there is something that is being concluded tonight or upon the time we go sine die, and that is the career of Senator TRENT LOTT of Mississippi. While many have come to the floor over the course of the day to speak about TRENT, I have not had that opportunity because of several other meetings and a committee that was in session. So I wish to take a few moments to visit with all of my colleagues about my friend and my associate TRENT LOTT.

There is not a lot I can say to add to what has already been said about his quality as a person, his ability as a leader.

I first got to know TRENT in 1981 when I came to the House. He had already been there for 10 years and was rapidly growing in stature amongst Republicans as a leader who would ultimately be chosen to work as a Republican whip in the House.

He and I grew to know each other and our wives got to know each other during that period of time and a clear friendship developed. But it was not until both of us left the House and came to the Senate that we developed a different kind of relationship and friendship that, frankly, most Senators don't have the opportunity to do.

TRENT LOTT and I and John Ashcroft, the Senator from Missouri, who became U.S. Attorney General under this administration, and a former Republican, and then to become a Democratic Senator and then to retire, Senator Jim Jeffords of Vermont, all four of us developed a very unique relationship that no other Senators shared. We found out that we could sing together and that in doing so, we could not only have fun ourselves, but that other people, sometimes with a smile, would suggest they enjoyed listening to us.

We formed a group called the Singing Senators, and over a period of about 4 years, we traveled from Los Angeles to Springfield, MO, to Branson to Houston to Nashville. We were on the "Today Show." We sang at the Kennedy Center. What was most interesting was, we shocked folks. Not only after a lot of practice did we begin to sound pretty good, but can you imagine stuffy, blue pinstripe suit Senators all of a sudden singing "Elvira"? That we did, and we had a lot of fun doing it, and we entertained people all over the United States.

But what came out of that was a friendship and a bond that probably few others have because the four of us traveled together with our spouses in all of these locations that I mentioned and a good many more, not only to entertain the public and to show we were human by our character, while we could still be Senators, but also to raise money for our party or to raise money for a Senate candidate.

I will never forget the time when we were in Los Angeles and there were about a thousand people out there waiting to hear us. We were singing off of a CD with our background accompaniment music, and the system broke down. And what do you do when the music stops? Well, most people quit singing. But we found out that we could sing a cappella, or without accompaniment. So we sang "God Bless America," we sang a couple other songs, and then they got the music fixed. And I think the audience enjoyed us without music more than they enjoyed us with music. Anyway, we had a lot of fun.

But in the end we did something else. We went to Nashville and put all our songs together on a CD, produced several thousand CDs, just to give away, and found out that they were in demand. So we sold them all, and all of the money went to the Ronald and Nancy Reagan Alzheimer's fund. And, frankly, we found out to our great surprise that it raised a lot of money.

I know TRENT and John and Jim and I still today, every so often, will get a phone call from somebody who says: I just listened to your CD again, and you know, you guys were amazingly good for United States Senators.

Now, that is probably a side of TRENT LOTT that was not spoken to today, but it is a side of TRENT LOTT that you all ought to know—the smile, the joy, the fun we had of singing the kind of songs we sang in a way that Senators are just not supposed to do. For in the end, Senators are like an awful lot of other folks out there—we are human. We have a very human side to us, with our friends and our families, and that is what we learned about TRENT and Tricia Lott and John Ashcroft and his wife and Jim Jeffords and his wife, as we traveled around the country singing on behalf of Republicans, but really singing on behalf of America because we enjoyed it and we hoped others would enjoy it.

That is something I will miss when TRENT LOTT leaves because we have had an opportunity since that time to get together on occasion and sing a few songs and enjoy ourselves. TRENT LOTT, a great United States Senator from Mississippi, and a guy with a pretty good bass voice.

Mr. HAGEL. Mr. President, I rise today to pay tribute to our friend and colleague, Senator TRENT LOTT of Mississippi. When Senator LOTT steps down at the end of this year after 35 years of service to our country in the Congress, he will leave behind a legacy of leadership and service to Mississippi.

I have known Senator LOTT for many years. Our friendship dates back to when he was first elected to the House of Representatives in 1972.

In 1981, when serving as House Republican whip he played a central role in the formation of a bipartisan coalition which produced national security initiatives and promoted economic recovery under President Ronald Reagan.

In 1994, Senator LOTT became the first Republican to ever have been elected whip in both houses, and then went on to become Senate majority leader. He and his friend and fellow Senator from Mississippi, THAD COCHRAN, who were both elected to the House in 1972, were the first two Republicans to win statewide elections in the Magnolia State since Reconstruction.

In 2005, when Hurricane Katrina left nothing but an oak tree on the front lawn of where his home had been in Pascagoula, MS, Senator LOTT worked tirelessly for recovery funding and tax breaks for gulf coast homeowners and businesses who had lost everything.

My wife, Lilibet, who is also from Mississippi and I wish TRENT, Tricia, and their family every happiness in their new life. They have earned it. But we will miss them.

Mr. President, I know all our colleagues join me in congratulating Senator TRENT LOTT on a long, successful, and distinguished congressional career.

Mr. BOND. Mr. President, born in Grenada, raised in Pascagoula, and educated at the University of Mississippi—there is no denying where TRENT LOTT is from. He is a true son of Mississippi.

TRENT is one of my few colleagues who knows how to say "Missouri" right.

In all seriousness, it has been an honor to work with TRENT LOTT, and a real pleasure for Linda and me to get to know his wonderful wife, Trish.

Senator LOTT has had a remarkable career in Congress that has spanned seven Presidents, two impeachments, and most importantly, decades of progress that has made Mississippi and America stronger and more prosperous.

He saw Watergate up close and personal, oversaw the end of the Cold War, spearheaded enactment of historic welfare reforms, shepherded passage of tax relief in both the Reagan and Bush administrations that made America's working families more prosperous, and helped pass numerous historic trade agreements to create more U.S. jobs.

While his career in Washington began in the House, he quickly became a creature of the Senate and built a reputation as a parliamentary master.

Getting work done in the Senate is no easy task. I like to say it is a lot like getting frogs in a wheelbarrow. Some may call it herding cats. However you would like to say it, Senator LOTT knew how to get the job done.

Senator LOTT always knew how to count votes and get the best deal based on Republican priorities and principles. In the Senate, there is no higher compliment. And in that respect, TRENT is a Senator's Senator, reflected both in his work on behalf of Mississippi and on behalf of America.

On behalf of the country, his belief in fiscal responsibility led to a historic tax cut agreement that produced the first balanced budget since 1968.

His belief in investing in a strong national defense has made our country safer.

On behalf of his home State of Mississippi he has been tireless in his efforts to promote economic development and expand job creation. From investing in schools to improving infrastructure, his contribution has been extensive and lasting.

Thanks to Senator LOTT, Toyota, Lockheed Martin, Northrop Grumman, and many other companies have a home in Mississippi.

It has been a tremendous honor and privilege to serve with TRENT LOTT.

I join my colleagues in congratulating the Senator and thanking him for his many years of service and our friendship.

Mr. BARRASSO. Mr. President, I rise today to join in recognizing Senator TRENT LOTT.

Less than 6 months ago, I joined the Senate. I was selected to serve out the term of our dear friend, Craig Thomas, and given the responsibility to represent the people of Wyoming.

My experience has only been enhanced by the quality of the individuals with whom I serve. The welcome has been warm, the advice gratifying, and the diversity of my colleagues remarkable.

This morning's session is about the incredible service of one exceptional Member of the Senate, TRENT LOTT. President Reagan once said, "I know TRENT LOTT as one of the most important leaders in the country on issues vital to all Americans."

Shortly after I joined the Senate, Senator LOTT was kind enough to visit with me and share some advice. In addition to his advice on how to deal with the Senate as an institution, it was his advice of a more personal nature that is most inspiring. Senator LOTT stressed that to survive the chaos and challenge of serving in the Senate, it was important to never be far from the people you love the most. It was evident from his words that the depth of love for his wife Tricia, his family, friends, and the people of Mississippi was the key to his success in Washington. His inner strength comes from the people who supported him when times were tough and challenged him when he tought all was well. It is a lesson I will remember for as long as I am fortunate enough to represent the people of Wyoming in the Senate.

If he were with us today, Senator Thomas would want to extend his heartfelt best wishes to TRENT and Tricia. I know Susan Thomas wishes the entire Lott family many years of happiness and success. I join all of my colleagues in wishing all the best to this remarkable man.

Mr. INHOFE. Mr. President, the first call I received from TRENT LOTT was in 1986 when I first ran for Congress. Though the polls hadn't yet closed and I still didn't know that I won, TRENT called me up to congratulate me. In 1994 when I ran for my Senate seat, TRENT LOTT again called me on election night to tell me congratulations. TRENT and I have worked together for 21 years and he has always been the best political mechanic in Washington. I take great pride in having helped launch the successful political career of TRENT LOTT by being one of his first supporters in his bid for the Republican Whip position.

People quite often take shots at TRENT without justification. Don Imus used to say on his morning radio program that it looked like TRENT "combed his hair with a sponge." Well, I have to admit it did look that way sometimes, but if that is the worst you can say about TRENT, I think he is doing just fine.

One lesson I've learned from TRENT is that you shouldn't take things too seriously. I've seen him laugh in the face of adversity on more than one occasion, most recently when TRENT's home in Mississippi was wiped out by Hurricane Katrina. Romans 5:3 tells us to rejoice in our sufferings because "suffering produces perseverance; perseverance, character; and character, hope," and certainly I've seen that in the life of TRENT LOTT.

When he talked this morning about his four pillars of family, faith, friends, and freedom, the one that people didn't talk much about was his faith. I have prayed with him at a weekly meeting for many years, an I have to say this about him: he is a faithful and obedient person to his Lord and Savior Jesus Christ. So many of my colleagues say they have lost a friend, a colleague, and a statesman, but I have lost a brother. I rejoice in the contributions that TRENT LOTT has made throughout his life.

Mr. BROWNBACK. Mr. President, I wanted to take a few moments this morning to pay tribute to my departing colleague, Senator TRENT LOTT of Mississippi.

Senator LOTT has been a trusted friend, a hardworking legislator, and a skilled party leader on issue after issue in his 35 years of distinguished service in the House and Senate. He has been a tireless champion of conservative values over the year, but it is a testament to his unfailing courtesy and affability that he has been so popular and effective with his colleagues over the years, without ever surrendering those core values. This Senate will miss his presence and example, and his state and his Nation will miss his principled leadership.

I often think about what an incredible country this is where the son of a Kansas farmer and the son of a Mississippi shipyard worker can work together on the great issues of our day in the world's greatest deliberative body. I know that this country is better for the fact that TRENT LOTT, with all of his talents and abilities, was given that opportunity.

Senator LOTT was instrumental in the great political realignment that took place in the South throughout the 70s and 80s; in fact he was only the second Republican elected to Congress from Mississippi since Reconstruction. He went on to become one of the most effective political leaders of his day, perhaps one of the most effective leaders this body has every seen. Trent has been amazingly effective, in building coalitions, in working across the aisle, and in leading his party.

Those of us on both sides of the aisle who have worked with him over the years know that TRENT LOTT is a man of his word. In large part, that has accounted for his political effectiveness, both with the voters and with his colleagues. With SENATOR LOTT, there is never any question about where he stands and who he is, and that kind of integrity gains people's respect and admiration.

His integrity was never more apparent than when he stayed in the Senate out of a sense of duty to his state to see his people through the terrible natural disaster that was Hurricane Katrina.

After three decades serving the people of his State and serving his country in the U.S. Congress, we now say farewell to our valued colleague. He has served his country with resolve, honor, and energy. As he leaves us in order to spend more time with his beloved family, I join my colleagues in thanking TRENT and his wife Patricia for their service to their country, and I wish him all the best in his future endeavors.

Ms. MURKOWSKI. Mr. President, I have not had the privilege to serve in the Senate with our colleague, Senator LOTT, for as long of a period of time as many of those who have spoken today.

But it doesn't take that long to realize just how important the Senator from Mississippi's contribution to this institution has been.

We all know of his tremendous dedication to the institution that is Congress. Thirty-four years of public service between the House and Senate. His creation of the whip organization in the House that emphasized Member-to-Member contacts and outreach to the other party. Election to the Senate in 1988, as the Senate majority leader in 1996, and then as the Republican whip earlier this year.

But rather than lament the loss of a tremendous asset, I would like to celebrate his accomplishments.

When there is a problem to be resolved, TRENT can resolve it. When there is a compromise that needs to be brokered, TRENT will broker it. And when there is a shortage of tomatoes at the Lott household, well, TRENT always knew he could find a few extra in the garden a few doors down.

My husband and I have been fortunate these past 5 years to be neighbors with TRENT and Tricia. We share many things as neighbors—I blow the leaves down the sidewalk to his yard, and he blows them back to mine.

Jokes aside, whether it was the quick conversations between Members during votes, or a closed door sit down discussion on the issues, TRENT knew the pulse of the Senate. He works like a butterfly—going from Member to Member on the floor, lighting for a moment to discuss an idea or resolve an issue and then going on to another. Always friendly, always working to find the path forward.

His ability to develop those relationships and work out a deal to everyone's satisfaction is a skill that I certainly look to as a model for how the Senate should operate.

So it is with great fondness that I wish my friend and colleague well in his future endeavors. I wish him and Tricia well as they embark on the next stage of their adventures.

TRENT, thank you for your friendship, and for your service to this Nation and this institution.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, as a sort of starting point, I noticed that throughout today we have had a lot of legislative business, and I thought it was interesting this morning, when many of my colleagues came down here to pay tribute to Senator LOTT, that while that was going on, and I was coming down here as well to listen to some of those and to offer my remarks at that time, I was handed a whip card to go start to do some whip work, because that is the task that Senator LOTT—and I have had the honor to serve on his whip team—is entrusted with here in the Senate.

So it was always focused on the task and always on the work at hand. Even as we were in his last day here in the Senate paying tribute to him, he continued to work hard at the responsibility that had been entrusted to him by his fellow Senators on this side of the aisle.

It was a great privilege, as I said, to be able to serve in that capacity and to learn from Senator LOTT. I think he has the distinction as perhaps the only person who served as the whip in the House of Representatives and now in the Senate. As he leaves, he leaves a great legacy. Many of us who have had the opportunity to learn under his tutelage about the way this institution operates have been blessed to have someone like him to be a teacher.

Senator LOTT always understood that although we deal with very serious, very weighty, sometimes complex and oftentimes consequential issues, it is also important that we not take ourselves too seriously. TRENT never did. Even those of us sort of plain Midwesterners who resisted the seersucker suit day and its attendant fashion statement recognized the value of many of the trends that Senator LOTT was responsible for instigating.

TRENT never lost sight of the fact that in the end—while we are elected officials, we are Senators, we have responsibilities to our constituencies, responsibilities under the Constitution, responsibilities to our country—that we are all human beings. In the end, despite our differences, the relationships are what will endure. He worked actively at building those types of relationships.

I first had the opportunity to meet TRENT when I was a Member of the House of Representatives. Like many of my colleagues who at the time served in the House, he was the leader in the Senate. But we had some opportunities to interact, and we always respected the work he did and the way he understood the Senate and its rules and its procedures and was able to effectively make it work to produce results. Ultimately, that was always his objective. He knew we were going to disagree, he knew there would be differences, but in the end his objective was always to get us across the finish line so the Senate could complete its work, and the work of the American people could be done.

I will certainly miss, as will many Senators, that personal touch, that sense of humor, that warmth, that smile—all those things that are part of his character and his personality that are so closely associated with the Senate.

My office is next to his on the fourth floor of the Russell Building. It was not uncommon for Senator LOTT to do the pop-in visit. He would pop into my office, always to have a discussion about perhaps what the issue of the day was. But there was not one of those pop-in visits where I didn't learn something, where just, again, having been exposed to him presented the opportunity to learn from someone who had mastered this institution after serving here for those many years; someone who also understood the House very well, 34 or 35 years, I think, in total in the House and Senate, as well as having served here as a staffer prior to that.

When Senator LOTT came to the Senate the very first time as a staffer—I don't know exactly the date, but I know it was sometime in the late 1960s—I was probably in first or second grade, somewhere in that vicinity.

Over the years, his service has helped accomplish a great many things for the American people. He has been a great leader for the Republican Party. As majority leader, as minority leader, as minority whip, majority whip—in all those positions he has held he has had one goal and objective in mind, and that is to help his team help this great country continue to prosper, continue to be safe and secure for future generations.

If I think there are any lessons that can be learned, things that I, perhaps, learned from TRENT during his service in the short time I have had the opportunity to serve with him, one would be to serve causes that are greater than yourself. I think he had a great sense of purpose about what was important in life. Clearly, that was the case or he would have gone off and done other things a long time ago.

Second, to be serious about your work. He was very much, as I said, a task master. I know from experience, serving on his whip team, that when there was a task at hand he was very focused and intently conscious of the importance of getting the job done and getting it done in a timely way. He was serious about his work. But the other thing he understood was he never took himself too seriously. He, as I said, invested in relationships in this body, knowing full well it is those relationships that will have the enduring value.

The final lesson that I got from TRENT is never forget where you came from. That was one thing he also modeled. He was a Mississippi original through and through. That was something you always sensed. His priority, his heart, was always with his home State. What came through loud and clear to all of us when his State was struck with the adversity that came from Hurricane Katrina and the aftermath of that was the enormous work he did to help his State to recover. He always had a sense of where he was from. He never lost sight of that, and who he represented.

There is a verse in the Bible that says:

> Where your treasure is, there will your heart be also.

I think you could always tell what things TRENT treasured. You could always tell where his heart was because of the things that he treasured. His faith was very important to him in a personal way. His family, his beloved wife Tricia, and his children, were always a top, first priority for him. Finally, his friends. That was something I think you heard abundantly today as people from both sides of the aisle got up and talked about their experiences and the relationships that he had built with them over the years. If you can judge someone, where their heart is, by where their treasure is, you always knew where TRENT LOTT's heart was. It was with his faith, it was with his family, and it was with his friends.

I am very proud and privileged to count myself among those friends.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak for as long as I wish to consume. That will not be very long. I cannot talk about Senator LOTT in 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank my colleagues, Mr. President.

Mr. President, in his political memoir, "Herding Cats: A Life in Politics," our distinguished colleague, the former majority leader, Senator TRENT LOTT, noted that he viewed his "years in Washington as a magnificent experience, with many more mountaintops than valleys." How is that? Let me say that again: He viewed his "years in Washington as a magnificent experience, with many more mountaintops than valleys."

What a wonderful way to look at one's experience in the U.S. Congress. Everyone in public life knows there are valleys. Life may be unfair, but in public life, that unfairness, I daresay, is magnified tenfold. But as Senator LOTT explains, he prefers to look at the mountaintops, and his political life has been one of many mountaintop experiences.

This son of a shipyard worker and public school teacher was elected to the U.S. House of Representatives in 1972. He was in the House for 16 years, where he distinguished himself by serving with great aplomb on the House Rules Committee as his party whip. I know something about that party whip. That ain't easy.

In 1988, he left his safe and secure seat in the House to run for the Senate. Reach for the stars. In the Senate, Senator LOTT has served as Republican conference secretary, Republican Senate whip, Senate minority leader, and Senate majority leader. As the Senate whip, Senator LOTT became the first Republican ever elected to the whip positions in both Houses of Congress.

As the Republican Senate leader, Senator LOTT served with dignity and with diplomacy. Diplomacy was his tool. He was a facilitator who sought to bring differing political factions together on key legislative issues.

TRENT LOTT established solid, productive relationships with the Senate Democratic leaders in order to keep legislation moving, moving, moving to the floor. Make no mistake, as a conservative Republican, Senator TRENT LOTT has always been combatively—combatively; underline that word, combatively—partisan in his thinking and his approach to public policy, but—a big conjunction here—but he never allowed his partisanship to become stubborn or nihilistic or destructive. No, never.

Senate Majority Leader REID—that is HARRY REID, Senator HARRY REID, majority leader—recently commented on how closely he has worked with Senator LOTT. They negotiated. They negotiated. Together they worked out compromises, which, as they say, is the art of politics and the legislative process. Majority Leader REID then explained:

> Even though Trent Lott is certainly a true conservative, we were able, in his pragmatic fashion, to work things out.

It is not easy. Allow me to state this in another way. Senator LOTT always put the good of this institution—right here, this institution—and the good of our country first; that is, above partisan political interests or political party. For that, I have always respected him, TRENT LOTT, and I have always admired him.

Senator LOTT takes great pride in his roots and his southern heritage. I, too, am a southerner and am proud of that. My great uncle was killed fighting for the Confederacy. As a champion of his beautiful and beloved home State of Mississippi, he was always on call for the people of the Magnolia State. This was best seen a few years ago when he was considering retiring from the Senate at the close of the 109th Congress, but feeling an obligation to help his State to recover from the deadly and devastating impact of Hurricane Katrina, TRENT LOTT decided to stay with us, and I, for one, am glad he did. Thank you, TRENT.

In his political memoir, "Herding Cats," which I mentioned a few minutes ago, Senator LOTT included a special chapter entitled "The Differences Between Friends and Colleagues." "Differences Between Friends and Colleagues"—what a powerful and insightful look this is into the political realities of life and work on Capitol Hill. Senator TRENT LOTT pulled no punches—none—as he discussed the differences between the two. He bluntly recalled telling one person: You didn't help me when you could have. Senators, think of that. Think of that statement if it was said to you: You didn't help me when you could have. That is piercing, leaves nothing unsaid. I guess that about sums it up: You didn't help me when you could have.

I will miss Senator TRENT LOTT. I wish him and his very lovely wife Tricia—tell her I said hello on behalf of Erma and myself—I wish him and his lovely wife Tricia health, happiness, and success as they now embark upon the next phase of their lives. I pray they will enjoy nothing but the best. They have earned it.

Mr. President:

It isn't enough that we say in our hearts
That we like a man for his ways;
And it isn't enough that we fill our minds
With psalms of silent praise;
Nor is it enough that we honor a man
As our confidence upward mounts;
It's going right up to the man himself
And telling him so that counts.

Then when a man does a deed that you really admire,
Don't leave a kind word unsaid,
For fear that it might make him vein
Or cause him to lose his head;
But reach out your hand and tell him, "Well done",
And see how his gratitude swells;
It isn't the flowers we strew on the grave,
It's the word to the living that tells.

Thank you, TRENT.

Mr. STEVENS. Mr. President, while I was deeply saddened when Senator TRENT LOTT told me he would retire at the end of the year, I understood completely why he made this decision.

TRENT and Tricia have been trying to restore their lives in Mississippi following the devastation of their home as a result of the terrible devastation which struck our East Coast during the Katrina and Rita hurricanes. They lost their home—and most of their possessions, and, they need time to recover.

There is no Senator with whom I have served who has had a deeper commitment to our Nation. TRENT was the whip of our party in the House of Representatives when I was whip here in the Senate. We initiated weekly conferences to try to share the progress and intentions of our leaders at that time. From those days until now I have considered TRENT one of the best friends I have had in my lifetime.

TRENT and I have served together on several committees of the Senate. Our primary work together has been on the Commerce Committee where TRENT has been our leader on the aviation and maritime commerce subcommittees. His work on our Commerce Committee will be sorely missed.

TRENT's own words on "herding cats" is well known here. He has had more success in achieving bipartisan results than most people outside the Senate know. TRENT has not sought the credit for what he has accomplished—it has been enough for him that he knew the job was done.

His role as a member of the "Singing Senators" is well known. What people should know is that he had the good sense to ask this Senator not to join—they didn't need a monotone!

As I told the The Politic, it is doubtful the Oak Ridge Boys will come back to the Capitol. TRENT brought them to the LBJ Room—where he asked them to sing "The Late Night Benediction at the Y'all Come Back Saloon."

It is hard for me to visualize the Senate without TRENT LOTT. I believe every Senator here now knows what he has done. He stepped down from the leadership—kept a smile on his face and went back to work. He regained the leadership as he was selected to be our whip—and the Republican leader's comments show that TRENT LOTT became the whip any leader would dream to have: loyal, supportive, full of energy to get the job done, and all with that smile that we all know so well.

So, as I said in the beginning, it is with sadness that I join in wishing TRENT and Tricia the best that life has to offer as they leave this Senate family. Catherine and I wish them the best and will pray for their success in the future.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi, the Republican whip.

Mr. LOTT. Mr. President, I can't help but feel honored and humbled by all that has been said here. My mother would have loved it and would have believed it all.

I feel totally inadequate to properly respond to much of what has been said. I thank my colleagues one and all, and, of course, the venerable symbol of this institution, Senator BYRD, and his comments, ending as he always does with magnificent quotes, from memory. So maybe it is appropriate that I would begin briefly by telling some of my experiences with Senator BYRD.

When you enter my son's home in Kentucky, on the wall, framed, is a tribute he gave to my first grandchild—a grandson—the week he was born. I was majority leader and came on the floor that Friday, and he asked me if I would be around for a few minutes; he had something he would like to say. It was truly one of the most beautiful things I had ever heard in my life. Maybe it was because I thought my grandson was the most beautiful I had ever seen, but it was so magnificent, and he ended with a quote of how a grandfather wants his grandson to remember him. So it hangs there in a place of great pride. "Chester Trent Lott, III" is the title.

Senator BYRD and I have worked together, and of course we have disagreed. There have been magic moments. I remember when I was involved in our little singing group, he came on the floor one day and asked me if I had a little time; he had something he would like to show me. So he went down to his office and he showed me a video of himself at the Grand Ole Opry playing great fiddle. So we were bonded by music, by heritage, by faith, and in so many ways.

I could tell a story about certainly each one of these colleagues here and a lot on the other side and how I have enjoyed being here and have enjoyed my work, and a lot of it has been on a personal, one-to-one basis. Sometimes, when I really, really cared about something, on a personal basis, for my State or for the Senate or our country, I would go to that Senator's office. I remember one time it took me quite some time to track down Pat Roberts, because he was hiding from me, but I found him.

I remember one time I needed a vote, and I needed some votes on the Democratic side. So the simple thing I have always thought is, you know, go where the ducks are. If you are looking for votes, you have to go talk to them, you have to pursue those votes. So I went to Senator BYRD's office. As always, he graciously welcomed me into the inner sanctum. I think I smelled a cigar, which delighted me, and I sat down, and he listened to me as I made my pitch. I talked about the attributes of this nominee for a very important position and why it was so important, I thought, to the institution and why it was important to me and my State. He listened, he asked a couple of questions, and asked me to repeat the name.

At the end, he said: Well, I think everything will be okay. He didn't say: I will vote for him. He just said: I think everything will be okay. I figured it was good enough and time for me to take my leave, and I did. I talked to my senior colleague, Senator COCHRAN, and said: What does that mean? He said: I think it will be okay.

So the vote came, and it was okay. He was one of a number of Democrats who did vote for that confirmation. It was just sort of the epitome of Senator BYRD. I respect him as a great Senator, I respect him because of the way he loves this institution, and I respect him as a friend.

I take occasion, when I am in the Senate, sometimes when I am leaving, to go over and say: How are you doing, Senator BYRD? Because I know how he felt about Erma, I know how he loved Billie, and he has so many things that appeal to me and that make him a great man. I single him out now because of the beautiful remarks he just made and because really he is emblematic of the relationships I have had with so many of my colleagues here.

I guess, to tell you the truth, I really was kind of hesitant about this moment and about being here today and what you would say, but it all sounded so good, now I am thinking of changing my mind and maybe announcing for President or something.

But to our leaders, Senator HARRY REID, the majority leader—he and I did work together on many occasions and without a lot of fanfare. I remember we would bring up a bill, and 100 amendments would always appear. I got to thinking it was the same 100, but then he and I would go to work, with me in the leadership of my party and he as the whip on his side, working with Senator Daschle, and we managed to get it done over and over again. We established a relationship of trust and honesty with each other that is so critical.

I think he has the toughest job in the whole city, being the majority leader in the Senate, and not just because I had it but because I got to see what it was all about. The President has the whole administration, the Speaker has the Rules Committee, but the leaders of the Senate, on both sides of the aisle, they lead because of who they are and the power of persuasion they have and the respect for the position they hold. Nothing in the Constitution gives them special powers.

So I appreciate what HARRY REID has said. He has been a friend, he has been a supporter, he has offered me encouragement when I was down and when I was up. He has been very generous and magnanimous in what he has had to say, and I admire him. I wish him only the best because when he succeeds in working and making this institution work and produce a result, most of the time the country succeeds.

To our Republican leader, MITCH MCCONNELL, you knew just a little bit too much about my background, all these personal references, but I appreciate it. It means so much to me. You have been a great friend. We have been in the leadership together, we have kept our word to each other, we have been supportive of each other in tough times and good, and I really enjoyed having you work with me in the leadership when I was leader, and I have been so honored and thrilled to be a part of your leadership team.

I told you that I knew what your job was and I knew what the whip job was, and I would be your whip and I would support you. And I want the record to show here, and for one and all, I think you have been a magnificent leader for our party this year. It has not been easy. It has been tough. Both of you are going to get criticized, but I have been riding shotgun for you, and it has been a great pleasure, my friend. You have done a magnificent job for our party.

I have to recognize our most senior Republican, too, Senator STEVENS. He told me yesterday he didn't like my nickname for him, so I am working on a more appropriate one for him, but he has been a good and loyal friend too. When I was a whip in the House and he was a whip here in the Senate, he took me under his wing, even took me on some flights with him. But I admire you so much, Senator STEVENS.

And I have to say to my colleague from Mississippi, it has been quite a ride—35 years—but we have enjoyed each other's company. No matter how tough things get, we could always sit down and talk about Ole Miss. I really thought I would be the head coach this year, but that didn't work out. But the thing I will always say about Senator COCHRAN, and typically of him, after Katrina, which was a seminal event in my life, obviously in the lives of my families and neighbors and friends, and my State, we had so many needs, and Senator COCHRAN immediately went to work and produced appropriations—more than one—and he got everything we needed. He didn't jump up and down and brag about it.

He helped not only my State but, as Senator VITTER said, Louisiana and the entire gulf region, and here is what really impressed me about it. We all took credit for what he did—I did, our Governor did, our mayors did—and he sat there quietly in the second row in Biloxi, MI, on the 1-year anniversary of Hurricane Katrina, and public official after public official got up and took deep bows for what they had done. Finally, I had all I could stand, and I got up and said: I am glad we all got to take credit. Now it is time we recognize the man on the second row who actually did it. I will forever be grateful for what you did after Hurricane Katrina, which was obviously a very tough event.

To my staff, who are lined up back here—I have a great team. Typically, Senate staffers do so much of the work and we take the credit, but I have been blessed with super staff this year, and there are some former staff members in the balcony. I have a rule in my office that once you work for TRENT LOTT, you always work for TRENT LOTT no matter who pays your salary, and, you know, it seems to work. I never let them go. They are always on call and they are always there, and I thank you all for that.

I want to do something, too, that I have done before. We don't do enough to thank our entire Senate family, everybody from the elevator operators to our policemen and the people here. I think the staff of the Senate here on the floor appreciates it. I have always tried to think about you too. One of my speeches about the sun is setting, isn't it time to go home—as most of you know, I was serious when I said I wanted to go home and have supper with my wife Trish, and on occasion, I did it and didn't come back either.

But to all of the staff: Thank you. You have helped in so many ways. Our leaders on the staff—I think of Elizabeth Letchworth, Dave Chiappa, and Marty. They just do great jobs, and so I want to express my appreciation to them.

To my State of Mississippi, they have shown me a lot of leniency. They have honored me, and they have put up with me sometimes, and it has been quite a pleasure to represent that State. I love it, always will, and will always be working for the State.

But especially to my wife Tricia and our two children, Chet and Tyler, and now our four grandchildren, they have been very supportive, and they have always stood by me. My wife has been a lot more than a wife and mother, she has been a real helpmate. I thank them for all they have done.

I do want to say again to the Senate itself, I have learned to love the institution. Senator BYRD occasionally accused me of trying to make the Senate into a mini-House, and I have denied it, but maybe I was, in my desire for order and neatness. The messiness of the Senate sometimes was hard for me to take.

But I love this place, and I was thinking about it today—the friendships. They are real here, but they don't go away. Some of our colleagues have gone before us whom I have dearly loved as friends and not just colleagues, people such as Connie Mack, Dan Coats, Phil Gramm, and Paul Coverdell was mentioned. These are friendships which will last forever.

DIANNE FEINSTEIN. One of my regrets in deciding to retire is that now we have sort of formed a team, and I think maybe she is a little peeved at me that she took a stand with me after I took a stand with her, and now I am going to the house. But this is a great Senator, and she is a symbol of what I hope the Senate will remember to do, and that is to really go the extra mile to be a friend and to have a personal relationship.

She took on the seersucker Thursday. When we lost everything, she was the one who made sure my wife had some glasses for us to drink out of. She didn't do it for publicity, and I never talked about it publicly, but it was a very special gesture.

I thank my colleagues for letting me be in the leadership. Thanks to my colleagues and the American people for allowing me to have some fun while being in the Senate. I commend it to you, for the future. I didn't form the Singing Senators, the quartet, just because I like to sing base or because I enjoyed music, but because I wanted to show that side of the Senate. Could the Senate really have soul? Could the Senate really have music in its heart? As bad as we sounded, there was method in my madness. I also thought it would lead me to find ways to get one of our Senators to vote with us more. I think it got one more vote than we would have otherwise.

But the kilts—you know, just being a little looser I think is a good idea every now and then. I believe whatever you do in your life you should find a way to enjoy it and have fun. I have to say I have had fun in the Senate because I really enjoyed it. That is all there is to it. But I tried to find a way to do some things that made us closer as friends.

I am glad we recorded some history with the Leaders Lecture Series. I urge my colleagues to restart that, bring in experts to talk to us, men and women who led the Senate, who led the country, who know the history of our country and the history of this institution, and give us some opportunity to have an intellectual discussion about what the Senate is, what it has been, and what it can be.

I do hope we will always find a way to be just a little bit family friendly. Remember, we all have families at home, back in our States. Our leaders sometimes could give us a little reward; if we would behave and allow them to get to a vote quicker, maybe we could get home to our families a little quicker.

Senator BYRD mentioned the fact that I have been on mountain tops and down in the valleys. I thought many times about my high school class motto. As class president—we had a class flower, we had a class color, we had a class song, we had a class everything. We had a class motto that has lived with me since those years at Pascagoula High School in 1959. Our class motto was:

> The glory is not in never failing, but in rising every time you fail.

I have had opportunities to fail, and I have had opportunities to persevere, as the people I represent. It has been a great motto, one I have learned to live by.

I am not going to give a long speech today. I quoted a great philosopher about how you should speak on occasions such as this. He said: You should speak low, you should speak slow, and you should be brief—John Wayne. I am going to try to honor that. I am not going to give you a list of achievements because I have been so pleased with what my colleagues have had to say. But among the things I really am proud that we have done in my years in the Senate: We have built our military, we have made it stronger, we gave them better pay, we gave them better retirement benefits. I will always be proud of that. We had tax cuts, tax reform, and strengthened the economy, even things such as safe drinking water. I had communities in my State that literally couldn't drink water out of the faucets. We have improved on that. We had insurance affordability, welfare reform, transportation.

When I announced my retirement a couple of weeks ago, one reporter asked about what was I most proud of. I said: To tell you the truth, I am not the kind of guy who sits around meditating on what I am going to put on a marker somewhere. I am proud of all of it. But I think I am the most proud of the effort we had with colleagues on both sides of the aisle, working very closely with Senator DOMENICI and Senator GRASSLEY and others. So in my 6½ years as majority leader we have had balanced budgets, four, and surpluses two of those four. It hasn't happened since 1968, and we are kind of struggling again. That is something we need to do. Fiscal responsibility is a very important part of what we can do for our children and our grandchildren. I hope we will find a way to do that again in the future.

I have one regret. I guess I was part of the problem along the way. The one thing I always hoped we could get done for our children and our grandchildren we have not been able to do, and that is to find a way to preserve, protect, and ensure that Social Security will be there for our children and grandchildren in the way that it is here for us now. I hope we will find a way before it is too late to get that done.

With regard to recommendations, I have no anger, complaints, I have nothing but hope and joy in my heart for the future. I am so appreciative of the way the Senate and the Congress and the American people stepped up and helped us after Hurricane Katrina. But if there were just two things I would like to urge the Senate to do—I have touched on them, but I repeat them now—No. 1, find a way to make sure Senators have a life and have some time with their families. When you lose that, you have lost an important part of those pillars that make us who we are—family and friends, faith and freedom. You have to make sure you pay close attention to that and learn to know each other and know each other's families. It will make us better people.

Then, last, find a way to keep the human side. It has been hard for me, with my Scottish roots, to tell people when I really do appreciate them and love them; to call people when they are celebrating and call them when they are hurting. But when I hurt, myself, I know how much it has meant to me to have some of you call and offer your support and your encouragement. Find a way to do that. It is more important than anything else that happens in the Senate. Keep that personal, human touch.

Always find a way to disagree if you have to, but don't be disagreeable. There has come sort of a meanness, sometimes, that I do not think is befitting of the institution. I hope we will find a way to stay away from that.

Again, I repeat something I said a moment ago. This morning when I was doing my morning Bible devotional, the message that came through to me was one of hope and joy for the future. I look forward to my opportunities after the Senate. I am not going to say a fond farewell because I am not leaving. I will not be here, but my heart will be with you and I will be watching and I will stay in touch for the rest of my life.

Thank you so much for being able to serve with you. I thank you all for what you have had to say today. I do have a quick card in my topic. I do want to talk to you about some folks who will be coming up later this week.

Thank you very much. God bless this institution.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I hope we all heed TRENT LOTT's words that he spoke so beautifully right now. He spoke from the heart, and he spoke from experience. As I listened to him, I thought: We do sometimes forget about what is important in life. I think he brought that back to us.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 1:09 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now be in a period of morning business.

Who seeks recognition? The Senator from Missouri.

Mrs. McCASKILL. Mr. President, I will happily yield to the chairman of the Judiciary Committee. I am going to speak for 10 minutes as in morning business.

FISA

Mr. LEAHY. Mr. President, I thank the Senator.

Mr. President, I strongly oppose the blanket grant of retroactive immunity in the Senate Intelligence Committee's bill to amend the Foreign Intelligence Surveillance Act. This administration violated FISA by conducting warrantless surveillance of Americans for more than 5 years. They got caught. If they had not gotten caught, they probably would still be doing it.

When the public found out about the President's illegal surveillance of Americans, this administration, and the telephone companies who may have assisted them, were sued by citizens who believed their privacy rights were violated. Now, this administration is trying to convince Congress to terminate those lawsuits, in order to avoid accountability. We should not allow that to happen.

The administration knows that these lawsuits may be the only way that it will ever be called to account for its illegal program of warrantless surveillance and its flagrant disrespect for the rule of law. In running its program of warrantless surveillance this administration relied on legal opinions, prepared in secret by a very small group of like-minded officials, who crafted those opinions to fit the administration's agenda. Jack Goldsmith, who came in briefly to head the Justice Department's Office of Legal Counsel, described the program as a "legal mess." The administration does not want a court to get a chance to look at that mess, and retroactive immunity would ensure that there is no court scrutiny of their actions.

Senator ROCKEFELLER and I have been consulting since this summer to find ways to obtain access to the information our members need to evaluate the administration's arguments for immunity. The administration has consistently refused to provide this information to the Judiciary Committee. In fact, in light of the administration's stonewalling, Chairman SPECTER was prepared to subpoena this information from the telephone companies during the last Congress. Finally, we obtained access, not only for the chairman and ranking member, but for members of the Judiciary Committee. However, I believe all Senators should have access to this information, as well as those staff with the appropriate clearance.

Instead of conducting warrantless surveillance in violation of FISA, trying to cover it up, and then trying to justify the coverup, this administration should have come to Congress immediately and asked for the authority it is now claiming it needs.

I have drawn a different conclusion than Senator ROCKEFELLER about retroactive immunity. I oppose granting blanket retroactive immunity. I agree with Senator SPECTER and many others that blanket retroactive immunity, which would end ongoing lawsuits by legislative fiat, undermines accountability.

Immunity against future litigation is not the issue; the issue is retroactive immunity. If they followed the law, and FISA was not violated, the telephone companies would automatically have immunity and there would be no need for Congress to now duplicate that immunity.

I also would note that title I of the FISA law was changed during markup in the Senate Judiciary Committee. When we come back to this bill next year, it will be my intent to bring much of what we did in the Judiciary Committee before the Senate for a vote.

Again, I want our intelligence agencies to be able to intercept the communications of those people overseas who are trying to do harm to the United States. We all agree with that. But I want to make sure that Americans' communications cannot be acquired by the executive for just any reason. If the Government is going to listen to the communications of Americans it must abide by the legal system that has served us so well throughout the history of this country: court determination of the legality of surveillance before it begins, and court oversight throughout the process.

We hear from the administration and some of our colleagues that we must grant immunity or the telephone companies will no longer cooperate with the Government.

Senators should understand that if we do not grant retroactive immunity, telecommunications carriers will still have immunity for actions they take in the future. If they follow the law, they have immunity.

Instead, I will continue to work with Senator SPECTER, as well as with Senators FEINSTEIN and WHITEHOUSE to try to craft a more effective alternative to retroactive immunity. We are working with the legal concept of substitution to place the Government in the shoes of the private defendants that acted at its behest, and to let it assume full responsibility for any illegal conduct.

I believe that requires reaching agreement that the lawsuits should be able to reach the merits rather than be short-circuited by Congress, and that the program be subject to judicial review so that its legality can be determined.

Again, this administration violated FISA by conducting warrantless surveillance for more than 5-years. They got caught and they got sued. The administration's insistence that those lawsuits be terminated by congressional action is designed to insulate itself from accountability.

Retroactive immunity would do more than let the carriers off the hook. It would shield this administration from any accountability for conducting surveillance outside the law. It would leave the lawsuits that are now working their way through the courts dead in their tracks and leave Americans whose privacy has been violated no chance to be made whole.

These lawsuits are perhaps the only avenue that exists for an outside review of the Government's actions. That kind of assessment is critical if our Government is to be held accountable. That is why I do not support legislation to terminate these legal challenges and I will vote to strike it.

The PRESIDING OFFICER. The Senator from Missouri has yielded earlier to the Senator from Vermont.

Mr. GREGG. Would the Senator yield so I may propound a unanimous consent request that I be recognized at the completion of her remarks?

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri is recognized.

CREDIT CARD COMPANY DECEPTION

Mrs. McCASKILL. Mr. President, I first want to comment on what a pleasure it was listening to several hours of tribute to Senator LOTT. I have not served with Senator LOTT for very long, but at the point in time that I, hopefully, would be allowed to decide to retire from the Senate, I could only hope I have such kind things said about me in so many different ways.

I was glad I got an opportunity to listen to 3 hours of Senators talking nicely about each other. It is an important thing to do this time of year, and I think, frankly, it is an important thing to do more often, and we do not do enough of it around here, particularly across the line.

I rise today to speak as in morning business for a few minutes about something that is on everybody's mind this time of year; that is, credit cards. Now, I know why it is on my mind, because my fingers are having to do the shopping because I cannot get home to Missouri, and so I am having to click, click, click on the Internet. I now know my credit card number by heart because I have entered it so many times in the computer trying to get gifts for my family and my children. So I am very aware of my credit card this time of year.

I have spent some time this year in the Senate looking at the issue of credit cards, and as we all are wringing our hands and gnashing our teeth over the subprime mortgage mess, I think we all need to begin to wring our hands and gnash our teeth about some of the credit card practices in this country. We have allowed the credit card industry to play a little fast and loose with fairness.

I certainly fundamentally understand that people's obligations in terms of their credit, their unsecured credit on a credit card, are primarily their responsibility and it is important that people be responsible when they enter into debt, and it does not matter what kind of debt it is, whether it is credit card debt or any other kind of debt. On the other hand, I have spent some time trying to read through the fine print on some of these credit card agreements. Frankly, I have been trained as a lawyer, I have worked as a lawyer for most of my adult life, I have been a State legislator, I have now worked at the Federal level legislating, and I can't understand a lot of the fine print on some of these credit card statements. If I can't understand the fine print on a lot of these credit card statements, what shot does someone who has not spent as much time around the law as I have?

If you look at what is going on with the unsecured credit card industry in terms of some of the fast-and-loose play with the rules, the kinds of tricks that are being played—I will give you a great example. We now know your interest rate can go up if you get near your credit limit. We now know you can call and get an authorization to charge money on your credit card, and they will let you do it even if you go over your credit limit, and then they are going to charge you every month an extra fee because you went over your credit limit, which they said was okay for you to do. You never know this.

Imagine my interest when I learned in a hearing this year that they can raise your interest rate on your credit card just by getting more credit cards. So if you are going into a department store and they say: Hey, you can get 15 percent off today if you open a credit card, you can get 10 percent off today if you open a credit card, the act of opening those credit card accounts can increase your interest on another credit card. Now, who would have thunk that? No one ever explains that to the American consumer. No one ever explains that getting at or near your credit limit on a number of credit cards could require your interest rates to go up even if you are paying your bills on time, even if you have always paid exactly what you are supposed to pay on time every month.

It is very important that we get a handle on this. This is a great example. A member of my staff who knows I have been very interested in this brought this in to me this week. We just had a hearing where we learned that if you get to your credit limit, it is possible they will raise your interest rate even if you paid everything on time. Well, what is this? This staff member of mine had several thousand dollars left in available credit on one of his credit cards. So what happens? He gets checks in the mail from his credit card company, and the first one is made out. Guess how much it is made out for. It is made out for an amount that will get him very close to his credit limit. So the idea here is if you fill them all out, guess what. Bingo. You are over your credit limit, and then all the fees and the extra interest rates start.

Well, I have to tell you—by the way, there is nothing on this that says: If you go over your credit limit, not only will we charge you fees, but we are probably going to raise your interest rate. That is never explained to the American consumer. That is not fair play.

Make it very clear to your credit card customer exactly what they are going to pay for and when. Fifty percent of the people who have credit cards in this country right now are paying minimum balances only, and they don't understand they are in a hole they can't dig out of.

The credit card companies say: We have not had that much increase in defaults. Well, I will tell you, here is what is different: A lot of the credit card debt in this country—hundreds of billions of dollars of the credit card debt in this country—has been rolled into home equity lines of credit because of this housing boom we were on, and everyone was combining their credit cards, and a lot of that debt has been transferred to mortgage debt.

This is stuff that needs to get fixed, it needs to be fair, and the rules need to be clear to anyone because I will tell you, if we don't get it fixed, we are going to be wringing our hands and worrying about the next big problem in our economy, and that is all this unsecured credit that goes unpaid.

I think the credit card is a wonderful tool for Americans. It has allowed our country to consume at great levels, has kept our economy pumping. But at the end of the day, if we don't require the credit card companies to make full disclosure in a way that everyone can understand exactly what they are charging for this very expensive form of credit, we are going to regret it.

There are two pieces of legislation. First, Senator LEVIN and I have introduced a Stop Unfair Credit Card Practices Act which prohibits some of the most egregious examples I have talked about that unfairly deepen or prolong credit card debt held by consumers.

The other piece of legislation is one I am cosponsoring with Senator KOHL that deals with college students. Nothing strikes more fear in the heart of a parent who has two children in college than the idea that someone wants to send them credit cards right now.

I love my two children in college very much. I think they are smart and wonderful people. But, believe me, neither one of them has the resources to handle a credit card right now. The only resources they have to handle a credit card right now are mine. If they want to send me the credit card, that is fine, and if I want to help my kids, that is fine, but the idea that we are now selling lists of college students to credit card companies so they can send them—by the way, one of these credit card officials actually had the nerve to say in a hearing that he found college students to be a very good risk. Well, yes, because their parents pay it off because they do want not want them to have bad credit when they get out of college. But college students do not have the wherewithal to take on unsecured debt. They are having a hard enough time just getting to class and getting everything done, much less taking on unsecured debt.

We need to stop some of these practices that are victimizing the American consumer. We can do it. We can do it in the Senate. I look forward to working with my colleagues in the new year to see if we can't make it a better year for middle-class America that is buried under credit card debt without the playbook to show them how to get out.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, I relinquish my right to be recognized at this moment as I have another commitment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. The Senator is recognized.

FEC VACANCIES

Mr. BENNETT. Mr. President, I rise to note with some sadness that we are reaching a point at the end of this session where it appears we will adjourn without acting on any of the nominees for the Federal Election Commission. The effect of this will be to leave the Federal Election Commission with only two functioning commissioners, when the law calls for six. It is worse than that. The law insists that no action can be taken by the commission without the votes of at least four. So by having only two left, we will leave the Federal Election Commission with no capacity to function.

I have a history with the Federal Election Commission which makes me sensitive to the importance of this group. When I was elected, there was an allegation made against me which I considered highly partisan. It went before the FEC and before the entire commission a vote was taken, with the three Republicans upholding the position I took and the three Democrats holding the position on the other side. Because they could not muster four votes, nothing was done. In my view, this was justice. But the thing I found difficult was the fact that the partisanship on the FEC was so heavy, there was an almost automatic 3-3 vote on everything. It makes far more sense for the commissioners to work together to recognize the merits of the case, rather than simply responding in a knee-jerk partisan fashion to the individual or group that is bringing the charge. In my case, that is what was happening. A Democratic group brought the charge that I had violated the law. The three Democrats on the FEC automatically agreed with that, and the three Republicans automatically disagreed. I don't think, frankly, any of them spent any time examining the merits. If they had, I am sure I would have been unanimously exonerated, but that is not the way it worked in those days.

It got to the point here on the floor where a piece of legislation was introduced saying, whenever there is a tie in the FEC, the general counsel will break the tie. Along with Senator McCONNELL, I and others did our best to defeat that bill because it would have de facto made the general counsel of the FEC the sole decisionmaker for that body.

I am happy to report that those days seem to have passed. We now have an FEC where the vast majority of the votes are unanimous, where partisanship seems to have taken a back seat to an attempt to get things right and act on the merits rather than the partisan challenge.

Four of the members of the FEC are recess appointees who must be confirmed. The President has sent forward four names—two Republicans and two Democrats. In the standard tradition, practice, procedure, and precedent of the FEC, the Democratic leadership in the Congress got to pick the two Democrats. The Republican leadership got to pick the two Republicans. Always before we have moved these nominations forward en bloc, maintaining the balance between Republicans and Democrats, with Republicans approving the Democratic nominations, and Democrats approving the Republican nominations.

In our committee, the Rules Committee on which I have the honor to sit, we sent all four of the names en bloc to the Senate. There was great controversy about one of them, which I will address, but in the spirit of the past history of the committee, instead of singling out this one individual to come to the Senate without recommendation, we said we will treat all four of them alike, and all four names came to the Senate without recommendation so that the Senate could work its will.

Now because of the controversy surrounding one of the Republican nominees, it becomes clear we will not have a vote on any of the four, producing the deadlock I described at the opening of my remarks. We will have only two functioning FEC commissioners beginning next year, and the FEC will not be able to rule on any of the controversies that may arise in the 2008 election. Furthermore, the FEC will not be able to distribute any Presidential matching funds in the 2008 election. This comes as bad news to some of our colleagues in the Senate, because many of them were dependent upon and expecting the matching funds to come out of the Presidential campaign fund. They will not get them, because these nominees will not be approved. Who is the one who is causing all of this problem? His name is Hans von Spakovsky. He has been attacked by outside groups on the grounds that he is somehow insensitive to minority voters.

I wish to spend a moment examining that particular attack. It all comes back to a position Mr. von Spakovsky took when he was at the Civil Rights Division of the Justice Department and recommended the pre-clearance of a voter ID law. There were those who were career attorneys in the Civil Rights Division who said a voter ID law is terrible and should not go forward. But Mr. von Spakovsky disagreed with them. Then, acting on Mr. von Spakovsky's recommendation, the management of the Justice Department said: No, we are going to go forward.

According to those who have attacked Mr. von Spakovsky, he was overruled by a court. The court did issue an injunction, saying that the voter ID law could not be enforced, thus leaving the impression that von Spakovsky is an ideologue, while the career attorneys were simply doing their job and the court stepped in to protect the country from this ideologue. In fact, the injunction had to do simply with the timing of the implementation of the law and was not a determination on the merits of the case, with the court saying it didn't want the law enforced right now but wanted to wait until the matter could be fully considered.

After the case was heard, a Federal judge, one appointed by President Carter, although that probably shouldn't make any difference, and the one who had initially issued the injunction, upheld the constitutionality of the Georgia voter ID law and, in that fashion, ratified the position Mr. von Spakovsky had taken all along. Mr. von Spakovsky's position was consistent with the ruling of the Federal court that said the career attorneys who argued with him were wrong. He was on the right side of the law; they were on the wrong side of the law. Yet he is being attacked as somehow being the ideologue who must be kept off the FEC lest the FEC be turned into some kind of partisan hotbed of difficulty and dissension.

The fact is, Mr. von Spakovsky has served on the FEC as a recess appointee for 2 years. We need not project what he would do if he were confirmed. We can look at what he has done in that 2-year period. To that point, I repeat that the vast majority of the cases that have been dealt with since he has been on the FEC have been unanimous. He has not been a lone voice seeking to destroy the FEC or turn it into some kind of partisan hotbed. He has acted completely in the mainstream, in the opinion of the other members of the FEC.

Let me quote from one of the Democratic members of the FEC, repeating again these people are appointed for their partisan positions. This is not a circuit court where you want to find someone who is above partisanship. This is where the law specifically says there will be three Republicans and three Democrats.

This is what Mr. Walther, a Democratic member of the FEC, had to say at the December 14 FEC meeting. This is from a very recent article. He said Mr. von Spakovsky was "a terrific person to work with" as a colleague, a "fine commissioner." The article continues: "He (Walther) spoke after Mr. von Spakovsky made a traditional nominating speech, praising Mr. Walther's qualifications to be vice chairman. Mr. Walther's comments echoed a speech during the FEC meeting by Mr. Lenhard to close his yearlong chairmanship by praising bipartisan cooperation on the commission and recounting the FEC's accomplishments in resolving enforcement cases."

One of the things we hear around here during confirmation battles is, the President ought to make more mainstream nominations. Not for this one; this one, by law, is supposed to be partisan. But here is a man who has had 2 years of experience, 2 years of service, being praised for his activities, clearly in the mainstream, being attacked for a position he held before he came to the FEC where polls have been done and found that 81 percent of Americans, with only 7 percent dissenting, agree with Mr. von Spakovsky's position that we ought to have voter ID.

We have photo ID requirements in order to keep cigarettes out of the hands of teenagers. We have photo ID requirements in order to keep terrorists off airplanes. I have had the experience in my home State of Utah, where I like to think I am fairly well known, of being asked for a photo ID when I have presented a credit card, in an effort to avoid identity theft.

Isn't preventing voter fraud as important as keeping tobacco out of the hands of teenagers or preventing identity theft? Eighty-one percent of Americans agree with von Spakovsky's position on this matter. Yet he is being attacked as being outside the mainstream for what his critics call a partisan position.

Because of the holds that have been placed on Commissioner von Spakovsky's nomination, we now come to this impasse where the FEC will be left with only two Commissioners, unable to rule on any potential violation that may occur in the 2008 election—a Presidential year, along with all of the Senate races that are up, and every Member of the House of Representatives. The FEC will not be able to rule on any violations because they will have only two Commissioners—all because of an ideological bent pushed by groups outside of the Congress saying that this one man, because he agrees with 81 percent of the American people, is somehow disqualified for being too partisan.

The principle has always been that the Republicans pick the Republican nominees for the FEC and the Democrats pick the Democratic nominees for the FEC—a principle that makes sense. I do not know very much about the Democratic nominees for these positions who will not be confirmed, and, frankly, I do not care because they are not mine to select. They have been picked by the Democratic leadership to represent the Democratic position, and I am willing to vote for them on that basis.

Mr. von Spakovsky has a 2-year history of acting intelligently, with great integrity, and great collegiality in this position, and it is a tragedy that the whole Commission will be denied the opportunity to function in a Presidential year; that those Presidential candidates who are depending on Presidential matching funds will not get them because outside groups have demonized this one public servant. It is a sad day that this kind of thing is happening with respect to our governmental appointments.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Georgia.

Mr. ISAKSON. Mr. President, I see the distinguished Senator from West Virginia. I certainly do not want to preempt him if he wants to go next. Does the Senator have a preference? If not, I will go ahead, if that is OK.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

IN MEMORY OF THOMAS B. MURPHY

Mr. ISAKSON. Mr. President, I rise on a sad occasion for me personally and for my State, but also in some sense a proud time for me to be able to acknowledge the life and times of Thomas B. Murphy.

Last night, at 10 o'clock, in Bremen, GA, in Haralson County, Thomas B. Murphy died from the complications of a stroke that for the last 4 years kept him, at best, semiconscious and in a very difficult state.

But in those previous 79 years of life, he is probably the most remarkable political figure in the history of the State of Georgia. Elected speaker of the house in 1974, he maintained that position until 2002—for 28 years—longer than any speaker of any legislature in the history of the United States of America.

He was the son of a primitive Baptist preacher by weekend and a railroad telegraph man by day. He was a product of the Depression. And he was Irish. He was tough as nails but had a heart of gold. He was a Democrat through and through, and proudly stated his absolute distaste for any Republican.

For 8 years of my 17 years in the Georgia Legislature, I was the Republican leader of the Georgia House. To give you an idea of what a minority is really like, I was 1 of 19 Republicans, and there were 161 Democrats. I understood what being a minority leader was all about.

Tom Murphy was a powerful, forceful leader. But from the day I met him, when I was first elected in 1976, to the last day I held his hand, this past April, by his bed in Bremen, GA, he was always fair, he was always good, and he did what was best for the State.

Tom Murphy did not play golf. He did not play tennis. He raised tomatoes in his garden. His house is a modest brick ranch in Bremen, GA. His trade as a country lawyer was exceeded only by his skill as a politician. He never cared for money. He never cared for fame. He never cared for attention. His favorite day of the year was March 17, St. Patrick's Day, for which he would summarily adjourn the Georgia Legislature so he and his entourage could go to Savannah, GA, and be a part of the second largest St. Patrick's Day parade in

America, in Savannah, on St. Patrick's Day.

His second favorite thing was to hold his grandchildren in his lap as he sat on the throne of the speaker of the house of representatives, and let them watch over his presiding of the Georgia House.

But this common, tough, fine man did so much for our State it is almost difficult to describe. We would not have a Metropolitan Atlanta Rapid Transit Authority were it not for Tom Murphy. He delivered the rural vote for the urban city of Atlanta in 1974 to get mass transit and to raise the taxes to do it. If you ever watched the Super Bowl in the Georgia Dome, the Georgia Dome would have never been built were it not for Tom Murphy.

As to the Georgia World Congress Center, there is not a Member of this Senate who has not been there because almost every convention in America goes through there once every couple years. It would never have been built were it not for Tom Murphy. Our rural roads and highways, the Governor's Road Improvement Program, would never have happened were it not for Tom Murphy.

But of all the great legacies and edifices that will be named after him, and have been named after him, his legacy will live on not through buildings and institutions but through people because Tom Murphy cared the most about people. And he cared the most about people who were poor and people who were disadvantaged.

Tom Murphy's legacy is the children who were born in poverty who came out of poverty and became successful because of the programs he put in place as speaker of the house. Tom Murphy's legacy will live on because of those who know, as a foster child or as a child in trouble, it was Tom Murphy who was there to give a hand up, not a handout.

Tom Murphy will be honored this Friday in the State capitol, where he will lie in state, and where his funeral will take place—a State capitol where for 28 years, through five Governors, he ruled the State of Georgia—not in the sense of a ruler or a tyrant but in the sense of a proud man whose time and destiny came together in the great State of Georgia. I will mourn his loss for all I learned from him.

I end my remarks by telling you about that day I sat by his bed this past April and held his hand. He could not communicate, but I knew he was awake. I said: Mr. Speaker, I am now in the U.S. Senate. And I just wanted to tell you I am a better man, and I probably got there because of the painful and wise lessons I learned from you.

A tear came in his eye, and he squeezed my hand. I knew, as we communicated first in 1976, we communicated once again. And from the day I knew him in 1976, to the last day I knew him this year, I respected him, I honored him, and I loved him.

Georgia appreciates the service Tom Murphy gave to all her people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

LIHEAP

Mr. SANDERS. Mr. President, let me begin by thanking my good friend, the distinguished chairman of the Appropriations Committee, for yielding.

The reason I rise is to deal with a very important issue that impacts millions of our fellow Americans, and that is all over this country, with the price of home heating oil soaring, people are wondering about how they are going to stay warm this winter. My very fervent hope is that the Congress, both the Senate and the House, will address this issue before we adjourn for the Christmas holidays.

I commend Majority Leader REID, Minority Leader McCONNELL, the chairman of the Appropriations Committee, Senator BYRD, Chairman HARKIN, and others for, in fact, adding a significant sum of money—over $400 million—to the Omnibus appropriations bill. This is important, and I appreciate that. I think people all over this country appreciate that.

Unfortunately, however, this total of $2.6 billion in funding for LIHEAP, the Low Income Home Energy Assistance Program, that so many people, so many elderly people depend upon in order to stay warm in the wintertime, while it is an 18-percent increase from last year, it is still 23 percent below what was provided for LIHEAP just 2 years ago in nominal dollars. Meanwhile, as everybody knows, the cost of home heating fuels has soared. Compared to 2 years ago, heating oil prices are projected to be 50 percent higher this winter. The price of propane will be 38 percent higher, and electricity prices will be 14 percent higher. These high prices, coupled with the reduction in LIHEAP assistance compared to 2 years ago, mean States will be forced to either reduce the number of people who will be receiving LIHEAP or else to significantly cut back on the amount of money that people will be receiving. There is no question about what will happen if that occurs: People in the United States of America will be cold. It is possible that some may actually be freezing.

Two years ago, thanks to the leadership of Senator SNOWE and many other Senators, LIHEAP funding was increased by $1 billion above the appropriated level because it was then the belief that we faced a home heating emergency. Well, if we faced a home heating emergency at that point, let me tell my colleagues we face one today that is even more severe. In the State of Vermont and all over this country, we are having elderly people living on fixed incomes who are looking at the soaring prices of home heating fuels. They are scared to death. It seems to me that we have the moral responsibility as the Senate of the United States of America to do something for those people before we adjourn.

I thank my colleague, Senator LEAHY from Vermont, as well as Senators COLEMAN, KLOBUCHAR, SNOWE, OBAMA, DOLE, BAUCUS, SUNUNU, CANTWELL, COLLINS, CASEY, LIEBERMAN, LANDRIEU, KERRY, KENNEDY, and CLINTON for supporting an amendment that will essentially increase LIHEAP funding by $800 million, half of which will go into the normal LIHEAP formula, half will go into emergency funding to be used at the discretion of the President.

While those Senators are already onboard, I know there are many other Senators—Republicans, Democrats, and Independents—who are also wanting a vote to show the people back home that we have not forgotten them and that we do not want any Americans to go cold this winter.

Let me simply conclude by suggesting to you that the people of our country all over America are losing faith in the U.S. Government. That is no secret. Polling for the President, polling for Congress is at an almost all-time low. They think we are concerned about a whole lot of issues, but we are not concerned about them. It seems to me that before we go home to our well-heated homes, before we go home to our vacation time, that we not turn our backs on some of those who are most in need. I think we have to act boldly to restore faith in the U.S. Government, and I hope that before we leave, we can get a vote on this floor with bipartisan support, and that we can move this process forward.

Mr. President, with that, I thank my good friend, Senator BYRD, the outstanding leader of our Appropriations Committee, for yielding, and I yield back the remainder of my time.

Mr. BYRD. Mr. President, I thank the very distinguished Senator for his remarks.

Mr. LEAHY. Mr. President, the Senator from West Virginia has the floor, but would he yield me at least a couple minutes in reference to what my colleague from Vermont just spoke about?

Mr. BYRD. Yes, Mr. President. I am glad to do so.

Mr. LEAHY. Mr. President, I thank the distinguished chairman. I agree with what the Senator from Vermont has just said. In our State, cold weather is not a rarity, it is a fact of life, especially this time of the year. The thermometer on my front steps goes down to 20 below zero. Many times there is no mercury showing because it has gone below that.

Now, that is not theoretical cold, that is cold you die from. I know what it has cost us in filling the tank for my own furnace this year, and I wonder how many people who are not privileged to have the kind of salaries all of us do, how they possibly do it. It is not a matter of just help; this is a matter of life or death. It is not a matter of just comfort. We are not talking about the weather being in the fifties and perhaps you can just put on more sweaters or more coats; we are talking about it being 5 or 10 and 15 and 20 degrees below zero, or even today in Burlington, VT, it began at zero. The temperature was at zero, and then it warmed up from last night. In those situations you die if you don't have heat. It is not a question of being comfortable; you die. It is as simple as that. You die. There are a lot of people who cannot afford this.

I will work with the distinguished Senator from Vermont, as I have with my colleagues on both sides of the aisle, in trying to get more money after this bill is passed for LIHEAP. I know the distinguished Senator from West Virginia has supported us every single time on LIHEAP. He also knows what it is like in those rural areas of West Virginia where people barely eke out a living and what happens to them when the snow is falling and it is cold outside and the children are crying because they are cold and the parents are doing everything possible to keep them warm. We will work on this.

I thank the Senator from West Virginia for yielding me the time.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

CONSOLIDATED APPROPRIATIONS ACT, 2008

Mr. BYRD. Mr. President, the Constitution grants to Congress an extensive array of powers, each of which in one way or another touches the lives of every 1 of the 300 million people who live in America today. But of all of those powers so carefully inscribed in article I, none is so powerful or so necessary for the welfare of our country as the power to appropriate monies—monies from the Federal Treasury. But it is not simply within the power of the Congress to appropriate funds for the operation of the Government. It is a duty that must be exercised each year without fail and without excuses. The operation of the Government to enforce our laws, to serve our people, to protect our liberties depends upon Congress providing the funds that are necessary to do so.

The bill that will soon be before the Senate, the Consolidated Appropriations Act of 2008, is essential legislation for the country. It includes 11 of the 12 annual appropriations bills. In all, it appropriates $473.5 billion—spelled with a B, Mr. President, a capital B. That is $473.50 for every minute since Jesus Christ was born.

It appropriates $473.5 billion for the operations of nearly every agency in the Federal Government, save for those funded by the already-approved Defense Appropriations Act.

The bill contains an additional $42.2 billion in emergency spending, including $31 billion for the war in Afghanistan and for force protection for our troops—American troops, our troops—in Iraq. I wasn't for going there; I was against our going into Iraq. But we are there. We are talking about our troops who are there in Iraq.

The President's budget, as submitted, simply did not include sufficient funds for the health of our veterans. This bill provides $3.7 billion more than requested to make sure the Veterans' Administration can provide better care for our veterans.

The bill also includes $3 billion of emergency spending for border security, $622 million for drought relief, $300 million for firefighting in the West, and $250 million for low-income home energy assistance. Emergency funds totaling $2.4 billion are also included for peacekeeping operations in Darfur, refugee assistance, and other foreign assistance programs. We also approved $194 million for the replacement of the bridge which recently fell into the Mississippi River.

The consolidated appropriations bill contains an unprecedented level of transparency and accountability for Member-requested projects and earmarks. Each and every earmark contained in the bill or described in the explanatory statement is accounted for in the tables that are part of the joint explanatory statement. These tables describe the project, they describe the level of funding approved, and they provide a list of the Members of either the House or the Senate who requested the item. It is there, as clear as the noonday's Sun in a cloudless sky. How is that, BERNIE? We are not supposed to address other Members directly, but in this instance, I know I will be forgiven.

These tables, as I say, describe the level of funding approved and a list of the Members of either the House or the Senate who requested the item. All information required by Senate rule XLIV is included in the explanatory statement accompanying the amendment. Read it, Senate rule XLIV.

The total dollars that are earmarked is reduced—hear me now—by 43 percent. That "ain't" chickenfeed. The total dollars that are earmarked is reduced by 43 percent compared to the appropriations bills signed into law by the President 2 years ago.

It is imperative this bill be approved not the week after next, not next week but this week. Last May, Congress passed a budget resolution that balanced the budget by 2012 and permitted Congress to approve appropriations bills at a level of $21.2 billion above the President's request.

The Senate was able to work constructively on a bipartisan basis to address the needs of the American people. After the deadly bridge collapse in Minnesota, the Senate voted 88 to 7 to provide additional funds to repair crumbling bridges. At a time when crime rates are on the rise, the Senate voted for a bill that puts more cops—yes, they protect you, they protect me—more cops on the street by a vote of 75 to 19. While oil prices are soaring, the Senate voted 75 to 19 to pass a bill providing more help to low-income families so they can pay their heating bills this winter.

After the shocking state of the Walter Reed Army Medical Hospital made the news, the Senate voted 92 to 1 to approve a bill increasing VA spending to allow better care for our returning warriors.

Because our borders are in need of additional enforcement to stem the tide of illegal immigration, the Senate voted 89 to 1 to approve an amendment with billions more for border security.

This bipartisan cooperation on moving the appropriations process forward, while addressing the crucial needs of this country, would not have been possible without the diligent work of the committee's ranking member. Who is that ranking member? The distinguished and able and venerable Senator THAD COCHRAN—may his tribe increase. That is from Abou Ben Adhem, in case you have forgotten.

It is refreshing to know that in this era in which each political party is urged to view the other as a mortal enemy, there is hope for at least one oasis of comity in which the duty to govern is still taken seriously. I thank my friend, Senator THAD COCHRAN, and all the other Members of the Appropriations Committee for their hard work, their diligent work to produce each—now listen to this—each of the 12 appropriations bills and for all their cooperation in the assembly of this Consolidated Appropriations Act.

Sadly, the President does not share our view that we must invest in America, apparently. The President—your President, my President, our President—proposed to increase the Defense budget by 10 percent. The President proposed to increase foreign aid by 12 percent. The President—your President, my President, our President—proposed $195 billion of emergency spending for the wars, and yet the President believes this 7-percent increase we sought for domestic programs was fiscally irresponsible. As a result, he, the President—your President, my President, our President—threatened to veto 9 of the 12 appropriations bills.

Under our Constitution, the President has the power to veto. He does. Nobody disputes that. And the President made it clear, crystal clear, as clear as the noonday's Sun in a cloudless sky, that he intended to veto our bills.

We are already 10 weeks into the new fiscal year. It is time to govern. There is a time in the affairs of men when we say it is time to govern. There must be compromise from time to time, and so working together across the aisle, such as Senator THAD COCHRAN and I—we shake hands, we argue, we debate, and we contend with one another. At the end of the day, we put our arms around each other and walk out of this Senate together. So working together across the aisle, we have cut $17.5 billion from the original levels approved by the Appropriations Committee. As a result, domestic programs receive only a 3-percent increase. I am not pleased with this outcome, but I urge all Senators to support the consolidated bill.

Within the limits set by the President, we have funded as best we could, the essential priorities of this Nation—your country, my country. For our veterans, this package includes a record $43.1 billion in funding for the VA. That is a lot of money, $43.1 billion in funding for the VA, an increase of $3.7 billion over the President's request.

The bill provides $37.2 billion for veterans health care, and an additional $124 million is included to hire more VA personnel to reduce a 6-month backlog of benefit claims.

Funding for the National Institutes of Health is $613 million above the President's request.

Energy prices are going through the roof, and we provide $788 million more than the President requested for the Low-Income Home Energy Assistance Program, which gives 2 million more families additional help for winter heating bills at a time of these record oil prices.

Despite the fact that violent crime is on the rise—hear this, violent crime is on the rise—for the first time in 15 years, the President wanted to cut State and local law enforcement, but—there is that conjunction "but"—we have restored $1.2 billion to that unwise cut.

Under the President's request, 600,000 women, infants, and children would lose important nutrition assistance. We fully fund—yes, we fully fund—the WIC program.

This package also makes education a priority—education a priority—by increasing Head Start by $114 million, stopping the proposed cut of 30,000 slots for early childhood education. This additional $118 million for No Child Left Behind means that tens of thousands of disadvantaged students will get the help they need to succeed in school. For college students, the amount for Pell grants is increased to $4,731 per year.

The President proposed to eliminate or slash numerous programs for our rural communities, such as rural health, rural housing, and clean water programs, but we have restored money for all of those programs.

The President wanted to slash funding for vital infrastructure programs, but we—the Congress—have increased funding: For highways? Yes. For repairing bridges? Yes. For airport improvements? Yes. And for Amtrak. Amtrak. All aboard for Amtrak.

At my direction, the bill includes a $20 million increase above the President's request for mine safety. Now I know something about that. I know something about the need for mine safety. I am the son of a coal miner.

This money will save lives.

Despite the failure of FEMA to adequately respond to Hurricane Katrina, the President wanted to slash funding by over $1.5 billion for first responders. We restore those cuts—how about that—and actually increase funding by $544 million.

I am pleased also that the bill includes $31 billion for the wars in Iraq—I was against that war. I said we ought not go in there; we have no business being in there, but we are in there—and Afghanistan—I was for that war—including $16 billion for the war in Afghanistan, over $10 billion for force protection in Iraq, such as body armor and systems to defeat IEDs, $1.1 billion for the Wounded Warrior program, and $4 billion for other programs. It is a balanced package—a balanced package—and I support it.

The bill invests in the security of our homeland and supports the men and the women who are on the front lines of protecting our communities. The Border Patrol will hire 3,000 more Border Patrol agents to protect our borders. We nearly double funding for port security, chemical security—we know what that is about down in the Canaan Valley of West Virginia—and transit and rail security. The Justice Department will hire 100 new U.S. Marshals, 200 DEA agents, and 160 FBI agents, and we provide funding for hundreds of new cops at the State and local level. Finally, we more than double funding, to a total of $108 million, for screening and treating illnesses suffered by those who bravely responded to the 9/11 attacks at the World Trade Center.

Because so many Americans are worried about their mortgages and the specter of foreclosure, this bill adds $180 million to provide credit counseling and foreclosure mitigation to subprime borrowers.

These are not just meaningless numbers on an obscure government ledger. There are consequences for our failure to invest in America. Did everybody hear that? There are consequences for our failure to invest in America. Bridges fall, fires destroy, hurricanes devastate. People get sick from food that is not inspected and drugs that are not adequately tested. Our schools, our roads, our transportation systems are all in need of serious attention.

This bill is a genuine effort to compromise so that we can move forward. It is a balanced bill. It is the result of over a month of bipartisan negotiations. For the sake of the welfare of our Nation, it is time—time, time—to govern. The "gotcha" politics that prevail in Washington must end. To continue it damages our country from within and damages our country from without and discredits both political parties—your party, my party—both political parties.

With respect to the explanatory statement for the bill, the House-approved amendment to H.R. 2764, was filed with the House Committee on Rules by Representative OBEY at approximately midnight Sunday night, December 16, 2007. Accompanying the amendment is an explanatory statement contained in the CONGRESSIONAL RECORD of December 17, 2007. That statement, like the amendment, is the product of bipartisan, bicameral negotiations. The joint explanatory statement is the final vehicle for conveying congressional intent with respect to purposes for which appropriations are made.

In order to assure that there is no ambiguity as to congressional intent, the House amendment includes a provision that provides that the explanatory statement submitted by Mr. OBEY and printed in the RECORD will serve the purpose of a conference report for determining congressional intent. I fully endorse this provision, for in its absence, this Administration, which strives to overturn statutory language in its bill signing statements, would completely ignore congressional intent.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased to be able to join my distinguished friend from West Virginia in advising the Senate that we have before us the Omnibus appropriations bill. It has been a long and difficult road getting to this point.

The President, in February, delivered a budget request to the Congress that included a robust increase for our Armed Forces, very few increases for nondefense discretionary programs, along with many proposed program cuts. Then, in the spring, the new majority in Congress laid out a very different vision for discretionary programs, one that called for some $23 billion in additional spending. We have before us an Omnibus appropriations bill that reflects many of the spending priorities of the Congress, both from the majority and minority perspectives, but the bill also reflects the very real concern about overall spending levels held by the President and most Members, certainly on the Republican side of the aisle.

The bill is, without question, an imperfect product of an imperfect process, but I think every Member of this body would rather have the opportunity to vote on appropriations bills individually rather than lumped together in one giant omnibus bill. I regret that the Senate did not take up and consider all 12 of the appropriations bills individually. When we fail to take up all of the bills, we invite the creation of an omnibus bill, lumping all the other bills together, such as this one, and we weaken the opportunity for the Senate to influence the content of these bills and shape the final legislation. I hope next year the leader will redouble his efforts to make time for consideration of all the appropriations bills, even though it is quite possible that we will again disagree with the President over appropriate amounts of discretionary spending.

Having said that, this omnibus bill is, in my view, superior to many of its predecessors in one sense: It contains virtually none of the legislative matter that is so often added to omnibus bills. And I give great credit to the chairman, my friend from West Virginia, and our two leaders, Mr. REID and Mr. MCCONNELL, for this fact. The business of the Appropriations Committee is complicated enough without importing legislative baggage from other committees in a way that often undercuts the delicate bipartisan and bicameral negotiations in other arenas.

I also note that the bill includes none of the riders or funding prohibitions that the President previously identified as likely to prompt a veto. While I am sure this is a disappointment to some Senators, it is an important factor in our being able to support the omnibus portion of this bill.

I also wish to touch briefly on the subject of earmarks. Much has been made about earmarking throughout the year. Clearly, there have been past cases of abuse, just as historically there have been abuses of legislative powers in other areas. I hope the heightened scrutiny and transparency of the appropriations process will eliminate any such abuses going forward. The Appropriations Committee and its staff have made extraordinary efforts to add transparency to the process going back to well before the enactment of the ethics reform bill.

I think all Senators are comfortable in openly defending the funding priorities they advocate and suggest be included in appropriations bills, and they should be. This is another reason why it is so important that the Senate make time to consider all of the appropriations bills in an orderly process.

The total amount of congressional earmarks funded in this bill is well below the level included in the fiscal year 2006 appropriations bills. I know the amount is reduced because we hear the protests from our colleagues and from our constituents as well. Whether the amount of earmarking in this bill is ideal, I don't know. I suppose it depends on the interests of the beholder. What I do know is Congress should never yield its right or its power to make annual spending decisions and include those decisions in the appropriations bills. Congress should not leave it up to the executive branch, and it should not be persuaded that last year's decisions are the right ones for the next year. That is why we have an annual process. Enacting a long-term, continuing resolution might appear to be an easy way to avoid controversy and disagreements. It is an abdication of our responsibilities.

If Congress has to undergo vetoes of appropriations bills and make modifications to bills as a result, so be it. But ultimately we need to finish our work in a timely fashion and provide Federal agencies and departments with a set of directives and spending priorities that reflect the collective will of the legislative branch in consultation with the executive branch. That is why we have hearings at the beginning of the annual appropriations process, to get the views of the administrators of the programs, to invite executives from the various departments to tell us what their challenges are, tell us what the President's priorities are, what the Cabinet Secretaries have to say about their needs and their suggestions for appropriate funding levels. We take those into account. These are serious issues that have to be considered by the Congress. That is what the Appropriations Committee tries to do every year, in reviewing the President's budget requests and the information we receive at our annual hearings.

Finally, I wish to say something about a part of this bill that is without question one that has to be fixed. The amendment adopted by the House of Representatives includes $31 billion to fund the deployment of American men and women overseas in the global war on terror. But the House amendment restricts operating funds to those fighting in Afghanistan and does very little to support our troops deployed in Iraq. While I understand the political needle the House was attempting to thread when it wrote this amendment, I think the message it sends to our men and women who are deployed in these countries is unfortunate.

The Senate dedicated a serious amount of floor time to the debate of Iraq policy this year. The debate was, of course, earnest and sometimes informative. Amendments have been offered and votes were taken on issues related to the war. Yet while the debates demonstrated a strong and sincere desire among Members to successfully conclude operations in Iraq as quickly as possible, there remains no broad consensus on any particular alternative to the policy currently advocated by the President or Ambassador Crocker or General Petraeus.

Let's be honest, that policy has produced undeniable successes in recent months. I am sure deeply felt disagreements remain on the subject of Iraq policy. But we have tens of thousands of American men and women who are deployed in Iraq and Afghanistan, performing missions assigned to them by our Government and with the blessing of Congress at the outset. Those men and women need the resources to succeed. To try to change American policy in Iraq by slowly starving our troops of resources they need is unfair to them and very dangerous to our Nation's interests. We should reject the House language and provide adequate funding to support our troops until well into next year.

I wish to end my remarks by thanking and commending our chairman, Mr. BYRD, my dear friend. We have worked together in writing and negotiating these appropriations bills and this package that is coming before the Senate. I know we haven't been able to agree on everything, but we have reached an accommodation so that we present this now at this point and urge its adoption. I thank all Senators who served with us on the committee for their diligent efforts.

Last year, we had a large appropriations train wreck. We do not want that again. It produced a large supplemental funding bill. But we brought together a bill this year, despite new rules and hard negotiations—renegotiations. I thank all our members for their hard work on both sides of the appropriations committee, and I am happy we will be able to present this bill to the Senate.

Mr. BYRD. Mr. President, I thank my able friend for his generous remarks, for his good work on the committee, and for his kind leadership. I wish for him and all his loved ones a very merry Christmas, in the old-time way.

I yield the floor.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent to speak as in morning business for about 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RETIREMENT OF DR. BILL HOGARTH

Mr. STEVENS. Mr. President, at the end of the year my good friend Dr. Bill Hogarth will be leaving his position as the leader of the National Marine Fisheries Service. Bill is the Assistant Administrator for Fisheries for the National Oceanic and Atmospheric Administration, and his departure will mark the end of a 6-year tenure in this post.

Throughout Bill's career with the National Marine Fisheries Service, I have had many opportunities to work with him on Fisheries issues critical to the State of Alaska, to the Nation, and to international fisheries management organizations. Bill's knowledge of our fisheries and commitment to science-based management have helped to conserve and rebuild many of our most important fish stocks, both domestically and internationally.

Last January, the President signed our reauthorization bill for the Magnuson-Stevens Fisheries Conservation and Management Act, which mandates an end to overfishing by requiring fisheries management councils to adhere to science-based catch limits. As we wrote that legislation, my colleagues and I worked with Bill to ensure this goal would be met. His expert advice and insight into our Nation's fisheries regulations proved to be indispensable.

In Alaska, which has half the coastline of the United States and produces half of our Nation's fisheries products, Bill has also demonstrated a firm commitment to both conserving and supporting our State's fisheries. Under his tenure, the fisheries service has invested in the scientific research and facilities that will enable sound conservation of Alaska's fish stocks. Bill has also ensured effective implementation of all fisheries legislation important to our State.

Alaska native communities have also benefited under Bill's leadership. He knows that the survival of our Alaskan villages relies on maintaining access to fisheries and marine mammals, and therefore Bill worked hard to ensure that this access is upheld. At this year's meeting of the International Whaling Commission in Anchorage, during which Bill served as Commission Chairman, he secured the subsistence bowhead whale quota for Alaska Native communities. This was a significant victory at a contentious meeting, and our communities owe Bill a debt of gratitude for his achievements.

I am pleased that Bill will be remaining on as Chairman of the International Whaling Commission. I look forward to continuing to work with him in this capacity. This will build on his other achievements in the international arena—such as the International Commission for the Conservation of Atlantic Tunas, where, as Chairman, he was at the forefront of the fight against illegal, unreported, and unregulated fishing—a serious threat to all global fish stocks.

I thank Bill for his many years of service to our fisheries and fishing communities. I also thank him for his cooperation and friendship as we worked to achieve our common goals of fisheries sustainability. I think he has done a grand job for the Nation. I wish Bill and his wife, Mary, all the best in the future.

I yield the floor.

I suggest the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent in advance if I exceed the 10 minutes under morning business that I be allowed to continue unless a colleague comes here wishing to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISA REAUTHORIZATION AND TROOP FUNDING

Mr. KYL. Mr. President, we are in a little bit of a lull here before we reach the final conclusion of this session of this Congress. But much of the debate is revolving around two pieces of legislation, one of which has been at least temporarily removed from the floor, the reauthorization of the Foreign Intelligence Surveillance Act, and the other one which is critical for us to act upon before we can leave Washington, DC, and return to our home States, and that is the ability to fund the troops whom we have sent on missions abroad in places such as Afghanistan and Iraq.

That funding has basically come to an end. The Defense Department has had to rob Peter to pay Paul, moving money from different accounts in the Defense Department in order to pay the ongoing effort of our troops. That is not the right way, the most efficient way, to ensure that our troops have what they need when they are fighting abroad. It is critical that we get the funding to the troops. The President has had a request out now for more than 10 months to try to get the funding on an emergency basis to them. Our minority leader will have an amendment later on this afternoon that will seek to add money to fund the troops, at least through sometime next spring. It is critical that we achieve that objective. That is the critical piece of business we have to attend to before we can leave.

I thought, in connection with both of those national security issues, that some comments that our friend, the former Speaker of the House of Representatives, Newt Gingrich, made back in September to the American Enterprise Institute were of special relevance and we might well consider some of the things he said in thinking about how to move forward with this funding. Representative Gingrich said that to some extent the debate we are having right now is the wrong debate about what is necessary to defeat our enemy and win the war against the terrorists. The bottom line is, it cannot be done on the cheap. War is kill or be killed. You risk everything in war. As a result, what we have to do is think anew about the kind of bold effort and difficult undertaking this really entails. It does entail real risks, and we have to recognize that there are significant requirements for change in the way we operate.

Congress can't continue to provide money, just dole it out a few weeks at a time, hoping that will be sufficient for the troops. They have to be able to count on Congress to back them when we send them on a mission.

To some extent, as Representative Gingrich said, it is important to adopt a spirit that in some cases it is better to make a mistake of commission and then fix the problem than it is to avoid achievement by avoiding failure. In this regard, we have to have a national dialog about the true threat we are facing from this irreconcilable wing of Islam and what is necessary for us to defeat it, both in the ongoing conflicts in Afghanistan and Iraq as well as other places around the world where intelligence becomes our key tool in helping to defeat the enemy.

One of the things Speaker Gingrich did was to refer to some remarks Daniel Pipes, an expert on the Middle East, made about Islamists. He made it clear that they have significant assets at their disposal. They have potential access to weapons of mass destruction, a religious appeal that provides deeper resonance and greater staying power than the artificial ideologies of fascism and communism. They have an impressively conceptualized and funded and organized institutional machinery. They have an ideology capable of appealing to Muslims of every size and shape anywhere in the world. This is problematic. Finally, these militant Islamists have a huge number of committed cadres, some estimate as many as 10 percent of the Muslim population of the world, which, of course, is a far greater total than all of the fascists and communists combined who ever lived. As Daniel Pipes would say, this is a significant and impressive array of assets and potential against the Western world against which these Islamists have declared war.

Specifically, with reference to the intelligence I mentioned we have to focus on, the CIA Director, GEN Michael Hayden, testified a couple of months ago about his own judgment of these strategic threats facing the United States. Among the things he said was that our analysis with respect to al-Qaida is that its central leadership is planning high-impact plots against the U.S. homeland. They assess this with high confidence. So this is not just a guess about what might happen. With high confidence, they believe al-Qaida is planning high-impact plots against our homeland, focusing on targets that would produce mass casualties, dramatic destruction, and significant economic aftershocks. So our very survival as a free people is challenged by this large threat, and defeating it on a worldwide basis is inherently going to involve a very large effort, a degree of change we have yet to face.

We need a debate about the genuine risk to America of losing cities to nuclear attack or losing millions of Americans to engineered biological attacks. We also need a very calm dialog about the genuine possibility of a second Holocaust if the Iranians were to get nuclear weapons and use them against Tel Aviv or Haifa or Jerusalem.

All of these larger issues are sometimes lost in the debate about arcane provisions of something like the Foreign Intelligence Surveillance Act that we are seeking to reauthorize. We have to keep in mind what the object is. We have to defeat a very capable enemy which not only has the means but the will to defeat us in a war literally to the end.

We also need some realistic examination of the progress—or lack thereof—we are making in the larger war. I think we have to realistically assess where we are with respect to that. In the last year or so, Hamas has won an enormous victory in Gaza; Hezbollah has won a substantial victory in south Lebanon; Iran, Syria, Lebanon, Afghanistan, the Taliban sanctuary in the Waziristan, substantial instability in Pakistan, even in the Philippines and, to some extent, even in Great Britain. The estimates of terrorist sympathizers and potential sympathizers are far greater than the resources being applied to monitor them.

Again, to summarize this point with respect to intelligence surveillance, we have, even here in the United States, the spread of a militant extremist radical vision. It is funded by money from the Middle East, including Saudi Arabia. It is on the Internet, on television, it is in extremist mosques and schools. This advocacy of martyrdom, of jihad, suicide bombing, and violence against a modern civilization is not restricted to places abroad; it exists even in the United States.

At the end of our conflict in Iraq and of the debate about our intelligence collection activities, there is a simple test, and that is whether a free people are celebrating because the American people have sustained freedom against evil or, God forbid, violent evil enemies of freedom are celebrating because Americans have been defeated. Life would be easier if there was a more modulated answer, but there is not.

In war, there is a winner and a loser. If the American people will sustain this effort, we will win. But if American politicians decide to legislate defeat, then, of course, America could be defeated.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

UNANIMOUS-CONSENT REQUEST—H.R. 2771

Mr. SANDERS. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of H.R. 2771, the legislative branch appropriations bill; that the only amendment in order be a substitute amendment at the desk which is cosponsored by Senators LEAHY, COLEMAN, KLOBUCHAR, SNOWE, OBAMA, DOLE, BAUCUS, SUNUNU, CANTWELL, COLLINS, CASEY, LIEBERMAN, LANDRIEU, KERRY, KENNEDY, and CLINTON—this amendment provides for $800 million in additional LIHEAP funding—that there be a time limitation of 30 minutes for debate equally divided in the usual form on the amendment; that upon the use of that time, the amendment be agreed to, the bill be read a third time, and the Senate, without any intervening action or debate, vote on passage of the bill, as amended.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I say to my friend from Vermont, I support this issue. All you have to do is look in the Washington Post today at their editorial. It says, among other things:

> This could be the start of an epic winter. If the past few winters here in the northeast have taught us anything, it is to be prepared to do whatever winter allows at the moment it allows.

We have to be prepared for a cold winter. We have some money in this bill that we hope to pass sometime in the next several hours to take care of some of the needs of the problems relating to the issue of LIHEAP; that is, money for people who are desperately poor and need help to keep their homes warm. That is what this is all about. I have told the Senator from Vermont that I am going to do everything within my power to get this issue before the Senate as soon as possible. Winter is not going to end at Christmastime. Winter is going to be here. We can move to enlarge the funding for this bill. That is a commitment I have. I think with the list of cosponsors he has on this proposed unanimous-consent request, it is something we should be able to get done.

The problem the distinguished Senator finds himself in is, it is late in the year. This is the first year of this session of Congress. There are always a lot of reasons for not doing things this late in the year.

I have admired this fine Member of Congress for many years, being with the people he best represents, people who don't have any representation. I admire what the Senator has done. I hope we can move forward on this now.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, on behalf of several Republican Senators, I object.

I would also note that I believe there may be one other unanimous-consent request, and I would be happy to suspend while that is made and then conclude my remarks in 3 minutes. I think the Senator from Rhode Island would like to speak, or I can go ahead and conclude, and then the Senator from Ohio could make his request—whatever the pleasure of the leader is.

Mr. REID. Has there been objection?

The PRESIDING OFFICER. Objection is heard.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from Arizona be recognized for up to 5 minutes to finish his statement, and then I would like to be recognized.

The PRESIDING OFFICER. The Senator from Arizona.

TROOP FUNDING

Mr. KYL. I will conclude in about 3 minutes.

Mr. President, the point I was making is this: It is easy to lose sight of the larger objective when we get down into the details of specific legislation, as we must do. It is important to understand it and to get it right, but we also have to keep our eye on the ball. To mix metaphors, you have to look at the forest and not get drawn down into the trees too much. The forest here is a very dangerous enemy which means to do us harm. They have the means to do it. They have the will to do it. We are fighting them in two different kinds of conflicts. We are fighting them in hot war in Afghanistan and Iraq. It is a serious proposition. Young men and women have been sent to these places to do battle, to lay their lives on the line to carry out the mission on behalf of the American people to secure those places for liberty. Not all of them will come home. Not all of them will come home without casualty. This is serious business. It requires our full attention, with a knowledge of the nature of the threat.

We cannot send them to do this job without being willing to provide them the funding they need to sustain their effort. Part of the debate today is ensuring that at least for the next 4 months, they will have enough money to get the job done.

By the same token, we have an enemy all over the world, including in the United States, which is plotting, our intelligence community assesses with high confidence, to carry out a devastating attack if they have the opportunity to do so. It is critical that we use the assets we have available to collect intelligence against these organizations and people wherever they are. The best way to defeat the radical Islamists who mean to do us harm is to prevent it in the first place. That is what good intelligence allows us. That is why it is important for us to reauthorize the Foreign Intelligence Surveillance Act.

My point is, on two of the great issues that are before us today, we have a violent enemy that needs to be defeated. The best way to do that is to support our troops and our intelligence agencies and the men and women who are carrying out the missions we have asked of them in defeating this enemy.

We have to understand the threat and understand that in America, in this great democratic Republic of ours, the American people are the center of gravity in any war. It is their support that is needed in order to achieve victory.

Our young men and women on the battlefield and our people serving us in the intelligence community are counting on us, the representatives of the American people, to see to it that they have what they need to carry out their missions.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that if this consent is granted, the first person recognized be Senator JACK REED, who wants to talk about a staffer, someone who works for him.

Mr. McCONNELL. Will the leader yield? I did not hear him.

Mr. REID. If the consent is granted, I want Senator REED to be recognized for up to 8 or 10 minutes, let's say 10 minutes. Following that, I ask unanimous consent that the Senator from Ohio, Mr. BROWN, be recognized for up to 5 minutes.

UNANIMOUS CONSENT AGREEMENT—H.R. 2764

Mr. REID. Mr. President, I ask unanimous consent that when the Senate begins consideration of the message from the House on H.R. 2764, the Foreign Operations bill, there be 1 hour for debate equally divided between the two leaders or their designees on invoking cloture on the motion to concur in the House amendments; that the Senate vote on that cloture motion upon the use or yielding back of that time; that the mandatory live quorum be waived; that if cloture is not invoked, the Senate then proceed to amendment No. 2 of the House; that Senator McCONNELL be recognized to offer a motion to concur in that amendment, with an amendment; that Senator FEINGOLD then be immediately recognized to offer an amendment to that motion; that there be 1 hour for debate equally divided in the usual form in relation to Senator FEINGOLD's amendment; that if his amendment does not attain 60 votes in the affirmative, it be withdrawn; that upon the disposition of his amendment, Senator LEVIN be recognized to offer his amendment to the motion; that there be 1 hour for debate equally divided on his amendment prior to a vote on his amendment; that if it does not attain 60 votes, it be withdrawn and the Senate immediately, without any intervening action, vote on Senator McCONNELL's motion to concur; that if his motion does not attain 60 votes in the affirmative, it be withdrawn; that upon the disposition of House amendment No. 2, the Senate proceed to House amendment No. 1; that Senator REID then be recognized to move to concur in the amendment of the House, with an amendment containing the text of the House-passed AMT bill, H.R. 4351; that there be 1 hour for debate on his motion equally divided between the two leaders or their designees; that upon the conclusion of that time, the Senate vote on the motion; that if the motion does not attain 60 votes in the affirmative, it be withdrawn; that if it is withdrawn, Senator REID then be recognized to offer a motion to concur in the House amendment; that there be 2 hours for debate equally divided between the two leaders on that motion; that no other motions to concur or amendments be in order prior to the disposition of Senator REID's motions to concur.

The PRESIDING OFFICER. Is there objection?

The Republican leader.

Mr. McCONNELL. Mr. President, with regard to the 2 hours so designated for the AMT debate, I request the opportunity to modify: that Senator ISAKSON have 5 minutes, Senator CHAMBLISS have 5 minutes, Senator DEMINT have 15 minutes, Senator ENZI have 5 minutes, Senator GRASSLEY have 15 minutes, and Senator COCHRAN have 15 minutes—that is for the final vote, Mr. President, not the AMT vote.

The PRESIDING OFFICER. Is there objection to the request, as modified?

Hearing none, it is so ordered.

Mr. REID. Mr. President, speaking on behalf of—and Senator McCONNELL certainly can speak on behalf of himself—I appreciate the cooperation of everyone. These are very difficult issues, and there is a lot of work we have not done. But that is the way it always is at the end of a session like this. So I appreciate everyone's cooperation. I hope no one has been offended with my being a little pushier than usual, but I had a little pushing on my side anyway, pushing me to get this done. Everyone has a lot to do.

We have one Senator who needs to get things done tonight. She has a sick daughter. She has to go home. We have a lot of issues we need to address.

So we will now hear from Senator REED and Senator BROWN, and then we will be on the bill.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Thank you, Mr. President. First, let me thank the majority leader for arranging this time.

TRIBUTE TO DENNIS P. RILEY

Mr. REED. Mr. President, I rise to pay tribute to an outstanding Rhode Islander and a superb employee of the Senate who is retiring after 34 years of Federal service—my friend, my colleague, someone I admire immensely, Dennis P. Riley.

Dennis Riley has worked in my Providence office since I was elected to the Senate. But before that, he was a longtime employee of Senator Claiborne Pell, my predecessor. Dennis was born in Pawtucket, RI, on March 3, 1948, and attended St. Raphael's Academy. He went on to earn a bachelor of science in history and political science at the University of Wisconsin in 1971.

He taught history for a brief time in the Pawtucket School System and was a graduate student in the Masters in Teaching Program at Rhode Island College. In 1972, he became the field coordinator for U.S. Senator Claiborne Pell's reelection campaign and formed a bond with Senator Pell and public service that lasts to this day.

Dennis came to serve on the personal staff of Senator Pell, first as a staff assistant in Washington, DC, from 1973 to 1978. But in recognition of those skills and the commitment he brought to bear as a staff member for Senator Pell, Senator Pell chose Dennis to serve as his campaign manager for his next successful reelection effort. So Dennis returned to Rhode Island and successfully planned and executed the Senator's reelection campaign.

From 1979 to Senator Pell's final day in office, Dennis worked as assistant director of the Senator's Rhode Island office. He was a trusted employee of Senator Pell, and, more importantly, Dennis remains close to the Pell family today.

As Senator from 1961 to 1997, Senator Claiborne Pell's legacy includes establishing Pell grants as well as creating the National Endowment for the Arts and the National Endowment for the Humanities. Senator Pell was also noted as a diplomat, and he served with distinction as chairman of the Foreign Relations Committee. Senator Pell's legacy is a model for all of us, particularly for myself. Dennis Riley is a testament and a part of that tradition of talented and conscientious public servants who labor, perhaps in the shadows, but it is their work that is decisive in our success on the floor.

After Senator Pell retired, and the people of Rhode Island gave me the chance to continue his good works, Senator Pell spoke so highly of Dennis that I asked him to join my staff. It is one of the best decisions I have ever made. He brought with him a keen knowledge of the workings of the Senate, a history and knowledge of Rhode Island politics, good judgment, great wisdom, and great character. In the ensuing years, we have become dear friends, and he is a trusted adviser.

During his tenure with my office, Dennis has worked on special projects and has assisted hundreds of agencies and organizations as they sought Federal assistance and thousands of Rhode Islanders who needed help, who needed someone to listen to their stories, and to let them know there is a government that cares about them, because Dennis Riley is a person who cares deeply, not just about Government but about the people we serve.

In Rhode Island, he has been involved in crafting many public policy initiatives, and he has been particularly active as my point person on Federal grants and the applications process for the Appropriations Committee.

He has shepherded projects through. He has brought people together for the common good. He has made a significant impact on the economic vitality of my State. Although Dennis's name will never be lauded in the news reports or press releases, his hand is seen in so many efforts to make our State an even better place to live, work, and raise our families.

Everyone who knows Dennis sees him as a kind and decent man, with a great heart, a great mind—someone we are proud to call a dear friend.

His compassion and quick Irish wit are legendary. For years, transplanted Rhode Islanders in Washington, DC, and politicos in our State eagerly awaited, every day, the "Riley Report"—a carefully crafted summary of the day's topical stories, political news, and a retelling of the events of the day in Rhode Island. This complete and unbiased commentary of the author provided the "real story," very often, of what was going on in Rhode Island.

Well, after his distinguished service to the Senate for 34 years, Dennis now will be retiring to his beloved home in Little Compton, RI, with his wife—the love of his life—Kathy McLaughlin Riley. Kathy is a warm and lovely person, who has devoted her life to educating children. She is an elementary teacher at the Elizabeth Baldwin School in Pawtucket, and she will soon join Dennis in retirement.

In their well-deserved retirement, Dennis and Kathy plan to travel extensively. They are avid baseball enthusiasts, and they plan to visit all the ballparks they have not yet seen. It will be an inspiring and interesting trip for both of them.

He will also be spending time caring for his family, including creating more memories with his many nieces and nephews who so treasure his company. I wish both Kathy and Dennis much happiness and fulfillment in the years ahead.

Now, on behalf of myself—and also I will take the liberty to speak on behalf of my esteemed predecessor, Senator Claiborne Pell—I would ask all my colleagues in the Senate, who treasure, as I do, the loyalty and the devotion of their staffs, to join me in paying tribute to a stellar Senate employee, Dennis Riley.

Rhode Island has been honored by his service, and the Reed staff will fondly remember his time with them. We formed a lasting bond that will never be severed, and we treasure that bond.

As Dennis files the final "Riley Report," I wish him every good wish.

Now, Dennis is Irish, and that means he has a rather somber view of the world. He has a saying on his office door that reads: "There is nothing so bad that it can't get worse." That is a typically Irish sentiment. As we send him off, however, let me offer another sentiment. Dennis:

> May the saddest day of your future be no worse
> Than the happiest day of your past.

Thank you for your friendship, and thank you for your service.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

FOOD PANTRIES

Mr. BROWN. Mr. President, on Monday, in Hocking County—a small-town, rural county in southeast Ohio—residents began forming a line at the Smith Chapel United Methodist Church Pantry before dawn. By 8:30, when volunteers began distributing food, the line of cars stretched for more than a mile and a half. By early afternoon, more than 2,000 residents had received food. That is over 7 percent of the local population. Mr. President, 1 out of 14 people in this county had received food from this food pantry. Eight years ago, the same pantry was serving 17 families a month. Two thousand people in one day; 17 families for the whole month 8 years ago.

The Freestore Foodbank in Cincinnati, OH, has seen a 52-percent increase in demand this year. Many of these new patrons are working people. They are working minimum-wage jobs. Some hold two jobs. They are not just the homeless. They are not just the dispossessed. They are all kinds of people who have had a series of bad luck in the last several months.

With food prices going up, fuel prices going up, wages stagnating, and subprime foreclosures continuing to hit home, working middle-class Americans are finding it difficult to find room in their budgets for food.

More Americans in need; less food available—the result is far too much human suffering. Think of this. In the wealthiest Nation in the world, people are waiting in line for a subsistence level of food, and some of them are not even receiving that. The men and women and children waiting in line for food are men and women and children you have passed on the street—mothers and fathers trying to feed their kids, children too proud to admit there is no lunch money in their pocket, no food in the refrigerator, no holiday meals ahead; no food.

Grandmothers raising their grandchildren, living on fixed incomes, relying—because they have no choice but to rely—on food pantries, on food donations, on food banks.

The unemployed, the sick, the aged, the homeless, the mentally ill. And in Hocking County, 1 out of 14 people went to one food bank on 1 day. There are people who live in the communities that all of us serve. Food banks in Ohio, in Montana, Michigan, Illinois, Arizona, New York, New Mexico, North Dakota, and Rhode Island and in every State of the Union are underfunded and overextended. Food banks too often are rationing rations, trying to prevent children and families from going hungry over the holidays. In Lorain, OH, my hometown, the Salvation Army Food Pantry ran out of food completely and was forced to close temporarily. The society of St. Vincent de Paul Food Pantry in Cincinnati has been forced to give families 3 or 4 days of food instead of the customary 6 or 7 days of food when people come to see them. In Athens County, OH, earlier this month, the director of the Family and Friends Choice Pantry was actually "praising God we are in a snowstorm and not many people showed up" because if they had, her pantry would have run out of food. In Ohio as a whole, 70 percent of food pantries don't have enough food to serve everyone in need.

That is why earlier last week I offered legislation to act to alleviate the current food shortage. That is why I want to see us include $40 million in emergency food aid for food pantries across my State and across the country. I appreciate the leadership of Senator DURBIN and Majority Leader REID in wanting to include this at the next opportunity come January to get this $40 million out to the States, out to churches and food banks and food pantries so that the 1 out of 14 people in Hocking County and people in need all over this country can get the assistance we can afford to give them.

Mr. DURBIN. Mr. President, will the Senator from Ohio yield for a question?

Mr. BROWN. I yield to the senior Senator from Illinois.

Mr. DURBIN. Mr. President, I would like to ask through the Chair—I want to first thank the Senator from Ohio for his leadership on this issue. He is new to the Senate but not new to this issue.

Times have changed in America, and not for the better when it comes to food pantries. People need help. I just this Sunday visited the Greater Chicago Food Depository and learned that there is an 11-percent increase over last year in the number of people coming into food pantries served in the greater Chicagoland area, and most of them have jobs. These are people who, when they fill up the gas tank and need another $20 to fill the tank, realize they are not going to have enough money to buy food for their children that they planned on buying, and they make a stop at the food pantry.

I would like to ask the Senator from Ohio whether he is familiar with Second Harvest, which is a major national organization that involves itself in the processing of contributions from private industry and from the Federal Government into food pantries, and whether he has any experience in dealing with the Second Harvest food pantries in his area or other food pantries.

The last point I would like to make is that we were told on Sunday that people who care, particularly during this holiday season, should go to secondharvest.org, but find their local pantry, find where they can drop off food, volunteer for an hour, make a donation, do something that will make you feel good about yourself this holiday season.

But I would like to ask the Senator from Ohio whether he has been contacted by these agencies dealing with Second Harvest.

Mr. BROWN. Mr. President, I thank the senior Senator from Illinois for his work on food issues and on other issues, including everything from subprime to minimum wage and all issues where we can play a role in improving the lives of people who, as the Senator from Illinois said, are working, in most cases, full-time jobs.

Second Harvest is one of the great organizations in this country—in Illinois, in Ohio, in Nevada, and in Vermont, all over this country. I urge people, understanding that Second Harvest is not getting the donations they used to get, they are not getting enough help from the Government, they are not getting as much from supermarkets and from businesses as they got before, and they, frankly, are not getting as many charitable donations because people who gave before sometimes are in need themselves because it is often people who don't make a lot of money who are the most generous with their money and with their assistance, to plea to people in our States, businesses, individuals who are as lucky as we are in this Chamber, to help Second Harvest, to go on Web sites and look in the yellow pages and look around their communities where they can help people so that this will actually make a difference. So I thank the Senator from Illinois for his interest.

Mr. REID. Mr. President, I mentioned to my friend from Ohio a fact that I just heard. I hope it is wrong, but if it is wrong, it is not much wrong. The average income of people who vote in America today is $70,000 a year. I am very happy we have people who have a little—people of means who are voting, but the reason I mention that is the last two issues that have been brought before the Senate, one dealing with LIHEAP—that is, how people stay warm in the wintertime; that was by the Senator from Vermont, Mr. SANDERS—and now the Senator from Ohio is talking about food banks. In Nevada, 25 percent of the homeless are veterans, and we have a very difficult problem, especially in Las Vegas. The weather is warm most of the time. We have people who are homeless there who are destitute. Food banks is the difference between being very hungry and having something to eat.

I, at one time, in disguise, spent 2 days with the homeless. It was a number of years ago that I did that, but it is something I will never forget. People are not there because they want to be. They are not there because they are lazy. There are some who are alcoholics, and there are some who have drug problems, there is no question about that. But there are so many of these people who have emotional problems who have no community health centers where they can go, so they are just down and out.

All the Senator from Ohio is saying is that food banks, the places where the poorest of the poor go to get a meal, don't have food. I want the attention to be directed to the last two things we have tried to work on: keeping people warm in the wintertime and helping people so they are not starving. So I appreciate this.

The people who are cold in the wintertime don't have people to come and lobby for them. People who are homeless don't have people here lobbying for them, coming in their limousines and parking over on Constitution Avenue, and sometimes they are in their Gucci shoes and they have to walk all the way across half a block to come and lobby for some of the tax breaks they want. For people who are hungry and people who are cold, that isn't the case. So I appreciate very much the Senator from Ohio bringing to the attention of the Senate something that needs to be done.

CONSOLIDATED APPROPRIATIONS ACT, 2008

Mr. REID. Mr. President, I ask unanimous consent that the Chair lay before the Senate the message from the House on H.R. 2764.

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate a message from the House.

The legislative clerk read as follows:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 2764) entitled "An Act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes," with amendments.

CLOTURE MOTION

Mr. REID. Mr. President, I move to concur in the amendments of the House. I have a cloture motion.

The PRESIDING OFFICER. The cloture motion, having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendments to H.R. 2764, State, Foreign Operations Appropriations, 2008.

Harry Reid, Jeff Bingaman, Barbara A. Mikulski, Byron L. Dorgan, Daniel K. Inouye, Patrick Leahy, Max Baucus, Mark Pryor, Debbie Stabenow, Kent Conrad, Patty Murray, Bill Nelson, Jack Reed, Ken Salazar, Blanche L. Lincoln, Tom Carper, Herb Kohl, Ben Nelson, Dick Durbin.

Mr. REID. Mr. President, the manager of this bill is going to be the chair of the Foreign Operations Subcommittee. Senator BYRD has designated Senator LEAHY to manage this bill. During the hour that is prior to this cloture vote, we have a few people who want to speak; maybe not all the time will be used. I hope during the evening people will be considerate of talking when they have to. These issues are fairly well pronounced now. We know what they are. We have a domestic spending bill that has been worked out through the House and the Senate, Democrats and Republicans. We have the White House which has been involved in that. That part should be fairly easy. It may not be everything we want, it may be more than what some want, but it should not take a lot of time.

We have three amendments relating to the debate on the war funding. One is the McConnell amendment which will try to increase war funding up to $70 billion out of the $196 billion the President has asked for. We also are going to have an amendment offered by Senator FEINGOLD that will deal with a matter we brought before the Senate on other occasions which calls for our troops to be back by the middle of May of this next year, leaving troops to take care of counterterrorism, force protection, and training the Iraqis to a limited extent. Then we have an amendment which will be offered by Senators LEVIN and REED that will call for additional funding for Iraq, but in addition to that, it will have some accountability that is now not in existence.

Mr. President, as the majority leader, I designate Senator LEAHY as the controller of our time during the debate on this matter.

The PRESIDING OFFICER. Under the previous order, there will be 1 hour for debate equally divided between the two leaders or their designees prior to the vote on the motion to invoke cloture.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I will hopefully not even need the full hour, and we will be able to go ahead and have the cloture vote. I believe Senator GREGG is going to be managing on the Republican side once he gets here. Hopefully, it will be possible to just yield back all of our time before the end of the hour and go to a vote. I will yield in just about 3 minutes to Senator MURRAY from Washington State for 10 minutes.

Mr. CRAIG. Mr. President, will the Senator consider yielding to me for no more than 5 minutes on a separate issue before we get heavily into the debate?

Mr. LEAHY. Mr. President, the time has been equally divided, and I ask unanimous consent that the Senator from Idaho, when recognized, be able to take 5 minutes from the time set aside on the Republican side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I am pleased that the Congress will send the Openness Promotes Effectiveness in our National Government Act—the "OPEN Government Act—S. 2488, to the President for signature before the end of this year. With House passage of this bill today, and the Senate's passage of it last Friday, this historic, bipartisan, bicameral legislation becomes the first major reform to the Freedom of Information Act, FOIA, in more than a decade. The American people will have a new law honoring the public's right to know under the tree this holiday season.

I commend House Government Reform and Oversight Committee Chairman HENRY WAXMAN for moving quickly to enact this bill, and for his leadership of the successful effort to pass FOIA reform legislation in the House of Representatives. I thank him and his staff, including Anna Latin, Michelle Ash and Phil Schiliro, for all of their hard work on this legislation. I also commend Representative WILLIAM "LACY" CLAY, JR., for sponsoring this legislation in the House.

I also thank the members of my staff who worked on this bill—Lydia Griggsby, Lauren Brackett, Erica Chabot, Bruce Cohen and Leila George-Wheeler—for all of their hard work on this bill.

I also commend the bill's chief Republican cosponsor in the Senate, Senator JOHN CORNYN, for his commitment and dedication to passing FOIA reform legislation this year.

I am also appreciative of the efforts of Senator JON KYL for cosponsoring this bill and helping us to reach a compromise on this legislation this year. I also thank the more than 115 business, news media and public interest organizations that have endorsed this legislation.

As the first major reform to FOIA in more than a decade, the OPEN Government Act will help to reverse the troubling trends of excessive delays and lax FOIA compliance in our government and help to restore the public's trust in their government.

This legislation will also improve transparency in the Federal Government's FOIA process by: restoring meaningful deadlines for agency action under FOIA; imposing real consequences on Federal agencies for missing FOIA's 20-day statutory deadline; clarifying that FOIA applies to government records held by outside private contractors; establishing a FOIA hotline service for all Federal agencies; and creating a FOIA Ombudsman to provide FOIA requestors and Federal agencies with a meaningful alternative to costly litigation.

The OPEN Government Act will protect the public's right to know, by ensuring that anyone who gathers information to inform the public, including freelance journalists and bloggers, may seek a fee waiver when they request information under FOIA.

The bill ensures that Federal agencies will not automatically exclude Internet blogs and other Web-based forms of media when deciding whether to waive FOIA fees. In addition, the bill also clarifies that the definition of news media, for purposes of FOIA fee waivers, includes free newspapers and individuals performing a media function who do not necessarily have a prior history of publication.

The bill also restores meaningful deadlines for agency action, by ensuring that the 20-day statutory clock under FOIA starts when a request is received by the appropriate component of the agency and requiring that agency FOIA offices get FOIA requests to the appropriate agency component within 10 days of the receipt of such requests.

The bill also clarifies that the Supreme Court's decision in Buckhannon Board and Care Home, Inc. v. West Virginia Dep't of Health and Human Resources, which eliminated the "catalyst theory" for attorneys' fees recovery under certain Federal civil rights laws, does not apply to FOIA cases.

Furthermore, to address concerns about the growing costs of FOIA litigation, the bill also creates an Office of Government Information Services in the National Archives and creates an ombudsman to mediate agency-level FOIA disputes.

In addition, the bill ensures that each Federal agency appoints a Chief FOIA Officer to monitor the agency's compliance with FOIA requests, and a FOIA Public Liaison who will be available to resolve FOIA related disputes. And, the bill creates a better tracking system for FOIA requests to assist members of the public and clarifies that FOIA applies to agency records that are held by outside private contractors, no matter where these records are located.

Finally, this bill contains a number of key improvements championed by Chairman WAXMAN. The bill includes "pay/go" language that will ensure that attorneys' fees that are awarded in FOIA litigation are paid for with annually appropriated agency funds.

The bill also eliminates a provision on citations to FOIA (b)(3) exemptions contained in the earlier Senate bill. In addition, the bill includes a new provision that requires Federal agencies to disclose the FOIA exemptions that they rely upon when redacting information from documents released under FOIA.

And the bill adds FOIA duplication fees for non-commercial requestors, including the media, to the fee waiver penalty that will be imposed when an agency fails to meet the 20-day statutory clock under FOIA.

The enactment of FOIA reform legislation this year is an important milestone in the effort to restore openness and transparency to our government. By sending this meaningful FOIA reform bill to the President this year, the Congress also sends a powerful message to the American people that the era of excessive government secrecy has come to an end.

While I am pleased that the reforms contained in the OPEN Government Act will ensure that FOIA is reinvigorated for future generations, my work to strengthen FOIA will not end with the enactment of this legislation.

There is much more work to be done to ensure that we have a government that is open and accountable to all Americans. And I will continue to work with Senator CORNYN, Chairman WAXMAN and others to further strengthen this vital open government law.

I urge the President to promptly sign this open government legislation into law at the earliest opportunity.

So again, I am pleased today that the Congress is going to send the Openness Promotes Effectiveness in our National Government Act—also known as the OPEN Government Act—and for those who follow this issue, FOIA. They are going to send it to the President before the end of this year. With passage of this bill today in the House and the Senate's passage of it last Friday, this historic, bipartisan, bicameral legislation becomes the first major reform of the Freedom of Information Act in more than a decade. The American people are going to have a new law honoring the public's right to know, and they will have it during this holiday season.

I commend the House Government Reform and Oversight Committee chairman, HENRY WAXMAN, for moving quickly to enact this bill and for his leadership. I wish to thank him and his staff, including Anna Latin, Michelle Ash, and Phil Schiliro, for all of their hard work on the legislation.

I commend also the chief Republican cosponsors in the Senate, Senator JOHN CORNYN and Senator JON KYL, for joining me in this effort.

The reason this legislation is so important is that throughout my whole career in the Senate, I have always supported the idea of the Freedom of Information Act. We all know no matter who is in the administration, whether it is a Democratic or a Republican administration, that when they do things they want us to know about, the press releases flow. When they make a mistake—and all administrations do—they would just as soon we not know about it, whether money has been wasted or whether a policy has not been followed. The Freedom of Information Act allows the American public—and after all, the Government serves them—to find out, through individual private citizens, and through the press, what is happening in their government. It has saved billions of dollars over the years because of what they found out, but more importantly, it has kept our Government honest. I wrote the Electronic Freedom of Information Act which allowed us to use the Internet and electronic files for that purpose.

But this month, the Open Government Act—the first major reform in more than a decade—is going to help reverse the troubling trends of excessive delays, the lax compliance with FOIA and will help restore public trust in our Government. It will improve transparency and restore meaningful deadlines for agency action under FOIA. It will also impose real consequences on Federal agencies who miss the 20-day statutory deadline. It will clarify that FOIA applies to Government records that are held by outside private contractors. The Open Government Act will establish a FOIA hotline service for all Federal agencies, and create a FOIA Ombudsman, which will provide a meaningful alternative to costly litigation.

Chairman WAXMAN wanted pay-go language to ensure that attorney's fees that are awarded in FOIA litigation are paid for with annually appropriated agency funds, and that has been included in this bill.

This is an important milestone. The Open Government Act contains reforms that ensure FOIA is reinvigorated for future generations. I don't intend to give up after this effort, of course. We will continue to work with our oversight. We will continue to pursue efforts on FOIA. But what we have said is that no matter who is the next President, they will have to run a Government that is more open than it has been in the past, and all 300 million Americans will have a better chance to know what happens in their Government.

This is a great step forward for the access of a free press, and for an honest and open Government in this country.

Mr. President, I yield such time as the Senator from Washington State may need of the time I have. I yield 10 minutes to the Senator from Washington State.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, as chairman of the Transportation, Housing, and Urban Development Subcommittee, I have mixed feelings as I rise to talk about the transportation and housing division of this Omnibus appropriations bill.

This bill is the result of a lot of hard work, and there is a lot to be proud of. At the same time, I regret that over the last month, we have had to strip some $2.1 billion in resources from it. As all of us know, the Omnibus bill before us has a total cost that is slightly higher than the levels requested by President Bush, and much of the press coverage surrounding this bill has highlighted the fact that we have shrunk this bill down to the levels that were requested by the President. But when it comes to the transportation and housing division of this bill, I wish to make it clear to my colleagues that the budget reflected in this bill is not the President's budget. Instead, this bill makes great strides in rejecting President Bush's hardest and harshest cuts in transportation and housing, and it includes critical initiatives that are new that will make important improvements to transportation safety.

I am proud of what this bill accomplishes. It provides funding to hire and train new air traffic controllers, and it rejects the President's efforts to cut funding to modernize the air traffic control system. It responds to our need to address crumbling infrastructure, especially our Nation's highway bridges, and it responds to the worsening congestion our families experience on our highways and our runways.

This bill rejects the efforts by the administration to slash funding that would ease congestion at our airports. It rejects his efforts to push Amtrak into bankruptcy and leave millions of Americans stranded on the platform. And it rejects his attempt to walk away from the needs of millions of Americans who depend on the Federal Government to keep a roof over their heads, including our elderly and our disabled.

Finally, this bill reaches a helping hand to the millions of families who are worried at this holiday season about whether they will be able to keep their homes in the coming year. Millions of people are facing foreclosure on their homes in the coming months as mortgage payments are rising out of control. There are communities in this country where every third home or even every other home is being abandoned by homeowners who cannot make their payments.

This bill addresses that crisis by targeting almost a quarter of a billion dollars to ensure that our families get the counseling they need. This kind of housing counseling can make all the difference for homeowners who are struggling to make payments and to keep their homes. The amount this bill provides for housing counseling is more than 4½ times the level that was asked for by President Bush.

Earlier this year, my very able partner Senator BOND and I held numerous hearings on the most important transportation and housing challenges that face this Nation. Together we negotiated every line of a very complicated spending bill with each other and then with our colleagues in the House. We were able to put together an appropriations bill that was reported, in fact, unanimously by our committee and passed the Senate with 88 votes. We then negotiated a conference agreement that earned the signature of every single conferee on both sides of the aisle on both sides of the Capitol. So we produced a truly bicameral, bipartisan bill.

Unfortunately, even though House Democrats, House Republicans, Senate Democrats, and Senate Republicans were agreed on a balanced package that did address our transportation and housing needs, the one person who did not agree with us was President Bush. Because of that, we are blocked from sending our Transportation bipartisan bill to his desk for a veto.

Since that time, we have had a couple of very difficult negotiations and, as a result, we have had to strip almost $2.1 billion of funding out of our part of the bill. There are real consequences to those additional cuts on which the President insisted. Transit riders across the country are going to ride in outdated buses because there is not enough money to replace them. Construction of new light rail systems in some of our most congested cities is going to be slow. Discretionary highway programs have been stripped of the dollars that would have been available for national competitions.

Because of the President's demands, we were required to cut matching funds that we were sending to the States to support expanded passenger rail service. We reduced the initial commitment made by our conferees to expand the number of family unification vouchers. That is a program that provides the necessary housing assistance so foster children and their struggling parents can be reunited in a stable household.

We were required to slow the release of a satellite navigation throughout our national aerospace.

As I said, I have mixed feelings about this bill. We were dealt a very difficult hand by the President's budget demands, and in order to live within those constraints and move forward, we had to make some difficult cuts, and those cuts mean we have had to put off important investments in transit, in highways, and in community development, among many other areas.

Still, I appreciate the work of my colleagues to ensure that this bill rejects the President's worst transportation and housing cuts. Instead, this bill responds to the most critical needs in transportation and housing and makes sure our broken bridges and highways get repaired, that our crowded airports are safe, Amtrak is protected from bankruptcy, and we are protecting our most vulnerable citizens from homelessness.

Finally, I do want to spend a couple minutes on a related subject. In the last few days, the Appropriations and Finance Committees were able to reach an agreement on the way FAA funding will be made available in the future. I am letting my colleagues know, this past fiscal year was supposed to be the year Congress finished important legislation to reauthorize our Federal aviation programs. That included the core authorizations for the operations of the FAA, as well as the agency's procurement budget, research budget, and Federal grant program that are used to improve and expand our Nation's airports.

I regret Congress was not able to make more progress on the legislation this year, but thankfully this appropriations bill now includes a number of important authorities and funding that will keep the FAA functioning and keep the airport and airway trust fund solvent.

This conference agreement extends the current aviation excise taxes until the end of February, and it includes provisions to extend the existing war insurance risk program, as well as third-party liability protections.

The bill also includes funding that rejects the President's proposed cuts to essential air service which guarantees air service to a lot of our rural communities, something about which many of us care. And it rejects the President's proposed cuts to our effort to modernize the air traffic control system and invest in airport infrastructure.

Congress has not been able to finish the FAA reauthorization process in part because of the disagreements among the Senate committees about what their role is in overseeing and funding FAA programs. There are also disagreements about what type and mix of taxes and fees are supposed to be used to fund the FAA. But I am pleased to report that we have now successfully worked through one of those disagreements. Over the last 2 days, the two committees have come to an understanding about how funding for FAA programs will be moving forward.

I ask unanimous consent to have printed in the RECORD the exchange of letters between the leadership of the two committees.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, DC, September 20, 2007.

Hon. MAX BAUCUS,
Chairman, Committee on Finance,
U.S. Senate, Washington DC.
Hon. CHARLES GRASSLEY,
Ranking Member, Committee on Finance,
U.S. Senate, Washington DC.

DEAR CHAIRMAN BAUCUS AND RANKING MEMBER GRASSLEY: We understand that your Committee will convene this afternoon to mark-up the "American Infrastructure Investment And Improvement Act." We write to express our great concern regarding provisions of your draft legislation that would create a new mandatory funding mechanism for the modernization of the FAA's air traffic control system. According to documents distributed by your Committee, your proposal would exempt certain modernization funds from the annual appropriations process and the oversight of our Appropriations Subcommittee on Transportation, Housing and Urban Development, and Related Agencies. In our view, such an action would be inappropriate and detrimental to the Congress's ability to review and control FAA spending.

The Committee on Appropriations shares your goal for the modernization of our air traffic control infrastructure with a next-generation system. Indeed, this year, as in past years, our Committee has directed resources to the development of this next generation system beyond the levels sought in the FAA's own budget request. At the same time, however, our Committee has gone to great lengths to highlight and control wasteful programs where the FAA has encountered dramatic cost overruns for systems that are delivering fewer improvements than were originally promised to our Committee and the taxpayer. Unfortunately, such instances are not a rare occurrence at the FAA.

As is discussed in our Committee report accompanying the Transportation Appropriations Act for 2008, fully 25 percent of the FAA's 37 major procurement projects have encountered schedule delays or substantial cost overruns since their initial contracts were signed. Since 2001, the accumulated schedule delays for these programs now exceed 296 months and the associated costs to the taxpayers have grown by almost $1.7 billion. When you compare the performance of these programs to the FAA's estimates at each program's inception, accumulated delays now approach 400 months and cost growth exceeds $5 billion. Innumerable audits by the DOT Inspector General and Government Accountability Office make clear that, while improvements are being made in the FAA's procurement processes, the agency still has a very long way to go before the Congress and the taxpayer can be assured that funding for a next generation system will be spent wisely.

Our Committee is committed to providing that funding but is equally committed to overseeing the agency's efforts to ensure that such funding isn't wasted. Given the FAA's record, we do not see any merit in putting any part of the FAA modernization budget on "automatic pilot" and substituting our Committee's oversight role with that of an un-elected "Modernization Board" that is not answerable to the taxpayers that are bearing the agency's costs. We believe that efforts to exempt any part of the FAA's funding from annual Appropriations Committee oversight is particularly unwise and potentially wasteful. We strongly oppose such efforts and ask that you revise these provisions before the bill is brought before the Full Senate for debate.

We look forward to working with you this year and in the years ahead to launch a modernized air traffic control system in a manner that is both accountable and affordable.

Sincerely,

ROBERT C. BYRD,
Chairman.
PATTY MURRAY,
Chairman, Subcommittee on Transportation, Housing and Urban Development, and Related Agencies.
THAD COCHRAN,
Ranking Member.
CHRISTOPHER S. BOND,
Ranking Member, Subcommittee on Transportation, Housing and Urban Development, and Related Agencies.

UNITED STATES SENATE,
COMMITTEE ON FINANCE,
Washington, DC, December 11, 2007.

Senator PATTY MURRAY,
Russell Senate Office Building,
Washington, DC.
Senator KIT BOND,
Russell Senate Office Building,
Washington, DC.
Senator THAD COCHRAN,
Dirksen Senate Building,
Washington, DC.
Senator ROBERT C. BYRD,
Hart Senate Office Building,
Washington, DC.

DEAR SENATORS BYRD, COCHRAN, MURRAY, AND BOND: We are in receipt of your letter dated September 20th, 2007, in which you cite your collective concern regarding provisions in the American Infrastructure Investment and Improvement Act that relate to the manner in which tax revenues authorized in the Act are provided to the Federal Aviation Administration for its procurement needs. We all share the same interest in modernizing our air traffic control system as quickly and efficiently as possible.

We appreciate your concerns regarding the role of un-elected entities in developing Federal policy, and we believe strongly that Congress should retain its constitutional authority to raise revenue and appropriate funding.

In your letter, you voice your concern that our bill, as drafted, might result in the FAA receiving annual mandatory funding outside of your Committee's control. You also voice concern that provisions of our bill could result in an external un-elected board, rather than Congress, having the authority to make Federal funding allocations to specific FAA procurements.

In order to eliminate any ambiguity regarding these matters, it will be our intention to immediately modify the text of our bill when it either reaches the Senate Floor or is incorporated into any other vehicle so as to ensure that these concerns are addressed. Specifically, the bill will be modified to ensure that no new mandatory funding will be provided to the FAA and that the Committee on Appropriations will continue to retain its current role of determining the final funding level for all programs, projects, and activities within the Federal Aviation Administration through annual and supplemental appropriations acts.

Our national aviation enterprise faces a great many challenges in the years ahead as air traffic continues to grow faster than available capacity. Our Committee is committed to working as a partner with your Committee to ensure that we establish and maintain the safe and efficient state-of-the-art air traffic control system that the American taxpayers want and deserve.

MAX BAUCUS.
CHUCK GRASSLEY.

Mrs. MURRAY. Mr. President, the final paragraph of the letter our Appropriations Committee received from Chairman BAUCUS and Ranking Member GRASSLEY of the Finance Committee states that they look forward to working with our Appropriations Committee as partners in advancing the needs of our aviation system.

As one member of the subcommittee that oversees aviation funding, I express my strong interest in working as a partner with both committees to come up with a bill that fully addresses the future needs of our national aviation system. I hope that important effort will be one of the Senate's first priorities when we reconvene next year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

MEDICARE, MEDICAID, AND SCHIP EXTENSION ACT OF 2007

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration S. 2499, introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2499) to amend titles XVIII, XIX, and XXI of the Social Security Act to extend provisions under the Medicare, Medicaid, and SCHIP programs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, as we approach the end of 2007, one cannot help but look ahead and see that there are many challenges that await us in the second session of the 110th Congress, specially in addressing issues relating to health care. In 2008, we will need to take a serious look at many issues in the Medicare Program. Among them will be continuing to work on developing a solution for Medicare's flawed physician reimbursement system. As usual, I look forward to working with my partner on the Senate Finance Committee, chairman, Senator MAX BAUCUS, in our usual bipartisan way to address this and many other issues.

However, before we could adjourn this first session and go home to enjoy the holidays with our families, there was still urgent work to finish. That was the purpose of this exercise. In the legislation we considered today, there were several provisions that rise to the level of "must do's." These included ensuring that physicians do not receive a drastic cut in their Medicare reimbursement and extending a number of expiring provisions including the State Children's Health Insurance Program.

Ensuring health care access to my constituents is a top priority of mine and the possibility of a negative update for physicians was of great concern to me as well as to doctors and patients in Iowa and elsewhere. When discussions began to solve this problem I was in favor of a 2-year update. I know that several of my colleagues were as well. But in continuing negotiations with the House and Senate colleagues it became apparent that a 2-year fix was not possible.

I wanted to do more. I know Senator BAUCUS wanted to do more. We were unable to reach consensus even on the Republican side either and, therefore, the Finance Committee was unable to move ahead with the legislation that Senator BAUCUS and I had been developing. Unfortunately, for a variety of complex reasons, we are now here with a much more limited package. This is a disappointment for many of us. So the purpose of moving forward with a 6-month package now is to provide the opportunity for the Finance Committee to address these priorities next year.

One of my first priorities has been to ensure access to rural hospital services. Since hospitals are often not only the sole provider of health care in rural areas, but also significant employers and purchasers in the community, it is especially important that they are able to keep their doors open. One group of hospitals that I am especially concerned about are "tweener" hospitals, which are too large to be critical access hospitals, but too small to be financially viable under the Medicare hospital prospective payment systems. The struggles these facilities face in Iowa are real and serious. I am very disappointed we were not able to help these hospitals in this package. I look forward to working with Senator BAUCUS and other Members to include "tweener" hospital improvements in next year's package.

Second, we must address the problem of specialty hospitals. I have been an outspoken advocate against these facilities for several years now. My primary concern with these facilities is the inherent conflict of interest that exists when physicians have an ownership interest in the facilities to which they refer patients. The best interest of the patient should always be the deciding factor when a referral for treatment is made, not the financial self-interest of the doctor who is treating the patient. I strongly support a competitive marketplace and free market forces, but not at the expense of decreasing access to health care for the poor and uninsured or decreasing the quality of care for and safety of patients. I have been and remain concerned about the ability of community hospitals to provide care to all patients. I also look forward to working with Senator BAUCUS on addressing this issue in our package next year.

There are a number of other important issues that need to be addressed as well. We need to take on the reforms of the Medicare Quality Improvement Organization Program, we need to inject some sunshine into the payments that drug companies make to doctors, and we also need to make sure that Medicare is part of the solution when it comes to greater use of electronic prescribing and electronic health records.

In the meantime, we have this package with the following provisions that extend a number of Medicare, Medicaid and SCHIP provisions.

This legislation prevents the 10.1 percent cut to physician payment that would have occurred as of January 1, 2008, and instead gives a 6-month 0.5 percent update for physicians through June 30, 2008. In effect, this provides a 10.5 percent increase in physician fees from what they would otherwise have received beginning in January under current law. While this is not what many of us had in mind when we began this process, providing an update through next June will allow more time and the opportunity for a bill to fully go through the legislative process beginning with a committee markup next year.

This legislation also continues to provide additional payment incentives for physicians and other health care practitioners who report quality measures in the Physician Quality Reporting System. We must ensure that health care providers can afford to continue to practice medicine. We must also ensure that beneficiaries have access to physicians and other health care providers. And we must provide incentives for quality improvement.

We also accommodate physicians ordered to active duty in the Armed Services by extending for 6-months a provision that permits them to engage in substitute billing arrangements for longer than the 60 days allowed under current law when they are ordered to active duty.

Our legislation also revises the Physician Assistance and Quality Initiative Fund, which is intended to help stabilize physician payments and promote physician quality initiatives.

This new fund will be available in 2008 to help minimize fluctuations in physician payments and promote physician quality initiatives.

The physician payment changes will be offset, in part, by an adjustment to the Medicare Advantage stabilization fund. Our legislation does not repeal the stabilization fund but rather preserves the fund for future years. We use the $1.5 billion available in 2012, while preserving the fund in 2013. Given the continued strong participation by plans in the program right now, the legislation preserves the fund so that Congress can add more funds in future years if they are needed.

The legislation extends Medicare private plan cost contracts through 2009, which, without this legislation, are due to expire at the end of 2008. These are longstanding plans that provide health care to Medicare beneficiaries in many communities but have been unable to convert to Medicare Advantage plans. In addition, the legislation includes a 1-year extension to Medicare Advantage special needs plans through 2009. At the same time, the legislation puts a moratorium on new special needs plans. When Congress enacted the Medicare Modernization Act in 2003, it created a category of plans intended to provide specialized care models for certain populations, including Medicare beneficiaries who are also eligible for Medicaid, those who are chronically and severely ill or disabled, and those who are institutionalized (for example, in nursing homes). While these plans have proliferated, it is unclear how well they are meeting their mission of specialized care. The legislation freezes the program at the plans currently approved so that Congress and CMS can monitor the plans' performance and determine if any changes are needed.

In addition to reforming the manner in which Medicare pays for physician services, this legislation will extend several expiring provisions enacted in the Medicare Modernization Act to help ensure that beneficiaries will continue to have access to needed medical services. This includes provisions applicable to rural payments to physicians, extending the 1.0 floor on the work geographic adjustment, continuing direct payments to independent laboratories for physician pathology services, and continuing Medicare reasonable cost payments for lab tests in small rural hospitals.

Our legislation also provides a 6-month extension of the therapy cap exceptions process that was included in the Tax Relief and Health Care Act last year to ensure that beneficiaries receive the physical, occupational, and speech language therapy services they need. It also extends the existing payment methodology for brachytherapy services and extends it to therapeutic radiopharmaceuticals through June 30, 2008.

As in previous legislation that Congress has passed, this legislation will continue to improve accountability in the Medicare Program. There are situations when Medicare is not the primary payer for a beneficiary's health care, but it is currently difficult to identify these situations. This legislation will improve the Secretary's ability to identify beneficiaries for whom Medicare is the secondary payer by requiring group health plans and liability insurers to submit data to the Secretary.

The legislation will ensure beneficiary access to long-term care hospitals. These facilities will receive regulatory relief for 3-years. In order to ensure patients are receiving appropriate levels of care at long-term care hospitals, facility and medical review requirements will be established, and the Secretary will be required to conduct a study on long-term care hospital facility and patient criteria. Also, there will be a limited moratorium on the development of new long-term care facilities and a freeze to the annual long-term care hospital payment update for one quarter in rate year 2008.

The legislation will also ensure beneficiary access to inpatient rehabilitation facility services by addressing the 75-percent rule. This rule has been criticized as too blunt an instrument for ensuring that appropriate patients receive care at these facilities. Under current law, a percentage of Medicare patients must have at least 1 of 13 listed medical conditions in order to be classified as an inpatient rehabilitation facility. This percentage or compliance threshold is currently at 65 percent. This legislation would permanently freeze the compliance threshold at 60 percent and allow comorbid conditions to count permanently toward this threshold. The Secretary will be required to study beneficiary access to inpatient rehabilitation services and care at inpatient rehabilitation facilities and to make recommendations for alternatives to the 75-percent rule. In addition, there will be a freeze to the annual inpatient rehabilitation facility payment update from April 1, 2008 through fiscal year 2009.

This legislation will also continue to promote more accurate hospital payments. One aspect of Medicare hospital payments that has been subject to much criticism is the area wage index. Many say that the current method of calculating the wage index does not reflect a hospital's actual labor costs and is instead arbitrary in nature so that similarly situated hospitals can receive significantly different wage index values. Since the enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, hospitals have been able to obtain relief from this unfair situation temporarily.

The legislation also provides more accurate payment for Part B drugs. It implements recommendations of HHS Office of Inspector General and requires CMS to adjust its average sales price, ASP, calculation to use volume-weighted ASPs based on actual sales volume. It also establishes appropriate reimbursement rates for generic albuterol and for glycated hemoglobin diabetes laboratory tests.

In the Medicaid arena, the legislation extends the provision of disproportionate share hospital payments to Tennessee and Hawaii for the first three-quarters of the current fiscal year. These payments were authorized for these States for the first time in last year's Tax Relief and Health Care Act and this is an extension of that policy.

The legislation also delays implementation of recently released regulations on school-based services and rehabilitation services in Medicaid so that the Finance Committee can appropriately review those regulations.

And finally, the legislation also includes an extension of the State Children's Health Insurance Program, SCHIP, through March 31, 2009. This provision makes additional funding available so that States do not have to scale back SCHIP. This SCHIP extension will ensure that no State has to cut back their program due to insufficient Federal funding.

I remain hopeful that when the 110th Congress reconvenes next year, there will be a renewed effort to reauthorize and improve SCHIP.

The bill we considered today addressed the things Congress needed to do before going home for the holidays. I am pleased we were able to act quickly and unanimously to pass the bill. I know many of my colleagues wanted to do more. I know some of my colleagues are disappointed because their individual priorities could not be included. It is unfortunate. I do hope we can do more when we come back next year.

Next year is an election year. The caucuses in my home state of Iowa are but days away. We have important business to conclude in Medicare and Medicaid and SCHIP. We have a Democratic Congress that has to work with a slim majority in the Senate and a Republican President. At times this year, I am not sure my colleagues on the other side of the aisle fully grasped the consequences of that reality. It certainly shows when you consider what we could have done this year and what was ultimately accomplished. I sincerely hope we do a better job of being bipartisan albeit in a political year.

Let me be clear that I stand ready to roll up my sleeves and get back to work come January. I am committed to moving ahead with the broader Medicare package when we return here next year. To make law, that package will have to be one that the President will sign. It will require bipartisan cooperation and hard work. I am ready to get the job done. There are many problems that need to be addressed, and we can address the myriad issues that we left on the table. We can review and act on the proposed Medicaid regulations that have so many people vexed. We can pass a SCHIP reauthorization that can become law. We have learned the pathway to failure this year. I stand ready to join any of my colleagues who want to join me on the path not taken in 2007 to a more productive 2008.

As we move to the end of the first session of the 110th Congress, I want to extend my grateful appreciation to my health staff and others for the work they have done in 2007. My staff director on the Finance Committee, Kolan Davis, has been with me for many, many years and provides me invaluable counsel. My chief health policy counsel, Mark Hayes, accomplishes more every day than any other hundred people on the Hill combined and for his tireless work ethic, I am truly thankful. My Medicare Part A counsel, Mike Park, labored through the last several weeks though he was sick as a dog because it is that important. My Medicare Part B counsel, Sue Walden, ably deciphered the multiple variations we considered for providing an update to the physicians. The newest member of my team, Kristin Bass, who handles Medicare Parts C and D, helped us reach thoughtful compromises on numerous challenging issues. My Medicaid staffer, Rodney Whitlock, deftly handles the most controversial of issues day in and day out. I particularly want to pay tribute to my SCHIP staffer, Becky Shipp. We may have not accomplished what we hoped to do with SCHIP this year, but we wouldn't have been remotely close without Becky's expertise and effort. My team benefits from the able assistance of Sean McGuire and Shaun Freiman going above and beyond the call of duty to make sure the little things get done. I also want to thank Senator McCONNELL's point person on health care, Meg Hauck, for working with us throughout the year. The Finance Committee benefits from that strong working relationship.

We work as hard as we possibly can to achieve bipartisan consensus in the Finance Committee and so I also want to pay tribute to Senator BAUCUS' staff: staff director Russ Sullivan, Michelle Easton, Neleen Eisinger, Billy Wynne, Shawn Bishop, David Schwartz, and Catherine Dratz.

We benefit greatly from the Congressional support staff as well. Tom Bradley, Tim Gronniger, Shinobu Suzuki, Jeanne De Sa, Eric Rollins and all of the hard-working scoring gurus at CBO. Jim Fransen, John Goetcheus, Kelly Malone, and Ruth Ernst at Senate Legislative Counsel. Jennifer O'Sullivan, Rich Rimkunas, Chris Peterson, April Grady, Elicia Herz, Sybil Tyson, Mark Hamelburg, Erin Taylor and all the folks at CRS. Mark Miller and all of his staff at MedPAC. They make us look a lot more intelligent and effective than we actually are some days.

Finally, I want to thank some folks at CMS. Liz Hall, Erin Clapton, Ira Burney, Richard Strauss are people who help make sure we get things right even when we aren't in complete agreement.

In closing, I want to thank all those folks for their hard work in 2007 in service to the people of Iowa, Montana, and all of America. Thank you.

Mr. HATCH. Mr. President, I rise in support of this package and want to commend my colleagues on a job well done.

To be fair, it would have been my preference to do a broader bill and resolve the myriad of Medicare-, Medicaid- and CHIP-related issues we have been discussing for many months now. Given that this has proven impossible, my overriding concern is that we move ahead with flawed correction to the physician reimbursement formula, as this bill does.

Indeed, while most of us would have preferred to have a longer term physician fix, this bill is a reasonable compromise. Physicians will be able to practice medicine without having their Medicare reimbursement rates significantly reduced. And that means that Medicare beneficiaries will continue to have access to quality health care.

I also am pleased about other provisions in this legislation, particularly those related to policy on long-term care hospitals and inpatient rehabilitation facilities, IRFs. With regard to long-term care hospitals, Senator CONRAD and I introduced legislation, S. 1958, Medicare Long-Term Care Hospital Patient Safety and Improvement Act of 2007. I am proud that the long-term care hospital provisions in today's Medicare legislation are based on the legislative language from the Conrad-Hatch bill. The legislation before us provides regulatory relief to allow continued access to current long-term care hospital services; requires new facility and medical reviews to ensure that patients are receiving appropriate care; and authorizes a study by the Secretary of Health and Human Services, HHS, on long-term care hospitals and patient criteria. This legislative language reflects compromises that were made between the various trade groups for long-term care hospitals and finding policy solutions which generate savings for Medicare.

As a proud cosponsor of S. 543, Preserving Patient Access to Inpatient Rehabilitation Hospitals Act of 2007, I am also pleased that the Medicare bill eliminates the 75 percent rule implemented by the Centers for Medicare and Medicaid Services, CMS, for rehabilitation hospitals. Instead, this legislation permanently freezes the inpatient rehabilitation services compliance threshold at 60 percent and allows comorbid conditions to count toward this threshold. Finally, it requires the Secretary of HHS to study beneficiary access to inpatient rehabilitation services and care at IRFs and make recommendations on how to classify inpatient rehabilitation facility hospitals and units.

Additionally, the legislation before the Senate extends the State Children's Health Insurance Program, CHIP, through March 31, 2009. Let me make one point perfectly clear on this provision—I am not going to give up on reauthorizing the CHIP program for an additional 5 years. I am still committed to that goal and intend to work with my colleagues early next year. I will not rest until this program is reauthorized and all eligible, low-income children are covered by the CHIP program.

On balance, while this bill is not what any of us would have liked, it does address many of the immediate concerns of Medicare patients, their physician and other health care providers. I strongly support this bipartisan legislation and urge my colleagues to support this bill.

Mr. AKAKA. Mr. President, I support the Medicare, Medicaid, SCHIP Extension Act of 2007. I appreciate the hard work and leadership of Senators BAUCUS and GRASSLEY in putting together this important legislation that will improve Medicare reimbursements, extend the State Children's Health Insurance Program, and extend other important Medicare and Medicaid policies.

In addition, this legislation includes a provision that extends Medicaid disproportionate share hospital, DSH, allotments for Hawaii and Tennessee for another 6 months. Medicaid DSH resources help support hospitals that care for significant numbers of Medicaid and uninsured patients.

Hawaii and Tennessee are the only two States that do not have permanent DSH allotments. The Balanced Budget Act of 1997 created specific DSH allotments for each State based on their actual DSH expenditures for fiscal year 1995. In 1994, Hawaii implemented the QUEST demonstration program that was designed to reduce the number of uninsured and improve access to health care. The prior Medicaid DSH program was incorporated into QUEST. As a result of the demonstration program, Hawaii did not have DSH expenditures in 1995 and was not provided a DSH allotment.

The Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 made further changes to the

DSH program, which included the establishment of a floor for DSH allotments. However, States without allotments were again left out.

The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 made additional changes in the DSH program. This included an increase in DSH allotments for low DSH States. Again, States without allotments were left out.

In the Tax Relief and Health Care Act of 2006, DSH allotments were finally provided for Hawaii and Tennessee for 2007. The act included a $10 million Medicaid DSH allotment for Hawaii for 2007. The Medicare, Medicaid, and SCHIP Extension Act of 2007 will extend the DSH allotments for Hawaii and Tennessee for an additional 6 months.

This extension authorizes the submission by the State of Hawaii of a State plan amendment covering a DSH payment methodology to hospitals which is consistent with the requirements of existing law relating to DSH payments. The purpose of providing a DSH allotment for Hawaii is to provide additional funding to the State of Hawaii to permit a greater contribution toward the uncompensated costs of hospitals that are providing indigent care. It is not meant to alter existing arrangements between the State of Hawaii and the Centers for Medicare and Medicaid Services, CMS, or to reduce in any way the level of Federal funding for Hawaii's QUEST program.

I look forward to continuing to work with Senators ALEXANDER, CORKER, and INOUYE to permanently restore allotments for Hawaii and Tennessee. I thank the chairman and ranking member of the Finance Committee for all of their efforts on this legislation and for their support on this issue of great importance.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2499) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) IN GENERAL.—This Act may be cited as the "Medicare, Medicaid, and SCHIP Extension Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MEDICARE

Sec. 101. Increase in physician payment update; extension of the physician quality reporting system.
Sec. 102. Extension of Medicare incentive payment program for physician scarcity areas.
Sec. 103. Extension of floor on work geographic adjustment under the Medicare physician fee schedule.
Sec. 104. Extension of treatment of certain physician pathology services under Medicare.
Sec. 105. Extension of exceptions process for Medicare therapy caps.
Sec. 106. Extension of payment rule for brachytherapy; extension to therapeutic radiopharmaceuticals.
Sec. 107. Extension of Medicare reasonable costs payments for certain clinical diagnostic laboratory tests furnished to hospital patients in certain rural areas.
Sec. 108. Extension of authority of specialized Medicare Advantage plans for special needs individuals to restrict enrollment.
Sec. 109. Extension of deadline for application of limitation on extension or renewal of Medicare reasonable cost contract plans.
Sec. 110. Adjustment to the Medicare Advantage stabilization fund.
Sec. 111. Medicare secondary payor.
Sec. 112. Payment for part B drugs.
Sec. 113. Payment rate for certain diagnostic laboratory tests.
Sec. 114. Long-term care hospitals.
Sec. 115. Payment for inpatient rehabilitation facility (IRF) services.
Sec. 116. Extension of accommodation of physicians ordered to active duty in the Armed Services.
Sec. 117. Treatment of certain hospitals.
Sec. 118. Additional Funding for State Health Insurance Assistance Programs, Area Agencies on Aging, and Aging and Disability Resource Centers.

TITLE II—MEDICAID AND SCHIP

Sec. 201. Extending SCHIP funding through March 31, 2009.
Sec. 202. Extension of transitional medical assistance (TMA) and abstinence education program.
Sec. 203. Extension of qualifying individual (QI) program.
Sec. 204. Medicaid DSH extension.
Sec. 205. Improving data collection.
Sec. 206. Moratorium on certain payment restrictions.

TITLE III—MISCELLANEOUS

Sec. 301. Medicare Payment Advisory Commission status.
Sec. 302. Special Diabetes Programs for Type I Diabetes and Indians.

TITLE I—MEDICARE

SEC. 101. INCREASE IN PHYSICIAN PAYMENT UPDATE; EXTENSION OF THE PHYSICIAN QUALITY REPORTING SYSTEM.

(a) INCREASE IN PHYSICIAN PAYMENT UPDATE.—

(1) IN GENERAL.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended—

(A) in paragraph (4)(B), by striking "and paragraphs (5) and (6)" and inserting "and the succeeding paragraphs of this subsection"; and

(B) by adding at the end the following new paragraph:

"(8) UPDATE FOR A PORTION OF 2008.—

"(A) IN GENERAL.—Subject to paragraph (7)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2008, for the period beginning on January 1, 2008, and ending on June 30, 2008, the update to the single conversion factor shall be 0.5 percent.

"(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR THE REMAINING PORTION OF 2008 AND 2009.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for the period beginning on July 1, 2008, and ending on December 31, 2008, and for 2009 and subsequent years as if subparagraph (A) had never applied.".

(2) REVISION OF THE PHYSICIAN ASSISTANCE AND QUALITY INITIATIVE FUND.—

(A) REVISION.—Section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)) is amended—

(i) by striking subparagraph (A) and inserting the following:

"(A) AMOUNT AVAILABLE.—

"(i) IN GENERAL.—Subject to clause (ii), there shall be available to the Fund the following amounts:

"(I) For expenditures during 2008, an amount equal to $150,500,000.

"(II) For expenditures during 2009, an amount equal to $24,500,000.

"(III) For expenditures during 2013, an amount equal to $4,960,000,000.

"(ii) LIMITATIONS ON EXPENDITURES.—

"(I) 2008.—The amount available for expenditures during 2008 shall be reduced as provided by subparagraph (A) of section 225(c)(1) and section 524 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008 (division G of the Consolidated Appropriations Act, 2008).

"(II) 2009.—The amount available for expenditures during 2009 shall be reduced as provided by subparagraph (B) of such section 225(c)(1).

"(III) 2013.—The amount available for expenditures during 2013 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year."; and

(ii) in subparagraph (B), by striking "entire amount specified in the first sentence of subparagraph (A)" and all that follows and inserting the following: "entire amount available for expenditures, after application of subparagraph (A)(ii), during—

"(i) 2008 for payment with respect to physicians' services furnished during 2008;

"(ii) 2009 for payment with respect to physicians' services furnished during 2009; and

"(iii) 2013 for payment with respect to physicians' services furnished during 2013.".

(B) EFFECTIVE DATE.—

(i) IN GENERAL.—Subject to clause (ii), the amendments made by subparagraph (A) shall take effect on the date of the enactment of this Act.

(ii) SPECIAL RULE FOR COORDINATION WITH CONSOLIDATED APPROPRIATIONS ACT, 2008.—If the date of the enactment of the Consolidated Appropriations Act, 2008, occurs on or after the date described in clause (i), the amendments made by subparagraph (A) shall be deemed to be made on the day after the effective date of sections 225(c)(1) and 524 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008 (division G of the Consolidated Appropriations Act, 2008).

(C) TRANSFER OF FUNDS TO PART B TRUST FUND.—Amounts that would have been available to the Physician Assistance and Quality Initiative Fund under section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)) for payment with respect to physicians' services furnished prior to January 1, 2013, but for the amendments made by subparagraph (A), shall be deposited into, and made available for expenditures from, the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t).

(b) EXTENSION OF THE PHYSICIAN QUALITY REPORTING SYSTEM.—

(1) SYSTEM.—Section 1848(k)(2)(B) of the Social Security Act (42 U.S.C. 1395w-4(k)(2)(B)) is amended—

(A) in the heading, by inserting "AND 2009" after "2008";

(B) in clause (i), by inserting "and 2009" after "2008"; and

(C) in each of clauses (ii) and (iii)—

(i) by striking ", 2007" and inserting "of each of 2007 and 2008"; and

(ii) by inserting "or 2009, as applicable" after "2008".

(2) REPORTING.—Section 101(c) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w-4 note) is amended—

(A) in the heading, by inserting "AND 2008" after "2007";

(B) in paragraph (5), by adding at the end the following:

"(F) EXTENSION.—For 2008 and 2009, paragraph (3) shall not apply, and the Secretary shall establish alternative criteria for satisfactorily reporting under paragraph (2) and alternative reporting periods under paragraph (6)(C) for reporting groups of measures under paragraph (2)(B) of section 1848(k) of the Social Security Act (42 U.S.C. 1395w-4(k)) and for reporting using the method specified in paragraph (4) of such section."; and

(C) in paragraph (6), by striking subparagraph (C) and inserting the following new subparagraph:

"(C) REPORTING PERIOD.—The term 'reporting period' means—

"(i) for 2007, the period beginning on July 1, 2007, and ending on December 31, 2007; and

"(ii) for 2008, all of 2008.".

(c) IMPLEMENTATION.—For purposes of carrying out the provisions of, and amendments made by subsections (a) and (b), in addition to any amounts otherwise provided in this title, there are appropriated to the Centers for Medicare & Medicaid Services Program Management Account, out of any money in the Treasury not otherwise appropriated, $25,000,000 for the period of fiscal years 2008 and 2009.

SEC. 102. EXTENSION OF MEDICARE INCENTIVE PAYMENT PROGRAM FOR PHYSICIAN SCARCITY AREAS.

Section 1833(u) of the Social Security Act (42 U.S.C. 1395l(u)) is amended—

(1) in paragraph (1), by striking "before January 1, 2008" and inserting "before July 1, 2008"; and

(2) in paragraph (4)—

(A) by redesignating subparagraph (D) as subparagraph (E); and

(B) by inserting after subparagraph (C) the following new subparagraph:

"(D) SPECIAL RULE.—With respect to physicians' services furnished on or after January 1, 2008, and before July 1, 2008, for purposes of this subsection, the Secretary shall use the primary care scarcity counties and the specialty care scarcity counties (as identified under the preceding provisions of this paragraph) that the Secretary was using under this subsection with respect to physicians' services furnished on December 31, 2007.".

SEC. 103. EXTENSION OF FLOOR ON WORK GEOGRAPHIC ADJUSTMENT UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)(E)), as amended by section 102 of division B of the Tax Relief and Health Care Act of 2006, is amended by striking "before January 1, 2008" and inserting "before July 1, 2008".

SEC. 104. EXTENSION OF TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES UNDER MEDICARE.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106-554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w-4 note) and section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w-4 note), is amended by striking "and 2007" and inserting "2007, and the first 6 months of 2008".

SEC. 105. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking "December 31, 2007" and inserting "June 30, 2008".

SEC. 106. EXTENSION OF PAYMENT RULE FOR BRACHYTHERAPY; EXTENSION TO THERAPEUTIC RADIOPHARMACEUTICALS.

(a) EXTENSION OF PAYMENT RULE FOR BRACHYTHERAPY.—Section 1833(t)(16)(C) of the Social Security Act (42 U.S.C. 1395l(t)(16)(C)), as amended by section 107(a) of division B of the Tax Relief and Health Care Act of 2006, is amended by striking "January 1, 2008" and inserting "July 1, 2008".

(b) PAYMENT FOR THERAPEUTIC RADIOPHARMACEUTICALS.—Section 1833(t)(16)(C) of the Social Security Act (42 U.S.C. 1395l(t)(16)(C)), as amended by subsection (a), is amended—

(1) in the heading, by inserting "AND THERAPEUTIC RADIOPHARMACEUTICALS" before "AT CHARGES";

(2) in the first sentence—

(A) by inserting "and for therapeutic radiopharmaceuticals furnished on or after January 1, 2008, and before July 1, 2008," after "July 1, 2008,";

(B) by inserting "or therapeutic radiopharmaceutical" after "the device"; and

(C) by inserting "or therapeutic radiopharmaceutical" after "each device"; and

(3) in the second sentence, by inserting "or therapeutic radiopharmaceuticals" after "such devices".

SEC. 107. EXTENSION OF MEDICARE REASONABLE COSTS PAYMENTS FOR CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED TO HOSPITAL PATIENTS IN CERTAIN RURAL AREAS.

Section 416(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395l-4), as amended by section 105 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395l note), is amended by striking "the 3-year period beginning on July 1, 2004" and inserting "the period beginning on July 1, 2004, and ending on June 30, 2008".

SEC. 108. EXTENSION OF AUTHORITY OF SPECIALIZED MEDICARE ADVANTAGE PLANS FOR SPECIAL NEEDS INDIVIDUALS TO RESTRICT ENROLLMENT.

(a) EXTENSION OF AUTHORITY TO RESTRICT ENROLLMENT.—Section 1859(f) of the Social Security Act (42 U.S.C. 1395w-28(f)) is amended by striking "2009" and inserting "2010".

(b) MORATORIUM.—

(1) AUTHORITY TO DESIGNATE OTHER PLANS AS SPECIALIZED MA PLANS.—During the period beginning on January 1, 2008, and ending on December 31, 2009, the Secretary of Health and Human Services shall not exercise the authority provided under section 231(d) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w-21 note) to designate other plans as specialized MA plans for special needs individuals under part C of title XVIII of the Social Security Act. The preceding sentence shall not apply to plans designated as specialized MA plans for special needs individuals under such authority prior to January 1, 2008.

(2) ENROLLMENT IN NEW PLANS.—During the period beginning on January 1, 2008, and ending on December 31, 2009, the Secretary of Health and Human Services shall not permit enrollment of any individual residing in an area in a specialized Medicare Advantage plan for special needs individuals under part C of title XVIII of the Social Security Act to take effect unless that specialized Medicare Advantage plan for special needs individuals was available for enrollment for individuals residing in that area on January 1, 2008.

SEC. 109. EXTENSION OF DEADLINE FOR APPLICATION OF LIMITATION ON EXTENSION OR RENEWAL OF MEDICARE REASONABLE COST CONTRACT PLANS.

Section 1876(h)(5)(C)(ii) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)(ii)), in the matter preceding subclause (I), is amended by striking "January 1, 2008" and inserting "January 1, 2009".

SEC. 110. ADJUSTMENT TO THE MEDICARE ADVANTAGE STABILIZATION FUND.

Section 1858(e)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395w-27a(e)(2)(A)(i)), as amended by section 3 of Public Law 110-48, is amended by striking "the Fund" and all that follows and inserting "the Fund during 2013, $1,790,000,000."

SEC. 111. MEDICARE SECONDARY PAYOR.

(a) IN GENERAL.—Section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)) is amended by adding at the end the following new paragraphs:

"(7) REQUIRED SUBMISSION OF INFORMATION BY GROUP HEALTH PLANS.—

"(A) REQUIREMENT.—On and after the first day of the first calendar quarter beginning after the date that is 1 year after the date of the enactment of this paragraph, an entity serving as an insurer or third party administrator for a group health plan, as defined in paragraph (1)(A)(v), and, in the case of a group health plan that is self-insured and self-administered, a plan administrator or fiduciary, shall—

"(i) secure from the plan sponsor and plan participants such information as the Secretary shall specify for the purpose of identifying situations where the group health plan is or has been a primary plan to the program under this title; and

"(ii) submit such information to the Secretary in a form and manner (including frequency) specified by the Secretary.

"(B) ENFORCEMENT.—

"(i) IN GENERAL.—An entity, a plan administrator, or a fiduciary described in subparagraph (A) that fails to comply with the requirements under such subparagraph shall be subject to a civil money penalty of $1,000 for each day of noncompliance for each individual for which the information under such subparagraph should have been submitted. The provisions of subsections (e) and (k) of section 1128A shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a). A civil money penalty under this clause shall be in addition to any other penalties prescribed by law and in addition to any Medicare secondary payer claim under this title with respect to an individual.

"(ii) DEPOSIT OF AMOUNTS COLLECTED.—Any amounts collected pursuant to clause (i) shall be deposited in the Federal Hospital Insurance Trust Fund under section 1817.

"(C) SHARING OF INFORMATION.—Notwithstanding any other provision of law, under terms and conditions established by the Secretary, the Secretary—

"(i) shall share information on entitlement under Part A and enrollment under Part B under this title with entities, plan administrators, and fiduciaries described in subparagraph (A);

"(ii) may share the entitlement and enrollment information described in clause (i) with entities and persons not described in such clause; and

"(iii) may share information collected under this paragraph as necessary for purposes of the proper coordination of benefits.

"(D) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement this paragraph by program instruction or otherwise.

"(8) REQUIRED SUBMISSION OF INFORMATION BY OR ON BEHALF OF LIABILITY INSURANCE (INCLUDING SELF-INSURANCE), NO FAULT INSURANCE, AND WORKERS' COMPENSATION LAWS AND PLANS.—

"(A) REQUIREMENT.—On and after the first day of the first calendar quarter beginning after the date that is 18 months after the date of the enactment of this paragraph, an applicable plan shall—

"(i) determine whether a claimant (including an individual whose claim is unresolved) is entitled to benefits under the program under this title on any basis; and

"(ii) if the claimant is determined to be so entitled, submit the information described in subparagraph (B) with respect to the claimant to the Secretary in a form and manner (including frequency) specified by the Secretary.

"(B) REQUIRED INFORMATION.—The information described in this subparagraph is—

"(i) the identity of the claimant for which the determination under subparagraph (A) was made; and

"(ii) such other information as the Secretary shall specify in order to enable the Secretary to make an appropriate determination concerning coordination of benefits, including any applicable recovery claim.

"(C) TIMING.—Information shall be submitted under subparagraph (A)(ii) within a time specified by the Secretary after the claim is resolved through a settlement, judgment, award, or other payment (regardless of whether or not there is a determination or admission of liability).

"(D) CLAIMANT.—For purposes of subparagraph (A), the term 'claimant' includes—

"(i) an individual filing a claim directly against the applicable plan; and

"(ii) an individual filing a claim against an individual or entity insured or covered by the applicable plan.

"(E) ENFORCEMENT.—

"(i) IN GENERAL.—An applicable plan that fails to comply with the requirements under subparagraph (A) with respect to any claimant shall be subject to a civil money penalty of $1,000 for each day of noncompliance with respect to each claimant. The provisions of subsections (e) and (k) of section 1128A shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a). A civil money penalty under this clause shall be in addition to any other penalties prescribed by law and in addition to any Medicare secondary payer claim under this title with respect to an individual.

"(ii) DEPOSIT OF AMOUNTS COLLECTED.—Any amounts collected pursuant to clause (i) shall be deposited in the Federal Hospital Insurance Trust Fund.

"(F) APPLICABLE PLAN.—In this paragraph, the term 'applicable plan' means the following laws, plans, or other arrangements, including the fiduciary or administrator for such law, plan, or arrangement:

"(i) Liability insurance (including self-insurance).

"(ii) No fault insurance.

"(iii) Workers' compensation laws or plans.

"(G) SHARING OF INFORMATION.—The Secretary may share information collected under this paragraph as necessary for purposes of the proper coordination of benefits.

"(H) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement this paragraph by program instruction or otherwise.".

(b) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to limit the authority of the Secretary of Health and Human Services to collect information to carry out Medicare secondary payer provisions under title XVIII of the Social Security Act, including under parts C and D of such title.

(c) IMPLEMENTATION.—For purposes of implementing paragraphs (7) and (8) of section 1862(b) of the Social Security Act, as added by subsection (a), to ensure appropriate payments under title XVIII of such Act, the Secretary of Health and Human Services shall provide for the transfer, from the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of such Act (42 U.S.C. 1395t), in such proportions as the Secretary determines appropriate, of $35,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for the period of fiscal years 2008, 2009, and 2010.

SEC. 112. PAYMENT FOR PART B DRUGS.

(a) APPLICATION OF ALTERNATIVE VOLUME WEIGHTING IN COMPUTATION OF ASP.—Section 1847A(b) of the Social Security Act (42 U.S.C. 1395w-3a(b)) is amended—

(1) in paragraph (1)(A), by inserting "for a multiple source drug furnished before April 1, 2008, or 106 percent of the amount determined under paragraph (6) for a multiple source drug furnished on or after April 1, 2008" after "paragraph (3)";

(2) in each of subparagraphs (A) and (B) of paragraph (4), by inserting "for single source drugs and biologicals furnished before April 1, 2008, and using the methodology applied under paragraph (6) for single source drugs and biologicals furnished on or after April 1, 2008," after "paragraph (3)"; and

(3) by adding at the end the following new paragraph:

"(6) USE OF VOLUME-WEIGHTED AVERAGE SALES PRICES IN CALCULATION OF AVERAGE SALES PRICE.—

"(A) IN GENERAL.—For all drug products included within the same multiple source drug billing and payment code, the amount specified in this paragraph is the volume-weighted average of the average sales prices reported under section 1927(b)(3)(A)(iii) determined by—

"(i) computing the sum of the products (for each National Drug Code assigned to such drug products) of—

"(I) the manufacturer's average sales price (as defined in subsection (c)), determined by the Secretary without dividing such price by the total number of billing units for the National Drug Code for the billing and payment code; and

"(II) the total number of units specified under paragraph (2) sold; and

"(ii) dividing the sum determined under clause (i) by the sum of the products (for each National Drug Code assigned to such drug products) of—

"(I) the total number of units specified under paragraph (2) sold; and

"(II) the total number of billing units for the National Drug Code for the billing and payment code.

"(B) BILLING UNIT DEFINED.—For purposes of this subsection, the term 'billing unit' means the identifiable quantity associated with a billing and payment code, as established by the Secretary.".

(b) TREATMENT OF CERTAIN DRUGS.—Section 1847A(b) of the Social Security Act (42 U.S.C. 1395w-3a(b)), as amended by subsection (a), is amended—

(1) in paragraph (1), by inserting "paragraph (7) and" after "Subject to"; and

(2) by adding at the end the following new paragraph:

"(7) SPECIAL RULE.—Beginning with April 1, 2008, the payment amount for—

"(A) each single source drug or biological described in section 1842(o)(1)(G) that is treated as a multiple source drug because of the application of subsection (c)(6)(C)(ii) is the lower of—

"(i) the payment amount that would be determined for such drug or biological applying such subsection; or

"(ii) the payment amount that would have been determined for such drug or biological if such subsection were not applied; and

"(B) a multiple source drug described in section 1842(o)(1)(G) (excluding a drug or biological that is treated as a multiple source drug because of the application of such subsection) is the lower of—

"(i) the payment amount that would be determined for such drug or biological taking into account the application of such subsection; or

"(ii) the payment amount that would have been determined for such drug or biological if such subsection were not applied.".

SEC. 113. PAYMENT RATE FOR CERTAIN DIAGNOSTIC LABORATORY TESTS.

Section 1833(h) of the Social Security Act (42 U.S.C. 1395l(h)) is amended by adding at the end the following new paragraph:

"(9) Notwithstanding any other provision in this part, in the case of any diagnostic laboratory test for HbAlc that is labeled by the Food and Drug Administration for home use and is furnished on or after April 1, 2008, the payment rate for such test shall be the payment rate established under this part for a glycated hemoglobin test (identified as of October 1, 2007, by HCPCS code 83036 (and any succeeding codes)).".

SEC. 114. LONG-TERM CARE HOSPITALS.

(a) DEFINITION OF LONG-TERM CARE HOSPITAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"Long-Term Care Hospital

"(ccc) The term 'long-term care hospital' means a hospital which—

"(1) is primarily engaged in providing inpatient services, by or under the supervision of a physician, to Medicare beneficiaries whose medically complex conditions require a long hospital stay and programs of care provided by a long-term care hospital;

"(2) has an average inpatient length of stay (as determined by the Secretary) of greater than 25 days, or meets the requirements of clause (II) of section 1886(d)(1)(B)(iv);

"(3) satisfies the requirements of subsection (e); and

"(4) meets the following facility criteria:

"(A) the institution has a patient review process, documented in the patient medical record, that screens patients prior to admission for appropriateness of admission to a long-term care hospital, validates within 48 hours of admission that patients meet admission criteria for long-term care hospitals, regularly evaluates patients throughout their stay for continuation of care in a long-term care hospital, and assesses the available discharge options when patients no longer meet such continued stay criteria;

"(B) the institution has active physician involvement with patients during their treatment through an organized medical staff, physician-directed treatment with physician on-site availability on a daily basis to review patient progress, and consulting physicians on call and capable of being at the patient's side within a moderate period of time, as determined by the Secretary; and

"(C) the institution has interdisciplinary team treatment for patients, requiring interdisciplinary teams of health care professionals, including physicians, to prepare and carry out an individualized treatment plan for each patient.".

(b) STUDY AND REPORT ON LONG-TERM CARE HOSPITAL FACILITY AND PATIENT CRITERIA.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall conduct a study on the establishment of national long-term care hospital facility and patient criteria for purposes of determining medical necessity, appropriateness of admission, and continued stay at, and discharge from, long-term care hospitals.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under paragraph (1), together with recommendations for such legislation and administrative actions, including timelines for implementation of patient criteria or other actions, as the Secretary determines appropriate.

(3) CONSIDERATIONS.—In conducting the study and preparing the report under this subsection, the Secretary shall consider—

(A) recommendations contained in a report to Congress by the Medicare Payment Advisory Commission in June 2004 for long-term care hospital-specific facility and patient criteria to ensure that patients admitted to long-term care hospitals are medically complex and appropriate to receive long-term care hospital services; and

(B) ongoing work by the Secretary to evaluate and determine the feasibility of such recommendations.

(c) PAYMENT FOR LONG-TERM CARE HOSPITAL SERVICES.—

(1) NO APPLICATION OF 25 PERCENT PATIENT THRESHOLD PAYMENT ADJUSTMENT TO FREESTANDING AND GRANDFATHERED LTCHS.—The Secretary shall not apply, for cost reporting periods beginning on or after the date of the enactment of this Act for a 3-year period—

(A) section 412.536 of title 42, Code of Federal Regulations, or any similar provision, to freestanding long-term care hospitals; and

(B) such section or section 412.534 of title 42, Code of Federal Regulations, or any similar provisions, to a long-term care hospital identified by the amendment made by section 4417(a) of the Balanced Budget Act of 1997 (Public Law 105–33).

(2) PAYMENT FOR HOSPITALS-WITHIN-HOSPITALS.—

(A) IN GENERAL.—Payment to an applicable long-term care hospital or satellite facility which is located in a rural area or which is co-located with an urban single or MSA dominant hospital under paragraphs (d)(1), (e)(1), and (e)(4) of section 412.534 of title 42, Code of Federal Regulations, shall not be subject to any payment adjustment under such section if no more than 75 percent of the hospital's Medicare discharges (other than discharges described in paragraph (d)(2) or (e)(3) of such section) are admitted from a co-located hospital.

(B) CO-LOCATED LONG-TERM CARE HOSPITALS AND SATELLITE FACILITIES.—

(i) IN GENERAL.—Payment to an applicable long-term care hospital or satellite facility which is co-located with another hospital shall not be subject to any payment adjustment under section 412.534 of title 42, Code of Federal Regulations, if no more than 50 percent of the hospital's Medicare discharges (other than discharges described in paragraph (c)(3) of such section) are admitted from a co-located hospital.

(ii) APPLICABLE LONG-TERM CARE HOSPITAL OR SATELLITE FACILITY DEFINED.—In this paragraph, the term "applicable long-term care hospital or satellite facility" means a hospital or satellite facility that is subject to the transition rules under section 412.534(g) of title 42, Code of Federal Regulations.

(C) EFFECTIVE DATE.—Subparagraphs (A) and (B) shall apply to cost reporting periods beginning on or after the date of the enactment of this Act for a 3-year period.

(3) NO APPLICATION OF VERY SHORT-STAY OUTLIER POLICY.—The Secretary shall not apply, for the 3-year period beginning on the date of the enactment of this Act, the amendments finalized on May 11, 2007 (72 Federal Register 26904, 26992) made to the short-stay outlier payment provision for long-term care hospitals contained in section 412.529(c)(3)(i) of title 42, Code of Federal Regulations, or any similar provision.

(4) NO APPLICATION OF ONE-TIME ADJUSTMENT TO STANDARD AMOUNT.—The Secretary shall not, for the 3-year period beginning on the date of the enactment of this Act, make the one-time prospective adjustment to long-term care hospital prospective payment rates provided for in section 412.523(d)(3) of title 42, Code of Federal Regulations, or any similar provision.

(d) MORATORIUM ON THE ESTABLISHMENT OF LONG-TERM CARE HOSPITALS, LONG-TERM CARE SATELLITE FACILITIES AND ON THE INCREASE OF LONG-TERM CARE HOSPITAL BEDS IN EXISTING LONG-TERM CARE HOSPITALS OR SATELLITE FACILITIES.—

(1) IN GENERAL.—During the 3-year period beginning on the date of the enactment of this Act, the Secretary shall impose a moratorium for purposes of the Medicare program under title XVIII of the Social Security Act—

(A) subject to paragraph (2), on the establishment and classification of a long-term care hospital or satellite facility, other than an existing long-term care hospital or facility; and

(B) subject to paragraph (3), on an increase of long-term care hospital beds in existing long-term care hospitals or satellite facilities.

(2) EXCEPTION FOR CERTAIN LONG-TERM CARE HOSPITALS.—The moratorium under paragraph (1)(A) shall not apply to a long-term care hospital that as of the date of the enactment of this Act—

(A) began its qualifying period for payment as a long-term care hospital under section 412.23(e) of title 42, Code of Federal Regulations, on or before the date of the enactment of this Act;

(B) has a binding written agreement with an outside, unrelated party for the actual construction, renovation, lease, or demolition for a long-term care hospital, and has expended, before the date of the enactment of this Act, at least 10 percent of the estimated cost of the project (or, if less, $2,500,000); or

(C) has obtained an approved certificate of need in a State where one is required on or before the date of the enactment of this Act.

(3) EXCEPTION FOR BED INCREASES DURING MORATORIUM.—

(A) IN GENERAL.—Subject to subparagraph (B), the moratorium under paragraph (1)(B) shall not apply to an increase in beds in an existing hospital or satellite facility if the hospital or facility—

(i) is located in a State where there is only one other long-term care hospital; and

(ii) requests an increase in beds following the closure or the decrease in the number of beds of another long-term care hospital in the State.

(B) NO EFFECT ON CERTAIN LIMITATION.—The exception under subparagraph (A) shall not effect the limitation on increasing beds under sections 412.22(h)(3) and 412.22(f) of title 42, Code of Federal Regulations.

(4) EXISTING HOSPITAL OR SATELLITE FACILITY DEFINED.—For purposes of this subsection, the term "existing" means, with respect to a hospital or satellite facility, a hospital or satellite facility that received payment under the provisions of subpart O of part 412 of title 42, Code of Federal Regulations, as of the date of the enactment of this Act.

(5) JUDICIAL REVIEW.—There shall be no administrative or judicial review under section 1869 of the Social Security Act (42 U.S.C. 1395ff), section 1878 of such Act (42 U.S.C. 1395oo), or otherwise, of the application of this subsection by the Secretary.

(e) LONG-TERM CARE HOSPITAL PAYMENT UPDATE.—

(1) IN GENERAL.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended by adding at the end the following new subsection:

"(m) PROSPECTIVE PAYMENT FOR LONG-TERM CARE HOSPITALS.—

"(1) REFERENCE TO ESTABLISHMENT AND IMPLEMENTATION OF SYSTEM.—For provisions related to the establishment and implementation of a prospective payment system for payments under this title for inpatient hospital services furnished by a long-term care hospital described in subsection (d)(1)(B)(iv), see section 123 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 and section 307(b) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

"(2) UPDATE FOR RATE YEAR 2008.—In implementing the system described in paragraph (1) for discharges occurring during the rate year ending in 2008 for a hospital, the base rate for such discharges for the hospital shall be the same as the base rate for discharges for the hospital occurring during the rate year ending in 2007.".

(2) DELAYED EFFECTIVE DATE.—Subsection (m)(2) of section 1886 of the Social Security Act, as added by paragraph (1), shall not apply to discharges occurring on or after July 1, 2007, and before April 1, 2008.

(f) EXPANDED REVIEW OF MEDICAL NECESSITY.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall provide, under contracts with one or more appropriate fiscal intermediaries or medicare administrative contractors under section 1874A(a)(4)(G)

of the Social Security Act (42 U.S.C. 1395kk-1(a)(4)(G)), for reviews of the medical necessity of admissions to long-term care hospitals (described in section 1886(d)(1)(B)(iv) of such Act) and continued stay at such hospitals, of individuals entitled to, or enrolled for, benefits under part A of title XVIII of such Act consistent with this subsection. Such reviews shall be made for discharges occurring on or after October 1, 2007.

(2) REVIEW METHODOLOGY.—The medical necessity reviews under paragraph (1) shall be conducted on an annual basis in accordance with rules specified by the Secretary. Such reviews shall—

(A) provide for a statistically valid and representative sample of admissions of such individuals sufficient to provide results at a 95 percent confidence interval; and

(B) guarantee that at least 75 percent of overpayments received by long-term care hospitals for medically unnecessary admissions and continued stays of individuals in long-term care hospitals will be identified and recovered and that related days of care will not be counted toward the length of stay requirement contained in section 1886(d)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)(iv)).

(3) CONTINUATION OF REVIEWS.—Under contracts under this subsection, the Secretary shall establish an error rate with respect to such reviews that could require further review of the medical necessity of admissions and continued stay in the hospital involved and other actions as determined by the Secretary.

(4) TERMINATION OF REQUIRED REVIEWS.—

(A) IN GENERAL.—Subject to subparagraph (B), the previous provisions of this subsection shall cease to apply for discharges occurring on or after October 1, 2010.

(B) CONTINUATION.—As of the date specified in subparagraph (A), the Secretary shall determine whether to continue to guarantee, through continued medical review and sampling under this paragraph, recovery of at least 75 percent of overpayments received by long-term care hospitals due to medically unnecessary admissions and continued stays.

(5) FUNDING.—The costs to fiscal intermediaries or medicare administrative contractors conducting the medical necessity reviews under paragraph (1) shall be funded from the aggregate overpayments recouped by the Secretary of Health and Human Services from long-term care hospitals due to medically unnecessary admissions and continued stays. The Secretary may use an amount not in excess of 40 percent of the overpayments recouped under this paragraph to compensate the fiscal intermediaries or Medicare administrative contractors for the costs of services performed.

(g) IMPLEMENTATION.—For purposes of carrying out the provisions of, and amendments made by, this title, in addition to any amounts otherwise provided in this title, there are appropriated to the Centers for Medicare & Medicaid Services Program Management Account, out of any money in the Treasury not otherwise appropriated, $35,000,000 for the period of fiscal years 2008 and 2009.

SEC. 115. PAYMENT FOR INPATIENT REHABILITATION FACILITY (IRF) SERVICES.

(a) PAYMENT UPDATE.—

(1) IN GENERAL.—Section 1886(j)(3)(C) of the Social Security Act (42 U.S.C. 1395ww(j)(3)(C)) is amended by adding at the end the following: "The increase factor to be applied under this subparagraph for each of fiscal years 2008 and 2009 shall be 0 percent.".

(2) DELAYED EFFECTIVE DATE.—The amendment made by paragraph (1) shall not apply to payment units occurring before April 1, 2008.

(b) INPATIENT REHABILITATION FACILITY CLASSIFICATION CRITERIA.—

(1) IN GENERAL.—Section 5005 of the Deficit Reduction Act of 2005 (Public Law 109-171; 42 U.S.C. 1395ww note) is amended—

(A) in subsection (a), by striking "apply the applicable percent specified in subsection (b)" and inserting "require a compliance rate that is no greater than the 60 percent compliance rate that became effective for cost reporting periods beginning on or after July 1, 2006,"; and

(B) by amending subsection (b) to read as follows:

"(b) CONTINUED USE OF COMORBIDITIES.—For cost reporting periods beginning on or after July 1, 2007, the Secretary shall include patients with comorbidities as described in section 412.23(b)(2)(i) of title 42, Code of Federal Regulations (as in effect as of January 1, 2007), in the inpatient population that counts toward the percent specified in subsection (a).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1)(A) shall apply for cost reporting periods beginning on or after July 1, 2007.

(c) RECOMMENDATIONS FOR CLASSIFYING INPATIENT REHABILITATION HOSPITALS AND UNITS.—

(1) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with physicians (including geriatricians and physiatrists), administrators of inpatient rehabilitation, acute care hospitals, skilled nursing facilities, and other settings providing rehabilitation services, Medicare beneficiaries, trade organizations representing inpatient rehabilitation hospitals and units and skilled nursing facilities, and the Medicare Payment Advisory Commission, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that includes the following:

(A) An analysis of Medicare beneficiaries' access to medically necessary rehabilitation services, including the potential effect of the 75 percent rule (as defined in paragraph (2)) on access to care.

(B) An analysis of alternatives or refinements to the 75 percent rule policy for determining criteria for inpatient rehabilitation hospital and unit designation under the Medicare program, including alternative criteria which would consider a patient's functional status, diagnosis, co-morbidities, and other relevant factors.

(C) An analysis of the conditions for which individuals are commonly admitted to inpatient rehabilitation hospitals that are not included as a condition described in section 412.23(b)(2)(iii) of title 42, Code of Federal Regulations, to determine the appropriate setting of care, and any variation in patient outcomes and costs, across settings of care, for treatment of such conditions.

(2) 75 PERCENT RULE DEFINED.—For purposes of this subsection, the term "75 percent rule" means the requirement of section 412.23(b)(2) of title 42, Code of Federal Regulations, that 75 percent of the patients of a rehabilitation hospital or converted rehabilitation unit are in 1 or more of 13 listed treatment categories.

SEC. 116. EXTENSION OF ACCOMMODATION OF PHYSICIANS ORDERED TO ACTIVE DUTY IN THE ARMED SERVICES.

Section 1842(b)(6)(D)(iii) of the Social Security Act (42 U.S.C. 1395u(b)(6)(D)(iii)), as amended by Public Law 110-54 (121 Stat. 551) is amended by striking "January 1, 2008" and inserting "July 1, 2008".

SEC. 117. TREATMENT OF CERTAIN HOSPITALS.

(a) EXTENDING CERTAIN MEDICARE HOSPITAL WAGE INDEX RECLASSIFICATIONS THROUGH FISCAL YEAR 2008.—

(1) IN GENERAL.—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note) is amended by striking "September 30, 2007" and inserting "September 30, 2008".

(2) SPECIAL EXCEPTION RECLASSIFICATIONS.—The Secretary of Health and Human Services shall extend for discharges occurring through September 30, 2008, the special exception reclassifications made under the authority of section 1886(d)(5)(I)(i) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(I)(i)) and contained in the final rule promulgated by the Secretary in the Federal Register on August 11, 2004 (69 Fed. Reg. 49105, 49107).

(3) USE OF PARTICULAR WAGE INDEX.—For purposes of implementation of this subsection, the Secretary shall use the hospital wage index that was promulgated by the Secretary in the Federal Register on October 10, 2007 (72 Fed. Reg. 57634), and any subsequent corrections.

(b) DISREGARDING SECTION 508 HOSPITAL RECLASSIFICATIONS FOR PURPOSES OF GROUP RECLASSIFICATIONS.—Section 508 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173, 42 U.S.C. 1395ww note) is amended by adding at the end the following new subsection:

"(g) DISREGARDING HOSPITAL RECLASSIFICATIONS FOR PURPOSES OF GROUP RECLASSIFICATIONS.—For purposes of the reclassification of a group of hospitals in a geographic area under section 1886(d) of the Social Security Act for purposes of discharges occurring during fiscal year 2008, a hospital reclassified under this section (including any such reclassification which is extended under section 106(a) of the Medicare Improvements and Extension Act of 2006) shall not be taken into account and shall not prevent the other hospitals in such area from continuing such a group for such purpose.".

(c) CORRECTION OF APPLICATION OF WAGE INDEX DURING TAX RELIEF AND HEALTH CARE ACT EXTENSION.—In the case of a subsection (d) hospital (as defined for purposes of section 1886 of the Social Security Act (42 U.S.C. 1395ww)) with respect to which—

(1) a reclassification of its wage index for purposes of such section was extended for the period beginning on April 1, 2007, and ending on September 30, 2007, pursuant to subsection (a) of section 106 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note); and

(2) the wage index applicable for such hospital during such period was lower than the wage index applicable for such hospital during the period beginning on October 1, 2006, and ending on March 31, 2007,

the Secretary shall apply the higher wage index that was applicable for such hospital during the period beginning on October 1, 2006, and ending on March 31, 2007, for the entire fiscal year 2007. If the Secretary determines that the application of the preceding sentence to a hospital will result in a hospital being owed additional reimbursement, the Secretary shall make such payments within 90 days after the settlement of the applicable cost report.

SEC. 118. ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE ASSISTANCE PROGRAMS, AREA AGENCIES ON AGING, AND AGING AND DISABILITY RESOURCE CENTERS.

(a) State Health Insurance Assistance Programs.—

(1) In general.—The Secretary of Health and Human Services shall use amounts made available under paragraph (2) to make grants to States for State health insurance assistance programs receiving assistance under section 4360 of the Omnibus Budget Reconciliation Act of 1990.

(2) Funding.—For purposes of making grants under this subsection, the Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t), in the same proportion as the Secretary determines under section 1853(f) of such Act (42 U.S.C. 1395w–23(f)), of $15,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for fiscal year 2008.

(b) Area Agencies on Aging and Aging and Disability Resource Centers.—

(1) In general.—The Secretary of Health and Human Services shall use amounts made available under paragraph (2) to make grants—

(A) to States for area agencies on aging (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)); and

(B) to Aging and Disability Resource Centers under the Aging and Disability Resource Center grant program.

(2) Funding.—For purposes of making grants under this subsection, the Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t), in the same proportion as the Secretary determines under section 1853(f) of such Act (42 U.S.C. 1395w–23(f)), of $5,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for the period of fiscal years 2008 through 2009.

TITLE II—MEDICAID AND SCHIP

SEC. 201. EXTENDING SCHIP FUNDING THROUGH MARCH 31, 2009.

(a) Through the Second Quarter of Fiscal Year 2009.—

(1) In general.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended—

(A) in subsection (a)—

(i) by striking "and" at the end of paragraph (9);

(ii) by striking the period at the end of paragraph (10) and inserting "; and"; and

(iii) by adding at the end the following new paragraph:

"(11) for each of fiscal years 2008 and 2009, $5,000,000,000."; and

(B) in subsection (c)(4)(B), by striking "for fiscal year 2007" and inserting "for each of fiscal years 2007 through 2009".

(2) Availability of extended funding.—Funds made available from any allotment made from funds appropriated under subsection (a)(11) or (c)(4)(B) of section 2104 of the Social Security Act (42 U.S.C. 1397dd) for fiscal year 2008 or 2009 shall not be available for child health assistance for items and services furnished after March 31, 2009, or, if earlier, the date of the enactment of an Act that provides funding for fiscal years 2008 and 2009, and for one or more subsequent fiscal years for the State Children's Health Insurance Program under title XXI of the Social Security Act.

(3) End of funding under continuing resolution.—Section 136(a)(2) of Public Law 110–92 is amended by striking "after the termination date" and all that follows and inserting "after the date of the enactment of the Medicare, Medicaid, and SCHIP Extension Act of 2007.".

(4) Clarification of application of funding under continuing resolution.—Section 107 of Public Law 110–92 shall apply with respect to expenditures made pursuant to section 136(a)(1) of such Public Law.

(b) Extension of Treatment of Qualifying States; Rules on Redistribution of Unspent Fiscal Year 2005 Allotments Made Permanent.—

(1) In general.—Section 2105(g)(1)(A) of the Social Security Act (42 U.S.C. 1397ee(g)(1)(A)), as amended by subsection (d) of section 136 of Public Law 110–92, is amended by striking "or 2008" and inserting "2008, or 2009".

(2) Applicability.—The amendment made by paragraph (1) shall be in effect through March 31, 2009.

(3) Certain rules made permanent.—Subsection (e) of section 136 of Public Law 110–92 is repealed.

(c) Additional Allotments To Eliminate Remaining Funding Shortfalls Through March 31, 2009.—

(1) In general.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by adding at the end the following new subsections:

"(j) Additional Allotments To Eliminate Funding Shortfalls for Fiscal Year 2008.—

"(1) Appropriation; allotment authority.—For the purpose of providing additional allotments described in subparagraphs (A) and (B) of paragraph (3), there is appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary, not to exceed $1,600,000,000 for fiscal year 2008.

"(2) Shortfall states described.—For purposes of paragraph (3), a shortfall State described in this paragraph is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary as of November 30, 2007, that the Federal share amount of the projected expenditures under such plan for such State for fiscal year 2008 will exceed the sum of—

"(A) the amount of the State's allotments for each of fiscal years 2006 and 2007 that will not be expended by the end of fiscal year 2007;

"(B) the amount, if any, that is to be redistributed to the State during fiscal year 2008 in accordance with subsection (i); and

"(C) the amount of the State's allotment for fiscal year 2008.

"(3) Allotments.—In addition to the allotments provided under subsections (b) and (c), subject to paragraph (4), of the amount available for the additional allotments under paragraph (1) for fiscal year 2008, the Secretary shall allot—

"(A) to each shortfall State described in paragraph (2) not described in subparagraph (B), such amount as the Secretary determines will eliminate the estimated shortfall described in such paragraph for the State; and

"(B) to each commonwealth or territory described in subsection (c)(3), an amount equal to the percentage specified in subsection (c)(2) for the commonwealth or territory multiplied by 1.05 percent of the sum of the amounts determined for each shortfall State under subparagraph (A).

"(4) Proration rule.—If the amounts available for additional allotments under paragraph (1) are less than the total of the amounts determined under subparagraphs (A) and (B) of paragraph (3), the amounts computed under such subparagraphs shall be reduced proportionally.

"(5) Retrospective adjustment.—The Secretary may adjust the estimates and determinations made to carry out this subsection as necessary on the basis of the amounts reported by States not later than November 30, 2008, on CMS Form 64 or CMS Form 21, as the case may be, and as approved by the Secretary.

"(6) One-year availability; no redistribution of unexpended additional allotments.—Notwithstanding subsections (e) and (f), amounts allotted to a State pursuant to this subsection for fiscal year 2008, subject to paragraph (5), shall only remain available for expenditure by the State through September 30, 2008. Any amounts of such allotments that remain unexpended as of such date shall not be subject to redistribution under subsection (f).

"(k) Redistribution of Unused Fiscal Year 2006 Allotments to States With Estimated Funding Shortfalls During the First 2 Quarters of Fiscal Year 2009.—

"(1) In general.—Notwithstanding subsection (f) and subject to paragraphs (3) and (4), with respect to months beginning during the first 2 quarters of fiscal year 2009, the Secretary shall provide for a redistribution under such subsection from the allotments for fiscal year 2006 under subsection (b) that are not expended by the end of fiscal year 2008, to a fiscal year 2009 shortfall State described in paragraph (2), such amount as the Secretary determines will eliminate the estimated shortfall described in such paragraph for such State for the month.

"(2) Fiscal year 2009 shortfall state described.—A fiscal year 2009 shortfall State described in this paragraph is a State with a State child health plan approved under this title for which the Secretary estimates, on a monthly basis using the most recent data available to the Secretary as of such month, that the Federal share amount of the projected expenditures under such plan for such State for the first 2 quarters of fiscal year 2009 will exceed the sum of—

"(A) the amount of the State's allotments for each of fiscal years 2007 and 2008 that was not expended by the end of fiscal year 2008; and

"(B) the amount of the State's allotment for fiscal year 2009.

"(3) Funds redistributed in the order in which states realize funding shortfalls.—The Secretary shall redistribute the amounts available for redistribution under paragraph (1) to fiscal year 2009 shortfall States described in paragraph (2) in the order in which such States realize monthly funding shortfalls under this title for fiscal year 2009. The Secretary shall only make redistributions under this subsection to the extent that there are unexpended fiscal year 2006 allotments under subsection (b) available for such redistributions.

"(4) Proration rule.—If the amounts available for redistribution under paragraph (1) are less than the total amounts of the estimated shortfalls determined for the month under that paragraph, the amount computed under such paragraph for each fiscal year 2009 shortfall State for the month shall be reduced proportionally.

"(5) RETROSPECTIVE ADJUSTMENT.—The Secretary may adjust the estimates and determinations made to carry out this subsection as necessary on the basis of the amounts reported by States not later than May 31, 2009, on CMS Form 64 or CMS Form 21, as the case may be, and as approved by the Secretary.

"(6) AVAILABILITY; NO FURTHER REDISTRIBUTION.—Notwithstanding subsections (e) and (f), amounts redistributed to a State pursuant to this subsection for the first 2 quarters of fiscal year 2009 shall only remain available for expenditure by the State through March 31, 2009, and any amounts of such redistributions that remain unexpended as of such date, shall not be subject to redistribution under subsection (f).

"(l) ADDITIONAL ALLOTMENTS TO ELIMINATE FUNDING SHORTFALLS FOR THE FIRST 2 QUARTERS OF FISCAL YEAR 2009.—

"(1) APPROPRIATION; ALLOTMENT AUTHORITY.—For the purpose of providing additional allotments described in subparagraphs (A) and (B) of paragraph (3), there is appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary, not to exceed $275,000,000 for the first 2 quarters of fiscal year 2009.

"(2) SHORTFALL STATES DESCRIBED.—For purposes of paragraph (3), a shortfall State described in this paragraph is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary, that the Federal share amount of the projected expenditures under such plan for such State for the first 2 quarters of fiscal year 2009 will exceed the sum of—

"(A) the amount of the State's allotments for each of fiscal years 2007 and 2008 that will not be expended by the end of fiscal year 2008;

"(B) the amount, if any, that is to be redistributed to the State during fiscal year 2009 in accordance with subsection (k); and

"(C) the amount of the State's allotment for fiscal year 2009.

"(3) ALLOTMENTS.—In addition to the allotments provided under subsections (b) and (c), subject to paragraph (4), of the amount available for the additional allotments under paragraph (1) for the first 2 quarters of fiscal year 2009, the Secretary shall allot—

"(A) to each shortfall State described in paragraph (2) not described in subparagraph (B) such amount as the Secretary determines will eliminate the estimated shortfall described in such paragraph for the State; and

"(B) to each commonwealth or territory described in subsection (c)(3), an amount equal to the percentage specified in subsection (c)(2) for the commonwealth or territory multiplied by 1.05 percent of the sum of the amounts determined for each shortfall State under subparagraph (A).

"(4) PRORATION RULE.—If the amounts available for additional allotments under paragraph (1) are less than the total of the amounts determined under subparagraphs (A) and (B) of paragraph (3), the amounts computed under such subparagraphs shall be reduced proportionally.

"(5) RETROSPECTIVE ADJUSTMENT.—The Secretary may adjust the estimates and determinations made to carry out this subsection as necessary on the basis of the amounts reported by States not later than May 31, 2009, on CMS Form 64 or CMS Form 21, as the case may be, and as approved by the Secretary.

"(6) AVAILABILITY; NO REDISTRIBUTION OF UNEXPENDED ADDITIONAL ALLOTMENTS.—Notwithstanding subsections (e) and (f), amounts allotted to a State pursuant to this subsection for fiscal year 2009, subject to paragraph (5), shall only remain available for expenditure by the State through March 31, 2009. Any amounts of such allotments that remain unexpended as of such date shall not be subject to redistribution under subsection (f).".

SEC. 202. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA) AND ABSTINENCE EDUCATION PROGRAM.

Section 401 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432, 120 Stat. 2994), as amended by section 1 of Public Law 110–48 (121 Stat. 244) and section 2 of the TMA, Abstinence, Education, and QI Programs Extension Act of 2007 (Public Law 110–90, 121 Stat. 984), is amended—

(1) by striking "December 31, 2007" and inserting "June 30, 2008"; and

(2) by striking "first quarter" and inserting "third quarter" each place it appears.

SEC. 203. EXTENSION OF QUALIFYING INDIVIDUAL (QI) PROGRAM.

(a) EXTENSION.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking "December 2007" and inserting "June 2008".

(b) EXTENDING TOTAL AMOUNT AVAILABLE FOR ALLOCATION.—Section 1933(g)(2) of the Social Security Act (42 U.S.C. 1396u–3(g)(2)) is amended—

(1) in subparagraph (G), by striking "and" at the end;

(2) in subparagraph (H), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(I) for the period that begins on January 1, 2008, and ends on June 30, 2008, the total allocation amount is $200,000,000.".

SEC. 204. MEDICAID DSH EXTENSION.

Section 1923(f)(6) of the Social Security Act (42 U.S.C. 1396r–4(f)(6)) is amended—

(1) in the heading, by inserting "AND PORTIONS OF FISCAL YEAR 2008" after "FISCAL YEAR 2007"; and

(2) in subparagraph (A)—

(A) in clause (i), by adding at the end (after and below subclause (II)) the following:

"Only with respect to fiscal year 2008 for the period ending on June 30, 2008, the DSH allotment for Tennessee for such portion of the fiscal year, notwithstanding such table or terms, shall be ¾ of the amount specified in the previous sentence for fiscal year 2007.";

(B) in clause (ii)—

(i) by inserting "or for a period in fiscal year 2008 described in clause (i)" after "fiscal year 2007"; and

(ii) by inserting "or period" after "such fiscal year"; and

(C) in clause (iv)—

(i) in the heading, by inserting "AND FISCAL YEAR 2008" after "FISCAL YEAR 2007";

(ii) in subclause (I)—

(I) by inserting "or for a period in fiscal year 2008 described in clause (i)" after "fiscal year 2007"; and

(II) by inserting "or period" after "for such fiscal year"; and

(iii) in subclause (II)—

(I) by inserting "or for a period in fiscal year 2008 described in clause (i)" after "fiscal year 2007"; and

(II) by inserting "or period" after "such fiscal year" each place it appears; and

(3) in subparagraph (B)(i), by adding at the end the following: "Only with respect to fiscal year 2008 for the period ending on June 30, 2008, the DSH allotment for Hawaii for such portion of the fiscal year, notwithstanding the table set forth in paragraph (2), shall be $7,500,000.".

SEC. 205. IMPROVING DATA COLLECTION.

Section 2109(b)(2) of the Social Security Act (42 U.S.C. 1397ii(b)(2)) is amended by inserting before the period at the end the following "(except that only with respect to fiscal year 2008, there are appropriated $20,000,000 for the purpose of carrying out this subsection, to remain available until expended)".

SEC. 206. MORATORIUM ON CERTAIN PAYMENT RESTRICTIONS.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to June 30, 2008, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to coverage or payment under title XIX of the Social Security Act for rehabilitation services or school-based administration and school-based transportation if such restrictions are more restrictive in any aspect than those applied to such areas as of July 1, 2007.

TITLE III—MISCELLANEOUS

SEC. 301. MEDICARE PAYMENT ADVISORY COMMISSION STATUS.

Section 1805(a) of the Social Security Act (42 U.S.C. 1395b–6(a)) is amended by inserting "as an agency of Congress" after "established".

SEC. 302. SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES AND INDIANS.

(a) SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES.—Section 330B(b)(2)(C) of the Public Health Service Act (42 U.S.C. 254c–2(b)(2)(C)) is amended by striking "2008" and inserting "2009".

(b) SPECIAL DIABETES PROGRAMS FOR INDIANS.—Section 330C(c)(2)(C) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)(C)) is amended by striking "2008" and inserting "2009".

CONSOLIDATED APPROPRIATIONS ACT, 2008—Continued

Mr. GREGG. Mr. President, I ask unanimous consent that the Senator from Idaho now be recognized for 5 minutes and that at 5:20, it be deemed that all time be yielded back by all sides relative to the motion.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

Mr. GREGG. Mr. President, I note for those people listening, under this agreement, there should be a vote beginning about 5:20 p.m.

Mr. LEAHY. Mr. President, I have no objection.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, the Senator from Washington and all of us recognize that this may be the conclusion this evening of this session of Congress, and there may be a lot of issues out there that will be brought to a final vote. I think for all of us, as any session concludes, we have to look at the work product and say that is a job well done or a job not so well done. Frankly, for those of us on the Republican side who stayed together and fought the fight and exchanged our differences with those on the Democratic side, to bring a budget back into constraints that are at or near the President's proposal is without question a victory. Some of us will recognize that and honor that tonight as we conclude this first session of this Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to proceed until the vote occurs, which is 2 minutes from now.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I rise to discuss the funding for the Low Income Home Energy Assistance Program. This program is absolutely vital to the people of my State. This winter we have seen record-high prices for home heating oil.

I want to thank the appropriators for including additional funding for the LIHEAP program as part of the omnibus spending bill, but, Mr. President, I was hoping we would proceed to consideration of the amendment offered by the Senator from Vermont, of which I am proud to be a cosponsor, which would have provided 800 million additional dollars for the LIHEAP program.

Mr. President, this is a real crisis. I consider the amount of money in this bill to be a significant step forward, but it is not adequate to meet the overwhelming needs for the constituents that live in cold weather States and are struggling and literally choosing between paying their bills, buying food, purchasing prescription drugs, and staying warm. That is a choice that no family in this country should have to make.

I am pleased with this downpayment on the LIHEAP program. It is a major step forward that is going to make a significant difference, but, frankly, it is simply not adequate to meet the overwhelming need.

Nationwide, over the last 4 years, the number of households receiving LIHEAP assistance increased by 26 percent from 4.6 million to about 5.8 million, but during this same period, Federal funding increased by only 10 percent. The result is that the average grant declined from $349 to $305. In addition, since August, crude oil prices quickly rose from around $60 barrel to nearly $100 per barrel, so a grant buys less fuel today than it would have just 4 months ago. According to the Maine Office of Energy Independence and Security, the average price of heating oil in our State is $3.26 a gallon. That is a record in our State.

This large, rapid increase, combined with less LIHEAP funding available per family, imposes hardship on people who use home heating oil to heat their homes. Low-income families and senior citizen living on limited incomes in Maine and many other States face a crisis in staying warm this winter.

The Sanders amendment would have provided an additional $800 million as emergency funding for LIHEAP. The term "emergency," could not be more accurate. Our Nation is in a heating emergency this winter. Families are being forced to choose among paying for food, housing, prescription drugs and heat. No family should be forced to suffer through a severe winter without adequate heat.

I understand we may consider this proposal again after the holidays. When we reconsider it, I urge all my colleagues to support the Sanders proposal to provide vital home energy assistance for the most vulnerable of our citizens.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the following cloture motion which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendments to H.R. 2764, State, Foreign Operations Appropriations, 2008.

Harry Reid, Jeff Bingaman, Barbara A. Mikulski, Byron L. Dorgan, Daniel K. Inouye, Patrick Leahy, Max Baucus, Mark Pryor, Debbie Stabenow, Kent Conrad, Patty Murray, Bill Nelson, Jack Reed, Ken Salazar, Blanche L. Lincoln, Tom Carper, Herb Kohl, Ben Nelson, Dick Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendments to the Senate amendment to H.R. 2764, the Department of State, Foreign Operations, and Related Programs Appropriations Act, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 44, nays 51, as follows:

[Rollcall Vote No. 436 Leg.]

YEAS—44

Akaka
Baucus
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Conrad
Dorgan
Durbin
Feingold
Hagel
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—51

Alexander
Allard
Barrasso
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner

NOT VOTING—5

Biden
Clinton
Dodd
Feinstein
Obama

The PRESIDING OFFICER. On this vote the yeas are 44, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Republican leader is recognized.

AMENDMENT NO. 3874

(Purpose: To make emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008)

Mr. McCONNELL. Mr. President, I move to concur in the House amendments with an amendment which I send to the desk on behalf of myself, Senators LIEBERMAN, INOUYE, STEVENS, COCHRAN, and WARNER.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for himself, Mr. LIEBERMAN, Mr. INOUYE, Mr. STEVENS, Mr. COCHRAN, and Mr. WARNER moves to concur in the House amendment No. 2 to the Senate amendment to H.R. 2764, with an amendment numbered 3874.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. McCONNELL. Mr. President, under the consent agreement, how much time do we have? I will use my leader time.

The PRESIDING OFFICER. The agreement contemplates a second-degree amendment, the Feingold amendment, where there will be 1 hour of debate equally divided on that amendment.

Mr. McCONNELL. Mr. President, I will use leader time now.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, a lot has changed since last December. At this time last year, America and its allies were desperate for good news out of Iraq. The security situation was dire, and getting worse. An all-out civil war threatened to undermine the heroic work of U.S. forces and frustrate the hopes of millions of Iraqis.

Then General Petraeus stepped forward with a bold new plan. We confirmed General Petraeus unanimously for what seemed like one last effort at salvaging the mission. And we sent him the troops and the funds he needed to carry out the job.

Since the implementation of the Petraeus plan, the security situation in and around Baghdad has changed dramatically. Attacks on troops are down. Civilian casualties in Baghdad are down 75 percent. Iraqi refugees are streaming back over the borders. Outside the city, the local leaders are forging agreements among themselves and with U.S. forces to ensure even greater security.

There is simply no question that on the military and tactical levels the Petraeus plan has been a tremendous success. So as we stand here today, we have new hope that U.S. service men and women are beginning to return home with a sense of achievement. A lot has changed in Iraq, and here in Washington, we should take notice.

Before us is an amendment sent to us by the House of Representatives that underfunds our troops and only provides for those fighting in Afghanistan. It leaves the troops in Iraq to fend for themselves. That is unacceptable.

What is the difference between funding the troops in Afghanistan and funding the troops in Iraq? They are both our troops. Even those of us who have disagreed on the war have always agreed on at least one thing, and that is the troops in the field will not be left without the resources they need.

So the amendment I sent to the desk provides for our men and women in uniform in Iraq and Afghanistan because I believe it is our duty to protect all of those who are putting their lives on the line. It is also important to understand—I hope everybody in the Chamber and anybody listening gets this fundamental point: If this amendment does not pass, the McConnell-Lieberman amendment does not pass in its current form, the underlying bill will not become law. The passage of the McConnell-Lieberman proposal is essential to getting a Presidential signature on the Omnibus appropriations and Iraq funding.

The Petraeus plan provides for a gradual reduction of our forces and a transition of the mission. Iraqi security forces will eventually shift from partnering with coalition forces to leading forces on their own. We must not impose an arbitrary timeline for withdrawal or accelerate this timeline at an unrealistic pace.

This is a moment of real hope for our Nation and for the people of Iraq. It is a moment of real urgency in the Senate. We need to pass the spending bill with troop funds without any strings and without further delay.

At the risk of being redundant, the President has made it absolutely clear that to get a Presidential signature, to wrap up this session, having succeeded in passing all of our appropriations bills, will require the passage of the McConnell-Lieberman amendment.

So when we get to that amendment—we will have a couple of votes before then, but when we get to that amendment, it is essential. We want to complete our work in a way that implements the appropriations process as all of us feel it should be implemented on a yearly basis. The success of the McConnell-Lieberman amendment is essential.

I yield the floor.

Mr. LEAHY. Mr. President, not counting leader time, what is the provision of time once Senator FEINGOLD has introduced his second-degree amendment?

The PRESIDING OFFICER. There will be 1 hour of debate equally divided.

Mr. LEAHY. Mr. President, I see the Senator from Wisconsin. I ask, of the half hour on this side, that 15 minutes be given to the distinguished Senator from Wisconsin, 10 minutes to the senior Senator from West Virginia, 5 minutes to the distinguished senior Senator from Massachusetts, and that the Senator from Vermont who is a cosponsor be allowed to submit a statement as though read for the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3875 TO AMENDMENT NO. 3874

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. REID, Mr. LEAHY, Mr. DODD, Mrs. BOXER, Mr. KENNEDY, Mr. KERRY, Mr. HARKIN, Mr. WHITEHOUSE, Mr. WYDEN, Mr. DURBIN, Mr. SCHUMER, Mr. OBAMA, Mr. SANDERS, Mr. MENENDEZ, Mr. LAUTENBERG, and Mr. BROWN, proposes an amendment numbered 3875 to amendment No. 3874.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the safe redeployment of United States troops from Iraq)

At the appropriate place, insert the following:

SEC. ___. SAFE REDEPLOYMENT OF UNITED STATES TROOPS FROM IRAQ.

(a) TRANSITION OF MISSION.—The President shall promptly transition the mission of the United States Armed Forces in Iraq to the limited and temporary purposes set forth in subsection (d).

(b) COMMENCEMENT OF SAFE, PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the safe, phased redeployment of members of the United States Armed Forces from Iraq who are not essential to the limited and temporary purposes set forth in subsection (d). Such redeployment shall begin not later than 90 days after the date of the enactment of this Act, and shall be carried out in a manner that protects the safety and security of United States troops.

(c) USE OF FUNDS.—No funds appropriated or otherwise made available under any provision of law may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after the date that is nine months after the date of the enactment of this Act.

(d) EXCEPT FOR LIMITED AND TEMPORARY PURPOSES.—The prohibition under subsection (c) shall not apply to the obligation or expenditure of funds for the following limited and temporary purposes:

(1) To conduct targeted operations, limited in duration and scope, against members of al Qaeda and affiliated international terrorist organizations.

(2) To provide security for United States Government personnel and infrastructure.

(3) To provide training to members of the Iraqi Security Forces who have not been involved in sectarian violence or in attacks upon the United States Armed Forces, provided that such training does not involve members of the United States Armed Forces taking part in combat operations or being embedded with Iraqi forces.

(4) To provide training, equipment, or other materiel to members of the United States Armed Forces to ensure, maintain, or improve their safety and security.

Mr. FEINGOLD. Mr. President, I rise to offer an amendment with the majority leader, Senator REID, and Senators LEAHY, DODD, BOXER, KENNEDY, KERRY, HARKIN, WHITEHOUSE, WYDEN, DURBIN, SCHUMER, OBAMA, SANDERS, MENENDEZ, LAUTENBERG, and BROWN to H.R. 2764, the fiscal year 2008 Omnibus appropriations bill.

The amendment is one I have offered before. I will not hesitate, if I must, to offer it again and again and again.

The 17 cosponsors is the greatest number we have ever had for this amendment.

It requires the President to begin safely redeploying U.S. troops from Iraq within 90 days of enactment, and requires redeployment be completed within 9 months. At that point, with the bulk of our troops safely out of Iraq, funding for the war would be ended, with four narrow exceptions: providing security for U.S. Government personnel and infrastructure, training the Iraqi security forces, providing training and equipment to U.S. service men and women to ensure their safety the fight and exchanged our differences with those on the Democratic side, to bring a budget back into constraints that are at or near the President's proposal is without question a victory. Some of us will recognize that and honor that tonight as we conclude this first session of this Congress.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to proceed until the vote occurs, which is 2 minutes from now.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I rise to discuss the funding for the Low Income Home Energy Assistance Program. This program is absolutely vital to the people of my State. This winter we have seen record-high prices for home heating oil.

I want to thank the appropriators for including additional funding for the LIHEAP program as part of the omnibus spending bill, but, Mr. President, I was hoping we would proceed to consideration of the amendment offered by the Senator from Vermont, of which I am proud to be a cosponsor, which would have provided 800 million additional dollars for the LIHEAP program.

Mr. President, this is a real crisis. I consider the amount of money in this bill to be a significant step forward, but it is not adequate to meet the overwhelming needs for the constituents that live in cold weather States and are struggling and literally choosing between paying their bills, buying food, purchasing prescription drugs, and staying warm. That is a choice that no family in this country should have to make.

I am pleased with this downpayment on the LIHEAP program. It is a major step forward that is going to make a significant difference, but, frankly, it is simply not adequate to meet the overwhelming need.

Nationwide, over the last 4 years, the number of households receiving LIHEAP assistance increased by 26 percent from 4.6 million to about 5.8 million, but during this same period, Federal funding increased by only 10 percent. The result is that the average grant declined from $349 to $305. In addition, since August, crude oil prices quickly rose from around $60 barrel to nearly $100 per barrel, so a grant buys less fuel today than it would have just 4 months ago. According to the Maine Office of Energy Independence and Security, the average price of heating oil in our State is $3.26 a gallon. That is a record in our State.

This large, rapid increase, combined with less LIHEAP funding available per family, imposes hardship on people who use home heating oil to heat their homes. Low-income families and senior citizen living on limited incomes in Maine and many other States face a crisis in staying warm this winter.

The Sanders amendment would have provided an additional $800 million as emergency funding for LIHEAP. The term "emergency," could not be more accurate. Our Nation is in a heating emergency this winter. Families are being forced to choose among paying for food, housing, prescription drugs and heat. No family should be forced to suffer through a severe winter without adequate heat.

I understand we may consider this proposal again after the holidays. When we reconsider it, I urge all my colleagues to support the Sanders proposal to provide vital home energy assistance for the most vulnerable of our citizens.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the following cloture motion which the clerk will report.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to concur in the House amendments to H.R. 2764, State, Foreign Operations Appropriations, 2008.

Harry Reid, Jeff Bingaman, Barbara A. Mikulski, Byron L. Dorgan, Daniel K. Inouye, Patrick Leahy, Max Baucus, Mark Pryor, Debbie Stabenow, Kent Conrad, Patty Murray, Bill Nelson, Jack Reed, Ken Salazar, Blanche L. Lincoln, Tom Carper, Herb Kohl, Ben Nelson, Dick Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to concur in the House amendments to the Senate amendment to H.R. 2764, the Department of State, Foreign Operations, and Related Programs Appropriations Act, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 44, nays 51, as follows:

[Rollcall Vote No. 436 Leg.]

YEAS—44

Akaka
Baucus
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Conrad
Dorgan
Durbin
Feingold
Hagel
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—51

Alexander
Allard
Barrasso
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Landrieu
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thune
Vitter
Voinovich
Warner

NOT VOTING—5

Biden
Clinton
Dodd
Feinstein
Obama

The PRESIDING OFFICER. On this vote the yeas are 44, the nays are 51. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Republican leader is recognized.

AMENDMENT NO. 3874

(Purpose: To make emergency supplemental appropriations for the Department of Defense for the fiscal year ending September 30, 2008)

Mr. McCONNELL. Mr. President, I move to concur in the House amendments with an amendment which I send to the desk on behalf of myself, Senators LIEBERMAN, INOUYE, STEVENS, COCHRAN, and WARNER.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for himself, Mr. LIEBERMAN, Mr. INOUYE, Mr. STEVENS, Mr. COCHRAN, and Mr. WARNER moves to concur in the House amendment No. 2 to the Senate amendment to H.R. 2764, with an amendment numbered 3874.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. McCONNELL. Mr. President, under the consent agreement, how much time do we have? I will use my leader time.

The PRESIDING OFFICER. The agreement contemplates a second-degree amendment, the Feingold amendment, where there will be 1 hour of debate equally divided on that amendment.

Mr. McCONNELL. Mr. President, I will use leader time now.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, a lot has changed since last December. At this time last year, America and its allies were desperate for good news out of Iraq. The security situation was dire, and getting worse. An all-out civil war threatened to undermine the heroic work of U.S. forces and frustrate the hopes of millions of Iraqis.

Then General Petraeus stepped forward with a bold new plan. We confirmed General Petraeus unanimously for what seemed like one last effort at salvaging the mission. And we sent him the troops and the funds he needed to carry out the job.

Since the implementation of the Petraeus plan, the security situation in and around Baghdad has changed dramatically. Attacks on troops are down. Civilian casualties in Baghdad are down 75 percent. Iraqi refugees are streaming back over the borders. Outside the city, the local leaders are forging agreements among themselves and with U.S. forces to ensure even greater security.

There is simply no question that on the military and tactical levels the Petraeus plan has been a tremendous success. So as we stand here today, we have new hope that U.S. service men and women are beginning to return home with a sense of achievement. A lot has changed in Iraq, and here in Washington, we should take notice.

Before us is an amendment sent to us by the House of Representatives that underfunds our troops and only provides for those fighting in Afghanistan. It leaves the troops in Iraq to fend for themselves. That is unacceptable.

What is the difference between funding the troops in Afghanistan and funding the troops in Iraq? They are both our troops. Even those of us who have disagreed on the war have always agreed on at least one thing, and that is the troops in the field will not be left without the resources they need.

So the amendment I sent to the desk provides for our men and women in uniform in Iraq and Afghanistan because I believe it is our duty to protect all of those who are putting their lives on the line. It is also important to understand—I hope everybody in the Chamber and anybody listening gets this fundamental point: If this amendment does not pass, the McConnell-Lieberman amendment does not pass in its current form, the underlying bill will not become law. The passage of the McConnell-Lieberman proposal is essential to getting a Presidential signature on the Omnibus appropriations and Iraq funding.

The Petraeus plan provides for a gradual reduction of our forces and a transition of the mission. Iraqi security forces will eventually shift from partnering with coalition forces to leading forces on their own. We must not impose an arbitrary timeline for withdrawal or accelerate this timeline at an unrealistic pace.

This is a moment of real hope for our Nation and for the people of Iraq. It is a moment of real urgency in the Senate. We need to pass the spending bill with troop funds without any strings and without further delay.

At the risk of being redundant, the President has made it absolutely clear that to get a Presidential signature, to wrap up this session, having succeeded in passing all of our appropriations bills, will require the passage of the McConnell-Lieberman amendment.

So when we get to that amendment—we will have a couple of votes before then, but when we get to that amendment, it is essential. We want to complete our work in a way that implements the appropriations process as all of us feel it should be implemented on a yearly basis. The success of the McConnell-Lieberman amendment is essential.

I yield the floor.

Mr. LEAHY. Mr. President, not counting leader time, what is the provision of time once Senator FEINGOLD has introduced his second-degree amendment?

The PRESIDING OFFICER. There will be 1 hour of debate equally divided.

Mr. LEAHY. Mr. President, I see the Senator from Wisconsin. I ask, of the half hour on this side, that 15 minutes be given to the distinguished Senator from Wisconsin, 10 minutes to the senior Senator from West Virginia, 5 minutes to the distinguished senior Senator from Massachusetts, and that the Senator from Vermont who is a cosponsor be allowed to submit a statement as though read for the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3875 TO AMENDMENT NO. 3874

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. REID, Mr. LEAHY, Mr. DODD, Mrs. BOXER, Mr. KENNEDY, Mr. KERRY, Mr. HARKIN, Mr. WHITEHOUSE, Mr. WYDEN, Mr. DURBIN, Mr. SCHUMER, Mr. OBAMA, Mr. SANDERS, Mr. MENENDEZ, Mr. LAUTENBERG, and Mr. BROWN, proposes an amendment numbered 3875 to amendment No. 3874.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the safe redeployment of United States troops from Iraq)

At the appropriate place, insert the following:

SEC. ___. SAFE REDEPLOYMENT OF UNITED STATES TROOPS FROM IRAQ.

(a) TRANSITION OF MISSION.—The President shall promptly transition the mission of the United States Armed Forces in Iraq to the limited and temporary purposes set forth in subsection (d).

(b) COMMENCEMENT OF SAFE, PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the safe, phased redeployment of members of the United States Armed Forces from Iraq who are not essential to the limited and temporary purposes set forth in subsection (d). Such redeployment shall begin not later than 90 days after the date of the enactment of this Act, and shall be carried out in a manner that protects the safety and security of United States troops.

(c) USE OF FUNDS.—No funds appropriated or otherwise made available under any provision of law may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after the date that is nine months after the date of the enactment of this Act.

(d) EXCEPT FOR LIMITED AND TEMPORARY PURPOSES.—The prohibition under subsection (c) shall not apply to the obligation or expenditure of funds for the following limited and temporary purposes:

(1) To conduct targeted operations, limited in duration and scope, against members of al Qaeda and affiliated international terrorist organizations.

(2) To provide security for United States Government personnel and infrastructure.

(3) To provide training to members of the Iraqi Security Forces who have not been involved in sectarian violence or in attacks upon the United States Armed Forces, provided that such training does not involve members of the United States Armed Forces taking part in combat operations or being embedded with Iraqi forces.

(4) To provide training, equipment, or other materiel to members of the United States Armed Forces to ensure, maintain, or improve their safety and security.

Mr. FEINGOLD. Mr. President, I rise to offer an amendment with the majority leader, Senator REID, and Senators LEAHY, DODD, BOXER, KENNEDY, KERRY, HARKIN, WHITEHOUSE, WYDEN, DURBIN, SCHUMER, OBAMA, SANDERS, MENENDEZ, LAUTENBERG, and BROWN to H.R. 2764, the fiscal year 2008 Omnibus appropriations bill.

The amendment is one I have offered before. I will not hesitate, if I must, to offer it again and again and again.

The 17 cosponsors is the greatest number we have ever had for this amendment.

It requires the President to begin safely redeploying U.S. troops from Iraq within 90 days of enactment, and requires redeployment be completed within 9 months. At that point, with the bulk of our troops safely out of Iraq, funding for the war would be ended, with four narrow exceptions: providing security for U.S. Government personnel and infrastructure, training the Iraqi security forces, providing training and equipment to U.S. service men and women to ensure their safety and security, and conducting targeted operations limited in duration and scope against members of al-Qaida and others affiliated with international terrorist organizations.

Some of my colleagues complain that we spent too much time debating Iraq this year. They would rather talk about other issues. Well, we have a lot of important priorities, but nothing is more important to me or my constituents than ending this disastrous war.

As I do every year, I held a town hall meeting in every county in Wisconsin this year. That is 72 meetings for those of you who are not from the Badger State. I heard a lot from my constituents at the meetings about health care and education. But the No. 1 issue I heard about was foreign affairs, particularly the war in Iraq.

But the No. 1 issue I heard about was foreign affairs, particularly the war in Iraq. Let me tell you—they weren't asking why Congress is spending so much time on this issue. They weren't asking us to give the President more time for his so-called surge. Like Americans all across the country, they want an end to this war, and they want to know what is stopping us.

The Senate needs to address the concerns and demands of our constituents, who more than a year ago voted for a change in congressional leadership in large measure because of the debacle in Iraq. But we have yet to follow through and end this misguided war, before more Americans are injured and killed. And we are about to adjourn for the year and let the war drag on even longer.

We hear a lot from supporters of the President that violence in Iraq is down right now, and therefore we are on the path to victory. That argument would be a lot more convincing if the administration had a viable strategy for success. The surge may buy time, but as long as there is no political solution to Iraq's problems, we are just postponing the inevitable resurgence in violence, and our brave troops will continue bearing the brunt of it.

That is not a strategy for success. It is not even a strategy. It is a way of pushing this problem off to the next President and the next Congress, while our troops put their lives on the line, and our constituents foot the bill. Or, I should say, our constituents' children and grandchildren foot the bill, because we can't even be bothered to figure out a way to pay for the war. We are just handing the tab to future generations, sticking them with hundreds of billions of dollars of more deficit spending.

I am certainly pleased that violence in Iraq has declined in the last few months. Once again, our troops have showed they excel in any challenge with which they are tasked. This doesn't change the fact, however, that this year was the bloodiest year for Americans since the war began, and there are still a few weeks to go in 2007.

Indeed, let us remember that nearly 4,000 Americans have died, and almost 30,000 have been wounded in a war that has no clear strategy and no end in sight. While the President is bringing home a token number of troops, over 160,000 remain as the war drags on into its fifth year. What are we supposed to tell them, and their families, to wait another year until a new administration and new Congress finally listen to the American people and bring this tragedy to a close?

Mr. President, Iraq appears to be no closer to legitimate political reconciliation at the national level than it was before the surge began. Equally worrisome is that, as part of the President's plan, we appear to be deepening our dependence upon former insurgents and militia-infiltrated security forces with questionable loyalties. Supporting the sheiks in al Anbar—and elsewhere—may help to reduce violence in the near term, but by supporting both sides of a civil war, we are risking greater violence down the road. Such tactics are likely to undermine the prospects for long-term stability, as they could lead to greater political fragmentation and ultimately jeopardize Iraq's territorial integrity. Again, without legitimate national reconciliation, violence may ebb and flow, but it won't end, and we will be no closer to a settlement, no matter how long we keep a significant military presence in Iraq. That is not the fault of our heroic men and women in uniform. It is the fault of the administration's disastrous policies.

There is another dirty secret behind the temporary drop in violence, and it relates to the segregation of Baghdad and the neighborhoods on its outskirts. With so many Iraqis fleeing their homes in search of greater safety and security, large-scale displacement has resulted in very different demographics. Previously mixed neighborhoods have ceased to exist, thereby curtailing one of the chief sources of sectarian violence. This ethnic cleansing is hardly evidence of a successful surge. And it sure isn't a hopeful sign for future peace and stability.

When it announced the surge, the administration said its goal was to keep a lid on violence to give time and space for reconciliation in Iraq. Now that we are no closer to reconciliation, the administration is trying, once again, to shift the goalposts. We don't hear as much about reconciliation now, and when we do, it sounds very different from the national reconciliation that was supposedly our goal—instead we hear about "bottom-up" reconciliation, whatever that means. All the administration can do is stall for time, just as it did in 2004, just as it did in 2005, and just as it did in 2006. The slogan may be different—"Mission Accomplished," "Stay the Course," "The New Way Forward" and even "Return on Success," but each time we are told we are on the right road, if we just keep walking a little longer. Until, that is, we reach another dead end, and a new slogan is invented to justify heading in a new, but equally futile direction.

As the administration blunders from one mistake to another, brave American troops are being injured and killed in Iraq; our military is being overstretched; countless billions of dollars are being spent; the American people are growing more and more frustrated and outraged; and our national security is being undermined.

Instead of focusing on Iraq, we should be focusing on our top national security priority—going after al-Qaida and its affiliates around the globe. This administration has sadly proven that we cannot do both.

Al-Qaida is waging a global campaign, from North Africa—where the Algerian Government has blamed an al-Qaida affiliate for two major bombings last week—to the border region between Afghanistan and Pakistan were, while we have been distracted by Iraq, al-Qaida has reconstituted and strengthened itself. There is a price to pay for our neglect, and this administration has failed to acknowledge it.

Because of its narrow focus on Iraq, the administration has been so distracted it has not adequately addressed the deteriorating security conditions in Afghanistan, where the resurgent Taliban—the same movement that harbored and supported the terrorist elements that attacked our country on 9/11—are gaining ground. Violence may be down in Iraq, but it is up significantly in Afghanistan. There were 77 suicide attacks in Afghanistan in just the first 6 months of 2007, which is about twice the number for the same period in 2006 and 26 times higher than from January to June 2005.

This worrisome escalation of suicide bombings is one of many signs that Afghanistan's already tenuous stability is even shakier. And while earlier this week the Pentagon confirmed that the U.S. military and its NATO partners are reviewing plans for Afghanistan, it is awfully late in the game to try to put that country on a solid path to stabilization and development. Nonetheless, we have to try because we still have an opportunity to finish the job we started 6 years ago in Afghanistan—eliminating the Taliban and destroying a safe haven for terrorist networks that seek to harm us. This opportunity is critical because until bin Laden and his reconstituted al-Qaida leadership are killed or captured, Afghanistan's future cannot be separated from our own national security.

Instead of seeing the big picture—instead of approaching Iraq in the context of a comprehensive and global campaign against a ruthless enemy—this administration persists with its tragic policy and its tragic mistakes. As the President digs in his heels, he is simultaneously deepening instability throughout the Middle East, undermining the international support and cooperation we need to defeat al-Qaida, providing al-Qaida and its allies with a rallying cry and recruiting tool, and increasing our vulnerability.

The President's promise to redeploy a few battalions, while leaving 160,000 troops in Iraq, is not nearly enough. That is why, once again, I am offering this amendment with Majority Leader REID. It is up to us here in Congress to reverse what continues to be an intractable policy. It is our job to listen to the American people, to save American lives, and to protect our Nation's security by redeploying our troops from Iraq, because the President will not.

I am not suggesting that we abandon the people of Iraq or that we ignore the political impasse there. We cannot ignore the ongoing humanitarian crisis that has unfolded within Iraq or the one that followed millions of Iraqis as they fled to Jordan and Syria. These issues require the attention and constructive engagement of U.S. policymakers, key regional players, and the international community. They require high-level, consistent, and multilateral engagement and cooperation. But Iraqi reconciliation cannot—and will not—be brought about by a massive American military engagement.

By enacting Feingold-Reid, we can finally bring our troops out of Iraq and focus on what should be our top national security priority—waging a global campaign against al-Qaida and its affiliates.

Some of my colleagues will oppose this amendment. That is their right. But I hope none of them will suggest that Feingold-Reid would hurt the troops by denying them equipment or support. There is no truth to that argument—none. Passing this legislation would result in our troops being safely redeployed within 9 months. At that point, with the troops safely out of Iraq, funding for the war would end, with the narrow exceptions I mentioned earlier. That is what Congress did in 1993, when it voted overwhelmingly to bring our military mission in Somalia to an end. That is what Congress must do again to terminate the President's unending mission in Iraq.

This amendment is almost identical to the version I offered with Senator REID and others to the Defense Department authorization bill. And once again, we have specified that nothing in this amendment will prevent U.S. troops from receiving the training or equipment they need "to ensure, maintain, or improve their safety and security." I hope we won't be hearing any more spurious arguments about troops on the battlefield not getting the supplies they need.

This war is exhausting our country, overstretching our military, and tarnishing our credibility. Even with the recent decline in violence, the American people know the war is wrong, and they continue to call for its end. I urge my colleagues to vote yes on Feingold-Reid so we can finally heed their call to action.

I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from West Virginia.

Mr. BYRD. Mr. President, I intend to support the amendment being offered by the Senator from Wisconsin. While I fully support the addition of the $31 billion in funding for the war in Afghanistan and for troop protection, I cannot support the President's demands that funding be given to him with no strings attached so that he may keep some 130,000 or more troops in Iraq for a sixth year. Risking the lives of more soldiers to try to win a bad bet on Iraq represents a terrible injustice to our brave fighting men and women. Just a little more time, the President says, just a little more money, and the quagmire that is Iraq will be transformed.

The President has made clear that if he has his way, U.S. troops would still be in Iraq decades hence. What a statement by a U.S. President. What a deadly bankrupt legacy to leave. 2007 has already been the most deadly year in Iraq in terms of U.S. deaths since the invasion began, and the year is not yet over. The number of U.S. deaths has reached 3,890, and the number of wounded has surpassed 28,000. The Iraqi Government has not passed any of the legislative benchmarks that would indicate progress toward national reconciliation.

The economic rebuilding of Iraq continues to lag, financed by U.S. taxpayer dollars and marked by waste, fraud, and abuse. Oil production is sputtering and shortages of basics such as electricity and water continue unabated, despite the boondoggle that this war has been for private contractors. Evidence of ethnic cleansing is growing, as Sunnis are forced out of Shia areas and vice versa. The Iraqi Army and police forces remain riddled with sectarianism. U.S. forces continue to carry the bulk of the security burden, and while U.S. forces remain in Iraq, there is little incentive for the Iraqis to assume that duty.

Some have pointed to recent tactical successes and the reduction of violence in certain areas of Iraq as justification for continuing the occupation of Iraq. But the prowess of our troops was never in question. They have been given a job to do, and they do it with bravery and skill. The important question—the only true measure of our efforts in Iraq—is whether those tactical successes somehow add up to progress toward a lasting political solution. That progress has failed to materialize.

It is time for a change in Iraq. It is time to limit the U.S. military mission in Iraq and bring the bulk of our troops home. It is time to seriously engage our allies and the nations of the Middle East on Iraqi security issues. It is time to restore the reputation of the great United States of America by returning to the policies that made the United States an example to inspire the world, a beacon of economic prosperity, a showcase of humanitarian ideals, and benevolent assistance to people in their hour of need. It is time to shed our image as invaders and occupiers of other nations, using mercenary forces to expand our reach. It is time to unequivocally reject the notion that America condones torture. For most of my lifetime—and it has been a long one already—the world looked to the United States first when help was needed. Now, the world wonders which nation America will invade next. How far we have fallen.

The administration has used emergency proclamations and stop-loss orders to effect a back-door draft that keeps soldiers in the military, even though their terms of service have been completed. Meanwhile, the needs of our own Nation go wanting, as important equipment that could be used for domestic disasters is shipped off to Iraq, and our National Guardsmen, the first responders in emergencies, sit in the sands—the hot sands—of the Middle East.

I urge my colleagues on both sides of the aisle to vote in favor of this amendment and, thus, reaffirm our resolve to alter our disastrous course in Iraq. To vote for this amendment is to vote for our troops and to begin a reasonable new policy for Iraq. To vote for this amendment is to begin to reassert the constitutional role of the Congress as the people's check on the Executive, using the most powerful tool there ever was and ever will be in the congressional arsenal—the power of the purse. To vote for this amendment is to show the American people we are listening to them.

Keeping our troops in harm's way in support of a misbegotten war and a failed strategy is not patriotism. We must not roll the dice again, recklessly risking American lives and American treasure. It is time—time—time—for a change.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I rise to oppose the pending amendment by the Senator from Wisconsin, my friend. I strongly support the amendment that will be offered by the Republican leader that would deliver vital funding for our troops in Iraq.

The underlying House-passed bill is not only irresponsive to the facts on the ground in Iraq, it is simply irresponsible. It fails to provide any funding for our troops fighting in Iraq and actually contains an explicit prohibition against the use of funds for Operation Iraqi Freedom. The authors have compiled a bill of some 1,400 pages and an even larger joint explanatory statement chock-full of unnecessary spending, but they include not a dime for our troops in Iraq. They include not a dime for our troops in Iraq.

I would like our friends and colleagues and others to consider that the bill on the floor today contains $1.6 million for animal vaccines in Greenport, NY, but not a penny for our soldiers in Iraq; $477,000 for Barley Health Food Benefits but nothing for the troops in Iraq; $846,000 for the Father's Day Rally Committee of Philadelphia but not a dime for our sons and daughters who are fighting.

We are willing to spend $244,000 for bee research in Weslaco, TX, but not a dollar for our fighting men and women in Baghdad, Kirkuk, and Anbar. It is a sad day—it is a sad day, indeed—when in the middle of a war this country must win, the Congress provides more funds for bee research than for the brave Americans risking their lives on our behalf.

For Congress to fail to provide the funds needed by our soldiers in the field is inexcusable under any circumstances, but it is especially disappointing right now at the very moment when General David Petraeus and his troops are achieving the kind of progress in Iraq that many dismissed as impossible a few months ago, including suspending disbelief in order to believe the surge was working. One has to suspend disbelief to believe it is not.

The bill's proponents seek, I suppose, a precipitous withdrawal of U.S. combat forces from Iraq regardless of conditions on the ground or the views of our commanders in the field. If that sounds familiar, it should. It should sound familiar, my friends. The majority has thus far engaged in no less than 40 legislative attempts to achieve this misguided outcome.

The choice today is simple: Do we build upon the clear successes of our current strategy and give General Petraeus and the troops under his command the support they require to complete their mission or do we ignore the realities and legislate a premature end to our efforts in Iraq, accepting thereby all the terrible consequences that will ensue?

In case my colleagues missed it, a couple nights ago, there was a piece on the evening news of one of the major networks that pointed out that for the first time in a long time there was 24 hours in Baghdad without a single incident of violence. How you can ignore these facts on the ground is something I do not—will not—comprehend.

I had the privilege, along with my colleagues, Senator LIEBERMAN of Connecticut and Senator GRAHAM of South Carolina, of spending Thanksgiving with our troops in Iraq. On that trip, I saw and heard firsthand about the remarkable transformation these brave men and women in uniform have brought about this year. After nearly 4 years of mismanaged war, our military, in cooperation with the Iraqi security forces, has made significant gains under the new American counterinsurgency strategy, the so-called surge. Overall violence in Iraq has fallen to its lowest level since the first year of the invasion. LTG Ray Odierno, the second in command in Iraq, said this week this improvement is due to the increase in American troops and better trained Iraqi forces—due to the increase in American troops and better trained Iraqi forces.

Now, you can believe LTG Ray Odierno or you can believe those on the other side of the aisle who want to bring to a halt the success we have achieved.

Improvised explosive device blasts, the foremost source of U.S. combat deaths, now occur at a rate lower than at any point since September 2004. This week, MG Joseph Fil, the commander for Baghdad, stated that attacks in Baghdad have fallen nearly 80 percent since November 2006, murders in Baghdad Province are down by some 90 percent over the same period, and vehicle-borne bombs have dropped by 70 percent.

So as Ronald Reagan used to say: Facts are stubborn things. Facts are stubborn things. These are the facts—not rhetoric but facts.

Major General Fil added that, today, there is no longer any part of Baghdad under al-Qaida control, though the terrorist group is "still lurking in the shadows." I agree. They are on the run, but they are not defeated. They are on the run, but they are not defeated.

Last week, the violence in Anbar Province was the lowest ever recorded. The British handed control of southern Basra to the Iraqi Government. And in Diyala, one of most dangerous regions in Iraq, al-Qaida militants tried to retake several villages around the town of Khalis, only to see U.S.-backed local volunteers drive the terrorists away. That is the success of a classic counterinsurgency strategy. Tens of thousands of volunteers have joined "awakening councils" that aim to combat al-Qaida, and al-Qaida's No. 2, Ayman al-Zawahiri, has begun warning of "traitors" among the insurgents in Iraq.

As a result of the hard-won gains our troops have secured, General Petraeus has been able to initiate a drawdown of U.S. forces, a drawdown tied not to an artificial timetable but based on security gains in-country. This drawdown, beginning with the removal without replacement of some 5,000 American troops, has commenced following a dramatic drop in American casualty rates and enhanced security throughout the country.

Al-Qaida's leadership knows which side is winning in Iraq. It may not be known in some parts of America and in this body, but al-Qaida knows. Al-Qaida knows who is winning in Iraq. Our soldiers know they have seized the momentum in this fight. Does the majority party understand we are succeeding under the new strategy? The proponents of this bill cannot continue forever to deny or disparage the reality of progress in Iraq or reject its connection to our new counterinsurgency strategy.

As General Odierno explained, with the new counterinsurgency operations, "we have been able to eliminate key safe havens, liberate portions of the population and hamper the enemy's ability to conduct coordinated attacks." General Odierno went on to add: "We have experienced a consistent and steady trend of increased security. . . . and I believe continued aggressive operations by both Iraqi and coalition forces are the most effective way to extend our gains and continue to protect the citizens of Iraq." Given these realities, some proponents of precipitous withdrawal from Iraq have shifted their focus. While conceding, finally, that there have been dramatic security gains, they have begun seizing on the lackluster performance of the Iraqi Government to insist that we should abandon the successful strategy and withdraw U.S. forces. This would be a terrible mistake. Of course, there is no question that Iraq's national leaders must do more to promote reconciliation and improve governance and that the reduction in violence has created a window for political and economic progress that Iraqi leaders must seize, but let's not close that window. The likelihood that they make this progress would be vastly decreased—not increased—by a precipitous U.S. withdrawal. Whatever the failings of the imperfect democracy in Baghdad, they do not justify—either in terms of national interests or simple morality—abandoning it to the al-Qaida terrorists and Iranian-backed militias trying to destroy it.

None of this is to argue that Iraq has become completely safe or that violence has come down to an acceptable level or that victory lies just around the corner. On the contrary, the road ahead remains as it always has been: long and hard. Violence is still at an unacceptable level in some parts of the country. Unemployment remains high in many areas. The Maliki government remains unwilling to function as it must. No one can guarantee success or be certain about its progress or its prospects. We can, however, be certain about the prospects for defeat if we fail to fund our troops.

Make no mistake; despite the progress I have outlined, there is no cause for complacency. Just as we have managed to turn failure into success in

2007, we can likewise turn success back into failure in 2008, if we are not careful. As Major General Fil recently put it, progress toward securing the city remains fragile and there is "absolutely a risk of going too quickly" in drawing down troops. "An immediate pullout too quickly would be a real serious threat to the stability here in Baghdad," he said. Al-Qaida is off balance, but they will come back swinging at us if we give them the chance.

Imagine for a moment if 1 of those 40 attempts to force a withdrawal from Iraq had been successful earlier this year. Rather than hearing from our commanders and troops in the field about the enormous progress, the decline in violence, the Iraqis seeking to return home, the decrease in al-Qaida influence, we would hear instead a very different story—a darker one—with terrible implications for the people of Iraq, the wider Middle East, and the security of the United States of America.

Some of my colleagues would like to believe that should the bill we are currently considering become law, without funding our troops in Iraq, it would mark the end of this long effort. They are wrong. Should the Congress force a precipitous withdrawal from Iraq, it would mark a new beginning, the start of a new, more dangerous effort to contain the forces unleashed by our disengagement. If we leave, we will be back. If we leave, we will be back in Iraq and elsewhere in many more desperate fights to protect our security and at an even greater cost in American lives and treasure. Now is not the time for us to lose our resolve.

That is why the Senate must adopt the McConnell amendment. The funding contained in this amendment is not as some have characterized it: "The President's money." It is money for the troops. It is money for the brave Americans who are in harm's way as we speak. This funding is to provide them with the equipment and proper training they require to fulfill their mission; funding to protect our men and women from roadside bombs and other attacks; funding to enable them to bring this war to a successful and honorable end. If the funding is not included, the President will very rightly veto this omnibus measure.

I say to my friends on the other side of the aisle that I understand the frustration many feel after nearly 4 years of mismanaged war. I share their frustration and sorrow. But we must remember to whom we owe our allegiance—not to short-term political gain but to the security of America, to those brave men and women who risk all to ensure it, and to the ideals upon which our Nation was founded. That responsibility is our dearest privilege, and to be judged by history to have discharged it honorably will in the end matter so much more to all of us than any fleeting glory of popular acclaim, electoral advantage, or office. Let us not sacrifice the remarkable gains our service men and women have made by engaging in a game of political brinkmanship. There is far, far too much at stake.

I urge my colleagues to support the McConnell amendment and to reject this amendment. I urge my colleagues to fund our troops and to support them so that when they do return to us, they return with the honor and success their valiant efforts have earned. They and the American people whom they are entrusted to protect deserve nothing less.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. ALLARD. Mr. President, I yield myself 7 minutes under the Republican time. I am going to share my concerns about a provision included in the Interior division of the Omnibus appropriations bill. This provision was added on the House Floor and was unfortunately retained by the conference committee. The language of this provision will prohibit BLM from preparing or publishing final regulations for oil shale commercial leasing on public lands. This provision is opposed by the Department of the Interior. I have a letter stating their concerns from Secretary Dirk Kempthorne which I ask unanimous consent be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE INTERIOR,
Washington, DC, December 12, 2007.

Hon. WAYNE ALLARD,
Ranking Member, Subcommittee on Interior, Environment and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR ALLARD: As the House and Senate consider the Fiscal Year 2008 Interior, Environment and Related Agencies Appropriations bill, I would like to voice my concern regarding efforts to prohibit our Department from issuing regulations related to oil shale leasing.

Section 606 of the House-passed Interior appropriations bill would prohibit the use of funds to prepare or publish final regulations regarding a commercial leasing program for oil shale resources on public lands. The Energy Policy Act of 2005 (EPAct) was enacted with broad bipartisan support. The EPAct included substantive and significant authorities for the development of alternative and emerging energy sources.

Oil shale is one important potential energy source. The United States holds significant oil shale resources, the largest known concentration of oil shale in the world, and the energy equivalent of 2.6 trillion barrels of oil. Even if only a portion were recoverable, that source could be important in the future as energy demands increase worldwide and the competition for energy resources increases.

The Energy Policy Act sets the timeframe for program development, including the completion of final regulations. The Department must be able to prepare final regulations in FY 2008 in order to meet the statutorily-imposed schedule.

The Bureau of Land Management (BLM) issued a draft Environmental Impact Statement (EIS) in August 2007. The final EIS is scheduled for release in May 2008 and the effective date of the final rule is anticipated in November 2008. The final regulations will consider all pertinent components of the final EIS. Throughout this process BLM will seek public input and work closely with the States and other stakeholders to ensure that concerns are adequately addressed. The Department is willing to consider an extended comment period after the publication of the draft regulations in order to assure that all of the stakeholders have adequate time and opportunity to review and comment before publication of the final regulations.

The successful development of economically viable and environmentally responsible oil shale extraction technology requires significant capital investments and substantial commitments of time and expertise by those undertaking this important research. Our Nation relies on private investment to develop new energy technologies such as this one. Even though commercial leasing is not anticipated until after 2010, it is vitally important that private investors know what will be expected of them regarding the development of this resource. The regulations that Section 606 would disallow represent the critical "rules of the road" upon which private investors will rely in determining whether to make future financial commitments. Accordingly, any delay or failure to publish these regulations in a timely manner is likely to discourage continued private investment in these vital research and development efforts.

The Administration opposes the House provision that would prohibit the Department from completing its oil shale regulations. I would urge the Congress to let the administrative process work. It is premature to impose restrictions on the development of oil shale regulations before the public has had an opportunity to provide input.

Identical letters are being sent to Congressman Norm Dicks, Chairman, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, House of Representatives; Congressman Todd Tiahrt, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, House of Representatives; and Senator Dianne Feinstein, Chairman, Subcommittee on Interior, Environment, and Related Agencies, Committee on Appropriations, United States Senate.

Sincerely,

DIRK KEMPTHORNE.

Mr. ALLARD. In 2005, I worked closely with my colleagues in the House and in the Senate on provisions which were included in section 369 of the Energy Policy Act of 2005. These will help lead to commercialization after the research and demonstration projects currently underway have proven themselves. As those of us who have to run a business know, it is a bad practice to pour millions of dollars into research and development projects with no hint of assurance that these projects will lead to commercialization. Understanding the regulatory framework within which development must take place is important to companies making investment decisions. I believe, as I did in 2005, that it is critical to give companies investing tens of millions of dollars into these research projects a proverbial "light at the end of the tunnel."

The timeline included in this section of the Energy Policy Act for setting up a regulatory framework for oil shale development required the Department of the Interior to develop a programmatic environmental impact statement for oil shale by February of 2007 and to finalize oil shale regulations by August of 2007. Although these dates have slipped, many who are concerned with decreasing our country's dependence on foreign sources of oil remain interested in seeing this process move forward. A regulatory framework is needed in order to clarify the range of development options.

During the last several years, a handful of companies have worked to develop technologies that will allow for economically and environmentally feasible development of this resource. While it may take many years of research to establish whether commercial leasing is viable, it is essential in guiding the scope of study and further analysis, including additional site-specific environmental impact statements that are likely to be needed prior to any commercial-scale development.

Some have complained that it is too soon to begin drafting commercialization regulations or that the pace at which the development is moving is too quick. I am not advocating that we move forward inappropriately or in a way that is not sustainable.

It should be noted that section 369 of the Energy Policy Act also requires the Department of Interior to host a commercial lease sale in February of 2008, but all who are involved in this process are aware that it is premature to take that step too soon. I have been supportive of moving back the date of the first commercial lease sale. However, this fact does not mean that we should not bring the rest of the process to a grinding halt.

We are in the midst of a deliberate and thoughtful process for approaching the research and eventual commercial development of oil shale. The potential of this abundant domestic resource is too important to take lightly.

It is estimated that there are potentially over 3 trillion barrels of recoverable oil available from shale. Let me repeat that. There is a potential of over 3 trillion barrels of recoverable oil available from oil shale, at a time when this country is struggling to produce enough oil for this country's consumption. This could be the single largest contributor to weaning us off of imports from other countries, many of which are in political turmoil. Moreover, bringing online another large domestic supply of energy can lower prices for consumers, bring in royalties to States and the Federal Government, and enhance the stability of oil prices in the marketplace.

With a cautious but deliberate approach that involves consultation with State and local governments, we have the best opportunity of determining if producing oil from shale is possible. We must give this process an opportunity to work before we cut it off at the knees. The language included in this bill does just that. It is not sound policy for our country. From a process standpoint, we should not be undoing carefully crafted policy choices that were negotiated for months by the authorizing committees of jurisdiction and passed by the Congress on a massive appropriations bill that is being pushed through this Chamber at the eleventh hour.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I wonder if the Senator from Colorado, before he yields, would engage in a brief dialog with the Senator from New Mexico. I ask unanimous consent for 2 minutes for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I withdraw my request to yield the floor.

Mr. DOMENICI. Mr. President, I commend the Senator from Colorado. I understand he is the ranking member on that subcommittee.

Mr. ALLARD. Yes.

Mr. DOMENICI. The Senator tried his best to inform those working on this that this was not the way to handle one of America's most significant resources that might, indeed, sooner rather than later take the place of the crude oil we import from all over the world.

Right now, some of the major companies in America are investing in technology which will completely change the way this asset oil shale will be developed; is that not right? It is going to be in situ instead of the old mining system that would have been so tough environmentally.

Mr. ALLARD. Mr. President, this is a new process. I thank the Senator from New Mexico for his question. This process is becoming economically feasible and certainly protects the environment. I know the Senator has been working hard on this particular issue on the committees on which he is a leader, and I appreciate his recognizing the importance of us being less dependent on foreign oil and the importance of this huge reserve that exists in several States throughout the West. This is new technology. It is very promising. It is exciting. The byproduct from this particular process I have been told—and I have seen samples of it—is high-grade jet fuel that needs further refining because of the high sulfur nitrogen content. But it is a remarkable product, and it is done in an environmentally friendly way.

Mr. DOMENICI. I thank the Senator. I want to say this is exactly what we should not be doing: putting on a moratorium that stops rulemaking and the ordinary professional evolution of standards by the appropriate Federal agencies to address the utilization of one of America's most profound solutions to our energy crisis. Because the price of oil has gotten so high, it is indeed feasible to develop shale oil in America and substitute it for diesel and crude oil products that are bought from overseas. I know that. I need not ask anybody any questions about that. That is why we put the language in the big energy package, and that is why a candidate running for Senate in the State of Colorado should not pander to those who just want to take out after this product that could indeed be one of America's salvations. The people in the State of Colorado and in America ought to know it. The person who did this, who put the moratorium on wants to be a Senator, I understand.

The first thing we ought to find out is does he want America to have a chance to be independent of foreign oil. This is one that might do it. You can imagine that in 15 or 20 years, oil would be produced from this shale, and it can be taken right out of the ground and used, because they boil it in the ground. That is the new technology.

I am not very impressed with somebody who comes along on a bill such as this and deals with this kind of resource in a willy-nilly manner, to respond or pander to those who don't want the United States on its own to do anything to develop energy. They might say we could not do it before. Of course not. You could not develop it at $25-a-barrel oil. But you certainly can at $50, and there is no question you can at $80 or $90. That is what America's future is all about.

I thank the Senator for his work. I am sorry it didn't work. At least those who put that in know somebody is looking out for them. It won't be there next year. This Senator will see to it that we have a debate and vote on that issue before that happens. I thank the Senator for yielding.

Mr. ALLARD. Mr. President, I thank the Senator for his comments on this very important issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. How much time remains on this amendment?

The PRESIDING OFFICER. The proponents have 6 minutes 41 seconds. The opponents have 5 minutes 20 seconds.

Mr. KENNEDY. Mr. President, I yield myself the 6½ minutes. I ask if the Chair will let me know when 1 minute remains.

The PRESIDING OFFICER. The Chair will do so.

Mr. KENNEDY. Mr. President, I support this amendment, and I commend my friend and colleague Senator FEINGOLD. It is wrong, basically and fundamentally, to give another blank check to President Bush for his failed Iraq policy. I support our troops, but I oppose our war.

We have heard here in the last few minutes and in the last few hours the rather rosy picture about what is happening over in Iraq. I think everybody in this Chamber salutes the brave men and women for their courage, bravery, and valor over the last 5 years. This war has been going on for 5 years. We do know there has been some progress made in recent times on the military aspect. But as every member of the Armed Services Committee understands, everyone who has had a responsibility in Iraq who appeared before the committee has said there are two dimensions for finally getting peace in Iraq: One is military, and one is political reconciliation. That has not taken place.

Day after day after day after day, our men and women are on the streets of Baghdad and around Iraq, and more American servicemen have lost their lives this year than in any other year of the Iraq war, make no mistake about it. As we can see, these brave men and women in Baghdad, and all over, are still being targeted in Iraq. They are basically being held hostage by the Iraqi political establishment. American military personnel, American service men and women are being held hostage by Iraq's political leadership, which refuses to come together and reconcile their differences and form a government.

Every day that goes on, the American taxpayers' money is being poured into the sands of Iraq, because Iraqi politicians refuse reconciliation and political judgments in Iraq. That is what is going on over there today. That was going on yesterday, and it has been going on for 5 years.

What the other side says is let's give this administration and this President a blank check to continue it. How long do they want it for? When is enough enough? That is what they are asking for. That is what they are asking for. For 5 long years, these brave men and women in the Armed Services have done what they have been asked to do, and the best way you can honor them is to get the policy right, get the policy correct.

That is what the Feingold amendment does. How? Very simple. It says: OK, Mr. Iraqi politician, you have had your chance, your day; now you have to take responsibility for your own country. The way you are going to do that is that we are going to start bringing American service men and women home. They have been unwilling to take the political decisions up until now. The other side says pour more money in here and lose more American lives.

The Feingold amendment is a changed policy. It says we believe that with the judgment and decision we are going to take to American servicemen, then they will make the judgment and decision that is in the interest of this country. Their way hasn't worked. This way will. Why not give it a try and a chance?

What are some of the American military personnel saying over there? BG John Campbell, deputy commanding general of the 1st Cavalry Division in Iraq, spoke bluntly about the faults of Iraq's political leaders. He said:

> The ministers, they don't get out . . . They don't know what the hell is going on on the ground.

This is the brigadier general, the deputy commander, talking about the Iraqi political leaders, and you want to give them a blank check? Well, those of us who support the Feingold amendment say no.

Army LTC Mark Fetter put it this way:

"It is very painful, very painful" to deal with the obstructionism of Iraqi officials.

There it is. How much clearer does it have to get? How much more of a blank check do you need? How many more billions of dollars do you have to spend—let alone that we will never recover the 81 brave men and women from Massachusetts who lost their lives. That cannot be recovered.

Think of this: For every month that goes on in that battle over in Iraq, we could have 250,000 more schoolteachers who are experts in math and science teaching our young people. For every month that goes on, just think that every child who needs after school help and assistance would be able to receive it in the United States of America. Just think, for every month this goes on, we could provide Head Start for every young person who needs it. Just think of this: If we could have the resources for 2 years, we could rebuild and repair every public school in this country that is in need. Doesn't that matter? Well, it matters to this Senator, and it matters to those who are supporting the Feingold amendment.

It is wrong to neglect priorities such as these at home and pour hundreds of billions of dollars into the black hole that the Iraq war has become. It is wrong to give the President another huge blank check for the war in Iraq. Enough is enough.

I urge my colleagues to take a strong stand and vote against this gigantic blank check for more war.

Mr. LEAHY. Mr. President, I support the Feingold-Reid-Leahy Amendment because it specifically requires the President to begin the redeployment of American forces in Iraq within 90 days. Within 9 months of enactment, the redeployment would be completed and funding terminated for Iraq operations with narrow exceptions for a limited number of counterterrorism, force protection, and troop training missions.

The President's so-called "surge" is just another word for escalation. It has failed to set the lasting conditions for peace. Violence, though down, still continues at horrifying rates. The various Iraqi factions have made little progress towards political reconciliation. The deadly rifts in that war-torn country have only grown deeper. The Iraqi government has done little to support the few encouraging trends like the willingness of some Sunni groups to turn against the insurgency.

The only thing that is going to force the Iraqis to come to terms—the only way to get Iraq's neighbors involved in bringing about peace there—is to make clear that our country is not going to be there forever. We cannot afford to spend more of our precious resources and to spill more of the precious blood of our troops if the Iraqis will not take responsibility for their own future.

There is a way to begin to right the wrongs of the President's failed policy on Iraq. That better path involves effective diplomacy and a strong signal about our finite military presence in Iraq, not this senseless waste of money and lives. The Feingold-Reid-Leahy Amendment offers the real promise of a long-term positive outcome for our security and the people of Iraq. I urge the amendment's adoption.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, what is the time remaining?

The PRESIDING OFFICER. Seventeen seconds.

Mr. LEAHY. Mr. President, I ask unanimous consent that we have 1 minute evenly divided added to the time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I came here at the time of the Vietnam war. I remember how people said maybe it should end and maybe we should do something; the Vietnam war has gone on too long. We finally stopped it. I am the only Vermonter ever to vote against the war in Vietnam. I voted against funding for it, and the funding failed in the Senate in April of 1975 by one vote. The war ended. Two years later, it was hard to find anybody who supported the war, even though we paid for it for a long time.

We have been in Iraq longer than we were in World War II. It is time to bring our brave men and women home. Let them be with their families and let the Iraqis take care of Iraq.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be recognized for 2 minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. SESSIONS. Mr. President, we know what the situation is, and we are a great nation. We are not at liberty to flip-flop around every time there is some change afoot in some polling data. We voted this summer 80 to 14 to give General Petraeus a chance. We funded the surge and we funded his new strategy. At the time we did that, things were not going well in Iraq. We had a tough year, there is no doubt about it. In the last few months and in the last few weeks, we have seen dramatic changes under the surge and under the classic counterinsurgency strategy this brilliant general is conducting. So I say let's allow him to conduct this war. Let's allow General Petraeus, a proven leader, to do so. Let's reject the tactical decisions of "General" FEINGOLD and "General" KENNEDY. We have a professional there who is achieving things beyond what I would have thought possible a few months ago, actually. I hoped and believed we were going to see progress, but the extent of it is remarkable.

The last thing we need to do is to take action to pull the rug out from under the fabulous men and women who are serving us at great risk this very moment, whose highest and deepest wish is to be successful, to execute the policy we gave them by a three-fourths-plus vote several years ago.

I thank the Chair and reserve the remainder of the time.

The PRESIDING OFFICER. Who yields time?

The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Senator CLINTON be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I urge my colleagues to oppose the Feingold amendment. Simply put, this amendment mandates withdrawal from Iraq within 90 days, notwithstanding the substantial progress that even the harshest critics acknowledge is occurring there. Further, it cuts off funds for those troops in 9 months. We have taken this vote three times already this year. That is three times we voted on this this year. It has failed on a bipartisan basis each time, and with good reason.

I urge my colleagues to oppose the Feingold amendment one more time.

Mr. REID. Mr. President, in a short time we will move to vote on three amendments to the Omnibus appropriations bill.

Each of them takes a different approach to funding the war in Iraq.

I will vote for the Feingold/Reid amendment, which I have cosponsored and voted for several times this year.

Feingold/Reid is the right approach to begin to responsibly end the war, and I will vote for it again today.

The second amendment is Levin/Reed, which I will also vote for.

Finally, we will vote on the McConnell amendment, which I will strongly vote against. This amendment simply does more of what congressional Republicans have done since the war began:

It rubberstamps President Bush's reckless management of the war that has cost us so dearly in lives, limbs, and treasure.

The debate over supplemental war funding is nothing new.

Every year, President Bush comes to us demanding more and more funds for Iraq, with absolutely no accountability. This year, he requested a staggering $200 billion for Iraq and Afghanistan.

At a time when he and his allies in Congress are telling us we can't invest in medical research, education, infrastructure, or public safety, they want billions and billions more for Iraq.

How will our country pay the bill for the Iraq war? A Cost that when all is done will likely exceed $2 trillion?

The President has no idea. He has no plan or intention to pay the bill. He is simply sticking it in a drawer like an overdue credit card statement, leaving it to our children and grandchildren to pay for generations to come.

That is not just fiscal irresponsibility, it is fiscal madness. But it is par for the course for a President who inherited record budget surpluses from President Clinton and turned them into record deficits.

Every year, this war gets more expensive, and the American people deserve to know why.

The answer is waste. The answer is fraud. The answer is mismanagement. The answer is incompetence.

On President Bush's watch, the companies he chooses to do business with—like Halliburton and Blackwater—have wasted billions and billions of our tax dollars.

The President has allowed billions to be spent on buildings that were never built, projects that were never seen through, and contractor military operations that did far more harm than good.

That is why he asks for more every year—because he has grossly misspent the funds he has received.

This year, we have already passed a $460 billion Defense budget—and this bill includes another $31 billion for Afghanistan and troop protection.

Democrats have fully funded the needs of our men and women in uniform and given the President more than enough to conduct the war and begin to bring our troops home.

But one thing we can't control is his reckless financial mismanagement.

We have held hearings and brought cases of waste and fraud to the light of day.

But ultimately, the inability to conduct the war with the billions already allocated is no one's fault but his.

The President and his allies here in Congress will doubtlessly push the panic button and say that if we don't approve the funds immediately, our troops will suffer.

This argument is untruthful and beyond the pale.

Our Secretary of Defense, Robert Gates—a man for whom I have great respect—told Congress that the Army has enough money to get through the end of February and the Marines have enough funds to get through mid-March.

If President Bush hadn't wasted untold billions, our troops would be funded for far longer than that.

If the President had followed the wishes of the American people by spending the funds we gave him to wind down the war instead of ramp it up, the existing funds would be more than sufficient.

But he didn't. He ignored the calls of the American people to responsibly end the war. And he should accept the consequences of his mistakes by finally changing course.

But let me be clear: Democrats will never let our troops suffer for the President's misdeeds.

Democrats always have and always will support our courageous men and women in uniform who have given so much and received so little in return.

It is Democrats who insisted upon a 3.5 percent across-the-board pay increase for everyone in uniform, which the President opposed.

It is Democrats who made right the awful conditions at Walter Reed and other veterans' health care facilities that took place on this President's watch.

It is Democrats who provided a $3.5 billion increase for veterans' health care after Republicans underfunded it for years.

It is Democrats who passed the Wounded Warriors Act to honor our servicemembers and their families.

I think we have heard enough of the tired old Bush-Republican scare tactics that Democrats are putting our troops at risk.

The facts speak for themselves.

We have always stood with our men and women in uniform. We always will.

But unlike Republicans, we believe that truly supporting our troops means beginning to bring them home to the hero's welcome they have so bravely earned.

My fellow Democrats and I come to the Senate floor more times than I can count to discuss the horrible cost of the Iraq war on our troops, our national security, and our reputation in the world.

We have lost nearly 4,000 young Americans. Tens of thousands more have been gravely wounded.

As I have said already, hundreds of billions of dollars have been spent—tens of billions have been recklessly wasted—and the total price will climb into the trillions before all is said and done.

Our military has been stretched paper thin. Colin Powell has said our Armed Forces are "about broken."

Every single one of our available combat units is deployed to either Iraq or Afghanistan, leaving no strategic reserves for other conflicts.

And as the situation in Iran, the faltering of democracy in Pakistan, and the escalating violence in Afghanistan show, the world can evolve literally overnight.

We must have the flexibility to respond, but right now we do not.

Our troops are being forced into repeated deployments, and the length of those deployments has gotten longer.

Military families are deeply strained, military mental health is suffering, and the Armed Forces are reporting problems with both recruitment and retention.

Just this week, General Casey acknowledged this problem, saying—"We are running the all-volunteer force at a pace that is not sustainable."

Our National Guard is hamstrung in its efforts to keep us safe at home, because much of their equipment has been shipped to Iraq. Every natural disaster, from fire to flood, reminds us of this growing crisis.

Yet for all the cost and all the courage of our troops, this war has made us no safer.

Let me remind my colleagues of the most recent National Intelligence Estimate, which found that al-Qaida has regrouped and is now directing operations from Pakistan, stronger than ever.

Bin Laden remains free, taunting and threatening us with new videos.

Afghanistan—once viewed as a great military success—has spiraled out of control.

The opium trade there is at an all-time high, violence is at its highest level since American intervention, and recent reports indicate that the Taliban has vastly stepped up its efforts.

It is no wonder that this week has brought new reports that a panicked Bush administration is conducting a top-to-bottom review to stave off all-out chaos in Afghanistan and the backslide of all past gains.

I welcome this review. But as long as more than 160,000 troops remain caught in the crossfire of the Iraqi civil war, our ability to address conditions in Afghanistan—and elsewhere—will be constrained.

The American people are rightly frustrated that more has not been done to responsibly end the Iraqi war.

I share that frustration.

But within the confines of a stubborn, obstinate President and a Republican Congress that knows no other way but to carry his water, Democrats have made a difference—and a majority of Senators have consistently voted with us.

Before Democrats controlled the Congress, the Bush White House conducted the war with total impunity.

No dissent was tolerated. The patriotism of those who raised questions was openly attacked.

This year, Democrats have brought the President's recklessness into the harsh light of day.

We forced the President to set benchmarks for legislative and political progress and required regular reports on whether those benchmarks were being met.

These reports have shown that the surge has failed to reach the objective set forth by the President of political reconciliation.

We forced General Petraeus to testify—and he has said repeatedly that the war cannot be won militarily and must be won politically.

We brought to light the Blackwater controversy and forced Eric Prince to testify.

And we put an end to the duplicitous Republican practice of claiming to support the troops but failing to protect them in the field or provide for them back home.

Do I feel that enough has been done? Of course not.

Time after time, the Republican minority has had a choice: stand with the President or stand with the American people.

Each and every time, they have chosen the President.

I urge my colleagues to reject the McConnell amendment. The time for zero accountability is long past.

I urge my colleagues to embrace the amendments offered by Senator FEINGOLD and Senator LEVIN.

Let's send our troops and all Americans a holiday gift: a message that the United States Congress is ready to bring this war, now nearly 5 years long, to its responsible end.

Mr. FEINGOLD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 24, nays 71, as follows:

[Rollcall Vote No. 437 Leg.]

YEAS—24

Akaka
Boxer
Brown
Byrd
Cantwell
Cardin
Durbin
Feingold
Harkin
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Menendez
Murray
Reid
Rockefeller
Sanders
Schumer
Stabenow
Whitehouse
Wyden

NAYS—71

Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Brownback
Bunning
Burr
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kyl
Landrieu
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Reed
Roberts
Salazar
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb

NOT VOTING—5

Biden
Clinton
Dodd
Feinstein
Obama

The PRESIDING OFFICER. On this vote, the yeas are 24, the nays are 71. Under the previous order requiring 60 votes for the adoption of this amendment, the amendment is withdrawn.

The Senator from Vermont.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized to offer an amendment.

Mr. LEAHY. And, Mr. President, is there a time allotted on the amendment of the Senator from Michigan?

The PRESIDING OFFICER. There is 1 hour.

Mr. LEAHY. Equally divided in the usual fashion?

The PRESIDING OFFICER. Equally divided.

Mr. LEAHY. I thank the Chair, and I yield the floor.

the PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 3876 TO AMENDMENT NO. 3874

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of myself, Senator REID, Senator VOINOVICH, Senator HAGEL, Senator SNOWE, Senator REED, Senator SMITH, and Senator SALAZAR, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Michigan [Mr. LEVIN], for himself, Mr. REID of Nevada, Mr. VOINOVICH, Mr. HAGEL, Ms. SNOWE, Mr. REED of Rhode Island, Mr. SMITH, and Mr. SALAZAR, proposes an amendment numbered 3876 to amendment No. 3874.

Mr. LEVIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To express the sense of Congress on the transition of the missions of United States Forces in Iraq to a more limited set of missions as specified by the President on September 13, 2007)
>
> At the appropriate place, insert the following:
>
> SEC. . It is the sense of Congress that the missions of the United States Armed Forces in Iraq should be transitioned to the more limited set of missions laid out by the President in his September 13, 2007, address to the Nation, that is, to counterterrorism operations and training, equipping, and supporting Iraqi forces, in addition to the necessary mission of force protection, with the goal of completing that transition by the end of 2008.

Mr. LEVIN. Mr. President, our amendment expresses the sense of the Congress that we should have a goal for the removal of most of our forces in a reasonable time mainly as a way of telling the Iraqi leaders they must accept responsibility for their own future. Our amendment expresses the sense of the Congress. It is not legally binding, but it puts us on record, and it sends a message. It says it is the sense of the Congress that:

> The United States Armed Forces in Iraq should transition to the more limited set of missions laid out by President Bush in his September 13, 2007, address to the Nation—counterterrorism operations and training, equipping, and supporting Iraqi forces—

And we add—

> in addition to the necessary mission of force protection, with the goal of completing that transition by the end of 2008.

The primary aim of this amendment is to keep the pressure on the Iraqi politicians to do what only they can do: Work out compromises, as they promised to do long ago—to compromise the differences which divide them so as to ensure the currently relatively calm situation in many parts of Iraq, including Baghdad, remains calm. Our sense of Congress language is aimed at pressuring the Iraqi politicians to seize the window of opportunity, as General Odierno put it, to avoid a return to the violence that characterized the presurge period.

The New York Times, in a story on December 5, quoted Iraqi Deputy Prime Minister Chalabi as saying about the present situation in Iraq: "It is more a cease-fire than a peace." Well, we need to make it clear to those Iraqi political leaders that a cease-fire is not good enough. They must take the steps to turn that cease-fire into a real peace.

From all accounts, the surge has already produced some military progress. The problem is that while the surge has, up to this point, achieved some military progress, it has not accomplished its primary purpose, as announced by President Bush last January. President Bush said the surge's purpose was to give the Iraqi Government "the breathing space it needs to make progress in other critical areas" and that "reducing the violence in Baghdad will help make reconciliation possible."

The President also said "America will hold the Iraqi government to the benchmarks that it has announced." Well, the administration has not done what it said it would do—hold the Iraqi Government to the benchmarks that it, the Iraqi Government, has announced. Those legislative benchmarks include approving a hydrocarbon law, approving a debaathification law, completing the work of a constitutional review committee, and holding provincial elections. Those commitments, made 1½ years ago, which were to have been completed by January of 2007, have not yet been kept by the Iraqi political leaders despite the breathing space the surge has provided.

Despite the breathing space the brave men and women wearing our uniform have provided the Iraqi leaders, despite the breathing room and the breathing space which young men and women putting their lives in harm's way on behalf of this Nation to give the Iraqis an opportunity to create a nation, they have not used that breathing space. And as a matter of fact, the Iraqi leaders appear to be farther apart today than they were at the start of the surge.

The Iraqi political leadership's response to the breathing space provided by the surge has been stunning inaction. The Iraqi Parliament has suspended its session until the New Year, thus ensuring that not 1—not 1—of the 18 legislative benchmarks that they committed to meet will be met this year. The President's statement that he will hold the Iraqi Government to the benchmarks it has announced is hollow rhetoric. To date, there have been no consequences for Iraqis' failures to meet those benchmarks.

Whether the Iraqi political leaders decide to take advantage of this window of opportunity is, of course, their decision. The United States cannot make that decision for them. They are a sovereign country and have to decide what is best for themselves. But whether the United States keeps an open-ended commitment or establishes a goal for redeployment of most of our forces is our decision. That is not the Iraqis' decision. They can decide whether to live up to the commitments they made to themselves and to us—solemn commitments, as far as I am concerned, because it involves the lives of American troops. Those solemn commitments have not been kept. We cannot force them to keep them, but we can decide whether we are going to maintain an open-ended commitment of our troops.

Mr. President, how much time do we have?

The PRESIDING OFFICER (Mr. BROWN). The Senator from Michigan has 24 minutes.

Mr. LEVIN. I yield myself 3 additional minutes.

According to our own State Department, the key threat to our effort in Iraq is the failure of the Iraqi political leaders to reach a political settlement. Listen to what the State Department said in its own weekly status report of November 21, 2007. This is our State Department:

> Senior military commanders [U.S. commanders] now portray the intransigence of Iraq's Shiite-dominated government as the key threat facing the U.S. effort in Iraq rather than al-Qaida terrorists, Sunni insurgents or Iranian-backed militias.

Let me read that once again. This is our State Department saying what is the key threat to our forces in Iraq. What they are saying is that it is not the Iranian-backed militias, it is not the Sunni insurgents, it is not the al-Qaida terrorists; the key threat facing the U.S. effort in Iraq, according to our State Department, is "the intransigence of Iraq's Shiite-dominated government."

We have to break that intransigence. How can Congress do it? How do we put pressure on the Iraqi political leaders? At a minimum, by at least expressing our view that U.S. forces in Iraq should transition to a more supporting and a less direct role, with a goal—a goal, just a goal—of completing that transition by the end of 2008. The message the Iraqi political leaders need to hear is that Congress has lost patience with them, as have the American people. By their own Prime Minister's acknowledgment, a political solution is the only way to end the conflict, and ending the conflict is in their own hands.

I wish we could legislate a legally binding way forward for U.S. forces in Iraq. We have tried to do that. We have not been able to break the filibuster, to get to 60 votes. But at least expressing the sense of the Congress on this matter is better than silence because silence implies acquiescence in the open-endedness of our presence. It is that open-ended commitment which takes the pressure off the Iraqi political leaders, and Congress needs to act to correct that. Our amendment is a small but important step in that direction.

The PRESIDING OFFICER. Who yields time?

Mr. STEVENS. Mr. President, I yield myself 5 minutes from the time on this side.

The PRESIDING OFFICER. The senior Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I do not support the Levin amendment. I rise in strong support of the amendment offered by our leader, Senator McCONNELL, and the Senator from Connecticut, Mr. LIEBERMAN. That amendment will provide the Department of Defense and our deployed military personnel the resources they need to continue the mission they have been assigned. It will also eliminate the distinction proposed by the House to fund only those troops that are assigned to Afghanistan. In my view, it is unconscionable for Congress to send the message to our troops that they will only get what they need if they are lucky enough to be assigned to fight the war in Afghanistan. What if they were assigned to Iraq? Should they go without funds?

I believe it is our duty as Senators to support the troops in the field and provide them all the resources they need to complete the mission they have been assigned. Unlike us, they do not get to choose which battle they fight. They go where duty calls, without hesitation.

Senator INOUYE and I were in Iraq during the Thanksgiving recess, and I can tell the Senate that the troops are watching what is going on right here. They will get the message over there, and if the House amendment is approved, it will be a real blow to the morale of our forces. This particularly concerns me, that some of my colleagues would consider cutting off funds in Iraq at a time when we are starting to see real progress and reconciliation.

I listened to the comments made by the Senator from Arizona, Mr. McCAIN. I am really pleased to see his strong approval of the funding of our troops that are deployed in harm's way.

In March, Ambassador Crocker and General Petraeus will be testifying before Congress to give us their assessment of the situation in Iraq. We know General Petraeus's plans are working. To withhold funding now would only invite defeat and step back from the progress that has been hard fought and won over the last few months.

I have urged Congress for quite some time to approve this funding and allow progress to continue until we hear from our leaders on the ground in Iraq. The funds that are sent—the President sent us the request for these funds 10 months ago. For the past 3 years, the Committee on Appropriations has included bridge funding as part of the annual appropriations bill to cover the cost of war, until a supplemental bill was passed in the following year. This amendment would continue what Congress has done in prior years by providing funds to cover the cost of continued operations, including special pay and subsistence to our troops, fuel, transportation, supplies, and equipment reset and procurement.

The amendment is intended to cover half-year costs for keeping troops in the field. It also provides resources to provide critical force protection equipment, including body armor, helmets, armor plate for vehicles, and aircraft survivability equipment.

There is also other equipment procurement funding to reset our forces returning from theater. This includes buying down shortfalls for the National Guard and Reserve units. Specifically, the McConnell-Lieberman amendment would provide $1.1 billion military pay and benefits to include support for our wounded warriors and death gratuities; $50.2 billion for operation and maintenance activities to include fuel, spare parts, transportation, and equipment maintenance, including $500 million for the commander's Emergency Response Program, $1.4 billion for body armor and personal protection equipment, and $9 billion for depot maintenance funding to reset equipment and maintain force readiness.

This amendment also provides funds to continue our efforts to train and equip the Iraqi and Afghan security forces. That funding is critical so that the elected governments in those countries can effectively provide for their own security and our troops can come home.

There is also $4.3 billion for the Joint Improvised Explosive Devise Defeat Fund which will help our troops detect and defeat the No. 1 killer of our troops in Iraq—the IEDs, the improvised explosive devices we have heard so much about.

Mr. President, $6.1 billion is included for the procurement of equipment, ammunition, vehicles, missiles and aircraft, including $946 million for Army aircraft, $3.46 billion for Army vehicles and equipment, $703 million for Marine Corps vehicles and equipment, and $266 million for special operations forces equipment.

The amendment also includes $1 billion for the Defense Working Capital Fund, which includes $587 million to reset prepositioned stocks stationed around the world, which greatly enhances our Nation's ability to respond to contingencies, and we have forces in 141 different—I ask for 1 more minute.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. It also provides $141 million for increased fuel costs, $3.7 billion to continue to enhance our intelligence activities in the theater, $600 million for the Defense Health Program to provide for the care and recovery of our wounded servicemembers, and $193 million for counterdrug activities to curb production of opium in Afghanistan.

Without these funds, the Department of Defense would be forced to pay for the cost of war out of the regular DOD moneys we have already appropriated. This cost of this war is approaching $15 billion a month, with the Army spending $4.2 billion of that every month. Without relief, the Army will totally deplete their 2008 operations and maintenance funding by mid-February.

I urge the Senate not to take the risk that our troops in the field will not have those resources they need in time to complete the mission they have been assigned. I urge the Senate to support the McConnell-Lieberman amendment.

I ask to have a chart showing the $70 billion bridge fund, as I tried to outline, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

$70 BILLION BRIDGE FUND

$1.1 billion for military pays and benefits to include support to wounded warriors, and death gratuities.

$50.2 billion for operation and maintenance activities to include fuel, spare parts, transportation, and equipment maintenance in the field and at our national depots.

Provides $500 million for the Commander's Emergency Response Program.

Provides $1.4 billion for Body Armor and Personal Protection Equipment.

Provides $9.0 billion of Depot Maintenance funding to reset equipment and maintain force readiness.

Provides for the transfer of $110 million to the Coast Guard for support to GWOT.

Provides $300 million for Coalition Support.

$2.9 billion to continue our efforts to train and equip the Iraqi and Afghan security forces.

$4.3 billion for the Joint Improvised Explosive Device Defeat Fund to help our troops detect and defeat the number one killer of our troops in Iraq.

$6.1 billion for procurement of equipment, ammunition, vehicles, missiles, and aircraft.

Includes $946 million for Army Aircraft; and $3.46 billion for Army vehicles and equipment.

Includes $703 million for Marine Corps vehicles and equipment.

Provides $266 million for Special Operations Forces equipment.

$1.0 billion for the Defense Working Capital Funds.

Includes $587 million to reset Prepositioned Stocks stationed around the world and greatly enhances our nations ability to response to contingencies.

Provides $141 million for increased fuel costs.

$3.7 billion to continue and enhance our Intelligence activities in theater.

$600 million for the Defense Health Program to provide for the care and recovery of our wounded service members.

$193 million for Counter-Drug activities.

Mr. STEVENS. I also thank my colleagues for their continued support of the troops in the field.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The senior Senator from Virginia is recognized.

Mr. WARNER. Mr. President, if I could get the attention of the distinguished chairman, might it be advisable that we rotate sides? I will be happy to follow a colleague on your side for purposes of this debate.

Mr. LEVIN. Fine. That is fine with us. I yield 5 minutes to the Senator from Ohio, and we will come back to you.

Mr. WARNER. Fine. The Senator from Ohio is in support of the amendment of the Senator from Michigan?

Mr. LEVIN. That is correct.

Mr. WARNER. Mr. President, I ask that I be recognized following the Senator from Ohio for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, I rise today to speak in favor of the Levin amendment on Iraq. As my colleagues know, I have long supported a greater level of oversight in the war in Iraq. Many of us feel we should have done a better job of force oversight at the beginning of the war. I was quite taken with a quote from Condoleezza Rice recently, who said, "I wish we had known more about Iraq before we went in."

While in Iraq in August, I witnessed a great deal of progress on the ground. That gave me encouragement. However, I was also convinced that it would not be possible to sustain the current level of troops and funding for Iraq over the long term without damaging our national security and long-term fiscal health.

As stated before, I believe we need to implement a plan to reduce our military presence in Iraq and focus the remaining military presence on a more limited role. This is clearly the plan General Petraeus is implementing now, and it is the stated goal of the President, as mentioned in the Levin amendment, supported by Secretary Gates and others who are concerned about our force level, and that we need more troops in Afghanistan. I have been working with Senator LEVIN for several months now to come up with a piece of legislation that could secure bipartisan support in the Senate and send a message to the President and the world that the Congress intends to exercise oversight to ensure we are making progress toward this goal. I have been careful to avoid supporting any measure that I thought would hurt our troops in any way, tie the hands of our brave commanders in the field, or prevent the President from responding to the situation on the ground.

In September, I introduced a bill with Senators ALEXANDER, COLEMAN, and DOLE to strive for a goal to reduce our military presence. We had bipartisan support for that, but Senator LEVIN and I had a problem with the date. Unfortunately, it fell by the wayside.

I support the Levin amendment, and I am a cosponsor to this legislation because I believe it is a very simple piece of legislation that accomplished the goals we all share. It sends the message that we support the President's declared goal of reducing our presence in Iraq over time so we can play a more supportive role, bring our forces home, and reduce the burden on our military. It is a sense of Congress and will not bind the President in any way or tie the commanders' hands in the field. It is supported by the President's own declared goals and that of his commander, General Petraeus—who is doing, by the way, an incredible job. It provides a goal for limiting our role in Iraq, and that goal is to end at the end of next year. But, unlike other past legislation, this date is not legally binding and would allow the President to respond according to the security conditions on the ground.

I believe this amendment will not hurt our aspirations in Iraq in any way but will actually help our President and General Petraeus, who are striving now to hand over more responsibility to the Iraqis.

This week, it was announced that the Iraq Government is ready to take over local security groups, with our support. This is an important step, and it is a step in the right direction. We need to continue in this direction. We need to make it our goal. We need to let the Iraqis know that they must take more responsibility for their own security.

We must make it clear to them that we spent over $550 billion, that we have lost almost 3,900 individuals, 26,000 people have been wounded over there, and half of them are going to be disabled for the rest of their lives.

We have paid a tremendous price. It is time for them to step up to the table and start doing more for themselves. I support this amendment so Congress can send that message that we are not simply funding a never-ending conflict in Iraq, we have a goal of reducing our presence there, and we are working toward it.

I hope my colleagues realize the sensibility behind this very simple piece of legislation and join me in supporting it today.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, it had originally been established that I would speak now, but I am going to yield the time I have to the distinguished Senator from South Carolina for 5 minutes.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, I say to my friend from Virginia, thank you. I do hope you will take an opportunity to speak because your voice needs to be heard.

I say to my good friend Senator LEVIN, we have had a number of chances to work together. I am afraid this is not one of those moments.

What does all of this mean if this language passes? The bill will get vetoed. And when you read the language, what is so bad about it? I know the intent of the author is to try to make Iraq a better place, and he said for as long—I do not want to misquote him—as long as you have this many troops in Iraq, they are not going to do what they need to do politically. They use the troops as a crutch. I think that is the general theme, that we need to somehow let the Iraqi Government know we are not going to be there forever with this number of troops. You need to step up to the plate, generally speaking. I think that is your view of how to put pressure on the Maliki government to reconcile, but, again, I will let you speak for yourself.

My view is that the lack of security has been the biggest impediment to reconciliation, and the security changes in Iraq give us the best hope we have had in 4 years of finding a way forward politically in Iraq. If we change by word or deed or perception our commitment to the military strategy that is currently working, we would be undercutting our best chance for reconciliation.

This amendment, this sense-of-the-Senate amendment, does not do anything positive. It sends the signal I have been trying to avoid for well over a year now. For 3½ years we had the wrong strategy. Finally we have the right strategy, and in my opinion, the best, sensible thing the Senate could do is allow the surge to go forward without any interference, give General Petraeus and those under his command what they need to finish the job. They have done a wonderful job. We are going into the holiday season here and every American, every political leader, should celebrate what I think has been the most outstanding military operation in counterinsurgency history, and we should not have any more debates about that. It is a fact now. We should support it without reservation.

This amendment, the sense of the Senate, will send a confusing signal about what we intend to do militarily. The Senate, in my opinion, should not try to change the mission. The mission is to win. Very simply put, what is my goal in Iraq? My goal is to win a war we cannot afford to lose, to have a military footprint in Iraq as long as it takes to keep al-Qaida on the run, and when we come home, which we surely will, to come home with victory in hand and let the military commanders who are not worried about the 2008 election decide when that transition should take place. Quite frankly, as much as I love my colleagues in this body, I do not trust anybody, including myself, to transition this mission other than General Petraeus.

This statement will be seized upon by people who are following this bill very closely and will send all of the wrong signals, and that is why it will be vetoed. The most sensible thing the Senate could do, and we should have done this 4 or 5 months ago, is allow the surge to go forward without political interference. This is not the time to take command of the operation in Iraq from General Petraeus and his command team and give it to the Senate.

I hope and pray we will allow the surge to be funded, to go forward, and to achieve the goal that is in the national interest of the United States, and that is victory, victory over extremism and support of moderation. So this attempt at making a political statement is ill-advised, comes at the wrong time, sends the wrong signal. The most sensible thing the Senate could do is reject this and allow our military commanders to transition based on facts on the ground, not the next poll or the next election.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I yield 5 minutes to the Senator from Rhode Island, Mr. REED.

Mr. REED. Mr. President, Senator LEVIN has very eloquently pointed out the premise of the President's surge strategy; that was to provide the political space so that the Iraqi Government could essentially begin a reconciliation among its own people, begin to function effectively. Little or none of that has happened.

What has happened is that the violence has been reduced. That is commendable. It is attributable to several factors; first, the increase of American forces there and the way they have been deployed very adroitly by our military commanders; secondly, the fact that coincidentally but propitiously in Anbar Province, Sunni tribesmen have finally figured out that al-Qaida is as much a threat to them as to anyone else, particularly Americans. They have banded together with us to attack al-Qaida elements there. How long that relationship of convenience lasts is a question that has not been resolved.

Within Baghdad, there has been significant ethnic cleansing. In fact, we recall just weeks ago, refugees started coming back. They were told by the Government in Baghdad: Do not come back. You are going to provoke another destabilizing situation. That ethnic cleansing is one other factor.

Sadr, the leader of the Shia in the South, one of the purported leaders in the South, has basically told his Mahdi army to stand down for 6 months so he can reorganize, so he can regroup, so when he feels the moment is right he is in a much more powerful position to strike.

Then the administration has finally embraced some diplomatic efforts; quietly, I think, with the Iranians, much more publicly with the Syrians and others. All of those factors together have contributed to this reduced violence.

But here is one of the most significant and salient facts we have to recognize: The surge is over. Our force structure will not allow a continuation of 160,000 American forces in Iraq beyond the middle of this year, beyond this summer. That is not because some politician in Washington said so, that is because the Chairman of the Joint Chiefs of Staff, because the Chief of Staff of the Army understand that the operational tempo will not allow that.

The question before us is: Well, what is the strategy now? Is the strategy coming here and asking for billions of dollars every 3 or 4 months? Asking for troops that cannot be actively or effectively provided, because our force structure is too small?

The essence of this amendment, an amendment that Senator LEVIN and I and others have been pursuing for months now, is to focus on a strategy that can be sustained and supported so we can do what we must do. That strategy, in our view, boils down to three very specific missions: Go after the terrorists, the al-Qaida people, wherever they are; train Iraqi security forces to support their country, because ultimately the Iraqi people and their leaders will decide whether their country will survive and prosper, not American forces; and, finally, protect our forces on the ground.

Those are three discrete missions that can be done, should be done. There is no attempt in this amendment to cut off funding. There is an attempt, though, to focus our policy on a strategy that will work over time. What we have here is no simple situation in which you have got an al-Qaida rogue group we are going after. This is a very complicated situation.

Ultimately at the heart of this, it is a political struggle between Sunni, Shia, and Kurds; Sunnis, who feel a profound sense of entitlement which has been frustrated by our operations over there, and the departure of the Baathist regime; Shia, who feel profoundly paranoid because they suffered grievously under that regime; and Kurds, who want their autonomy.

These political forces have to be settled. They will only be settled internally by the Iraqis standing up. This amendment will help direct that policy, force them to recognize we are not there indefinitely with a blank check. It will also guide our forces to missions that we can perform, that will be essential to our security and will allow us, I believe, to do what we can to help that country stabilize itself.

This is a message. It is a message to the troops that we are going to adopt a wise, sustainable policy that is worthy of their sacrifice. It is a message, I hope, to the President that he cannot come back here every 6 months and ask for 5, 10, 50, 70, 80, $100 billion. It is a message to the Iraqi politicians that they must seize this moment.

I urge passage.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I yield 5 minutes to the distinguished Senator from Connecticut.

Mr. LIEBERMAN. I thank my friend from Virginia.

I rise to support the amendment I am privileged to cosponsor with the Senator from Kentucky, Mr. McCONNELL, which would give our troops, General Petraeus in the field, the funding they need to carry on the fight they are carrying on so successfully.

As a result, I rise to oppose the amendment introduced by my friend from Michigan and others. Nine months ago, when General Petraeus took command in Baghdad, people of good conscience could disagree about whether his new counterinsurgency strategy would succeed, unless you decided that everything was lost in Iraq or it did not matter if we lost in Iraq. I think most of us do not feel that way. We know it would matter, because we are engaged in a battle with al-Qaida, the same al-Qaida that attacked us on 9/11, and Iran, the most significant state sponsor of terrorism, according to our own State Department, supporting militias and extremists in Iraq. So it matters.

But 9 months ago, people who cared about whether we won or lost in Iraq could argue about whether the surge strategy would work. After so many mistakes, frankly, in the conduct of the war in Iraq, many Americans, many Members of this Chamber, were understandably skeptical about the possibility of this new counterinsurgency strategy succeeding.

Now, however, the evidence is unequivocal. I will say it is remarkable. In some cases it is downright miraculous. The surge is working. As a result, it is time to support General Petraeus, his plan, and his troops, not to second guess, not to editorialize about it, not to add conditions or goals to it.

Let's do something that we in Congress do not do very well, which is to remain silent in the face of something that is working. With all respect, the Levin amendment is a classic case of snatching defeat from the jaws of victory, because we are on the road to victory in Iraq.

The extra American troops have played a critical part, the broad-scale counterinsurgency strategy. And what has happened? Violence is down. I think this number has been cited, but this week, MG Joseph Fil, who is the commander of our operations in Baghdad, said that attacks in the capital city have fallen nearly 80 percent since November of 2006; murders in Baghdad Province are down by 90 percent over the same period; and vehicle-borne bombs which have killed so many of our troops and the Iraqi people have dropped by 70 percent.

There is a people's uprising occurring in Iraq today. It started with the awakening in Anbar. It has now gone on to

Baghdad and other provinces throughout the country. I know those sponsors of this amendment have said they want to send it as a message to the Iraqi national political leadership to get with it, to reconcile. Of course, we are all frustrated by their lack of progress in doing that. A lot of us thought that the political changes in Iraq would come from the top down. But what has happened is something not to disparage, not to ignore. What has happened is classically democratic, in the best traditions of America. The political changes in Iraq are coming from the bottom up, from the grassroots up. Local councils are governing in area after area. The local people have taken charge of their destiny. They have kicked out al-Qaida. They have kicked out al-Qaida because they decided that al-Qaida was their enemy. And we, much to their surprise, turned out to be their friends, their supporter. They understand we do not want conquest in Iraq. We want to liberate them from the forces of extremism. The same is happening throughout the country.

I urge my colleagues, let success alone. Let it work. Oppose the Levin-Reed amendment and support the McConnell-Lieberman amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I think I can almost speak for our side with certainty. I have a few comments, followed by perhaps a minute and a half by the Republican leader, and then that way we can yield back time. I will proceed to give my comments.

I say to my good friend from Michigan that I picked one word out of his very impressive opening comments. I agree with his opening comments about the tragic situation by which the leadership in Iraq, their legislative body, has failed to act.

But one word you said impressed me, and that is "military progress is being made." That is an exact quote you used. You felt if we didn't speak by adopting your amendment, there would be silence. I say to my good friend, the amendment by the distinguished Republican leader and the Senator from Connecticut, the McConnell-Lieberman amendment, will send a very strong message. Were we to adopt your amendment, it would be in conflict with that message. That is my concern. Therefore, I must say, I strongly support the McConnell-Lieberman amendment. I hope that will be voted on very shortly. I do believe, in all sincerity, your amendment would send a conflicting message. That message could be exceedingly troublesome. People don't understand the phraseology "sense of the Senate." Al-Qaida would simply clip that off and then announce that we are going to leave in December, irrespective of the facts on the ground. Furthermore, we have not been in this fight alone. We put together a coalition of forces, a coalition of nations, primarily Great Britain and others, Poland. So far as I know, there has been no consultation with respect to your amendment to announce a goal by December of next year with those other fighting forces that, while they are smaller in number, are no less important as a symbol of the united effort of many nations to achieve, first, sovereignty in Iraq, which has been a wonderful goal that has been achieved, and now to enable that country to take its place rightfully in that region and be a strong voice for freedom and to fight al-Qaida.

I say to my friend, I will have to oppose his amendment because it would send a totally conflicting message with the underlying amendment, which is a very significant appropriation of funds to continue, as you say, in your very words, the "progress" of the military so far.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Before I yield to the Senator from California, let me respond briefly to my friend from Virginia. There is no inconsistency between voting to adopt a sense-of-the-Senate resolution expressing as a goal, nonbinding, that we complete a transition to a more limited mission, a mission which the President says he wants to transition to by the end of next year and at the same time voting for the McConnell amendment. There will be many Senators voting for the Levin-Reed amendment who are also going to vote for the McConnell amendment. There is no inconsistency whatsoever between sending our troops the funding which has been requested and having a goal for the transition of their mission to something which gets them out of the middle of a civil war. That is the one point I wish to make immediately to my good friend from Virginia.

I yield 4 minutes to the Senator from California.

Mrs. BOXER. Mr. President, it seems to me if you want to liberate the Iraqi people, then you give them back the country and you let them know that is what this is all about. We have been there 1 year, 2 years, 3 years, 4 years, 5 years. We have spent a half a trillion dollars; 3,893 of our own killed, 28,711 wounded. Is this forever? I went through the period of time in the Vietnam war where the people of this country stood up and said: Enough is enough is enough. It seems to me what Senator LEVIN is doing—and I am so proud he has bipartisan support, Senators HAGEL, VOINOVICH, SNOWE, SMITH—is good. This shows we are beginning to cross over party lines, which is so important, and say: It is time the mission changes.

My dear friend from Virginia talks about the Brits. This is exactly what the Brits have already done. They are getting out. They have turned the keys of the city over to the Iraqis. They are ahead of us. In many ways, this resolution tracks what they have done. I read it. It is very simple. It is a sense of the Congress that the missions of the U.S. Armed Forces should be transitioned to a more limited set—counterterrorism, training, equipping, supporting Iraqi forces, and force protection. Yes, we are sending a message to the Maliki Government, get your act together because we are not going to be here forever. The American people are generous and good people. But there is a limit to how much they can give in terms of blood and treasure.

It is true that many people supporting this resolution are going to vote for the McConnell amendment. I will not be one of them. I wish to speak against it for my remaining time. I have a list of what we have already spent. A half a trillion dollars, that is what we have already spent, and we are about to go well over that mark, toward a trillion dollars. There comes a time when we have to ask ourselves: What are we doing in Iraq? If you listen to the President, it is to bring freedom. He said it was the weapons of mass destruction. Then he changed that. He said it was to get Saddam. We got Saddam. Then he changed it. He said we have to have free and fair elections. They had two. He said we have to reconstruct. We are spending money to reconstruct.

It is now time to say enough is enough. I think the Levin resolution is not putting into place binding deadlines. It is merely saying to the Iraqi Government we want them to step up to the plate.

If my colleagues want to be seen as occupiers, vote against this amendment because that is what is happening. We are seen as occupiers, when we want to be seen as liberators. If you want to be seen as liberators, you do what the Brits did. This is exactly what Senator LEVIN is doing. I am pleased to support this. I will be voting no on McConnell.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I believe we are about ready to vote on this side. We are going to have our leader speak for a minute, and then we can proceed. I simply, once again, say to my distinguished colleague from Michigan, while we are waiting for the Republican leader, with due respect, this will send a very conflicting message. If the Senate acts upon this appropriations tonight favorably, as I anticipate it will, coupled with your message, it could be misconstrued. Therefore, I strongly urge that the Senate accept the McConnell-Lieberman amendment but reject the amendment of the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. The message is not conflicting at all. There is no conflict between saying we are going to support our troops, we are not going to reduce funding for them, and at the same time have a goal a year hence for when they transition to the more limited mission. There is not the slightest inconsistency. It is not a conflicting message. If we are interested in success in Iraq, there is only one way to achieve it—for the Iraqi politicians to reach agreement on their differences which have continued the conflict. That is not just me saying it. That is our military leaders.

I wish to read this quote because I am not sure people have focused on it. This is our State Department. I ask my colleagues to listen to this very brief quote from our State Department:

> Senior military commanders portray the intransigence of Iraq's Shiite-dominated government as the key threat facing the U.S. effort in Iraq rather than al-Qaida terrorists, Sunni insurgents or Iranian-backed militias.

Is that a conflicting message from our State Department, when they identify the political leaders of Iraq as being the major threat to our success? They are the major threat to our success. We all know it. Our military leaders have said it is the failure of the political leaders of Iraq to work out their differences, which is the key problem that keeps the battle going on between Iraqis. That is our State Department. Is that a conflicting message? I don't think so.

It is the truth. Most of us recognize it. We are all completely unhappy with the Iraqi political leaders. Most of us, when we go to Iraq, tell them that. The President of the United States has even said it is useful for that message to be delivered. Let us deliver it tonight.

The PRESIDING OFFICER. Who yields time?

The Republican leader is recognized.

Mr. McCONNELL. Mr. President, if we want a Presidential signature on the Omnibus appropriations, thereby finishing our work this year, we need to defeat the Levin amendment and approve the McConnell amendment, which will come shortly after the Levin amendment. The McConnell amendment provides $70 billion for our troops, whether they are in Afghanistan or Iraq, without any strings attached, without any stipulations. The key to finishing our work this year successfully lies in defeating the Levin amendment and approving the McConnell amendment.

Mr. President, I ask unanimous consent that an explanatory statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXPLANATORY STATEMENT SUBMITTED BY SENATOR MCCONNELL, SENATOR STEVENS, SENATOR COCHRAN, SENATOR INOUYE, AND SENATOR LIEBERMAN REGARDING SUPPLEMENTAL APPROPRIATIONS FOR THE DEPARTMENT OF DEFENSE

The following tabular data delineates by appropriation the funding provided by the McConnell amendment (related to supplemental appropriations for the Department of Defense) to H.R. 2764, the State, Foreign Operations, and Related Programs Appropriations Act, 2008.

In regard to classified activities funded in this amendment, a separate letter from the Chairman and Ranking Member of the Defense Subcommittee of the Committee on Appropriations will delineate the programs and activities funded by this amendment.

[Dollars in thousands]

TITLE I—MILITARY PERSONNEL

Military Personnel Army:	
Pay and Allowances	13,700
Wounded Warrior	68,800
Total, Military Personnel, Army	782,500
Military Personnel, Navy:	
Pay and Allowances	95,624
Total, Military Personnel, Navy	95,624
Military Personnel, Marine Corps:	
Pay and Allowances	56,050
Total, Military Personnel, Marine Corps	56,050
Military Personnel, Air Force:	
Pay and Allowances	138,037
Total, Military Personnel, Air Force ...	138,037
Total , Military Personnel	1,072,211

TITLE II—OPERATION AND MAINTENANCE

Operation and Maintenance, Army:	
Operating Expenses	25,158,543
Wounded Warrior, Enhanced Soldier and Family Support	853,800
Body Armor and Personal Protection Items	800,000
Commander's Emergency Response Program	500,000
Depot Maintenance	7,840,027
Total, O&M, Army	35,152,370
Operation and Maintenance, Navy:	
Operating Expenses	2,971,658
Body Armor and Personal Protection Items	175,000
Depot Maintenance	407,342
Coast Guard Support	110,000
Total, O&M, Navy	3,664,000
Operation and Maintenance, Marine Corps:	
Operating Expenses	3,000,000
Wounded Warrior, Enhanced Soldier and Family Support	100,000
Body Armor and Personal Protection Items	375,000
Depot Maintenance	490,638
Total, O&M, Marine Corps	3,965,638
Operation and Maintenance, Air Force:	
Operating Expenses	4,060,814
Body Armor and Personal Protection Items	400,000
Depot Maintenance	317,186
Total, O&M, Air Force	4,778,000
Operation and Maintenance, Defense-Wide:	
Joint Staff	32,140
Special Operations Command	1,054,000
Armed Forces Information Service	9,300
Defense Contract Audit Agency	7,100
Defense Contract Management Agency	3,000
Defense Human Resources Activity	4,100
Defense Information Systems Agency	44,510
Defense Logistics Agency	48,200
Defense Legal Services Activity	9,900
Department of Defense Education Activity	155,000
Defense Security Cooperation Agency—Coalition Support	300,000
Lift and Sustain	100,000
Global Train and Equip ..	300,000
Office of the Secretary of Defense	42,500
Washington Headquarters Services	7,200
Total, O&M, Defense-Wide	2,116,950
Operation and Maintenance, Army Reserve:	
Operating Expenses	68,036
Wounded Warrior, Enhanced Soldier and Family Support	9,700
Total, O&M, Army Reserve	77,736
Operation and Maintenance, Navy Reserve:	
Operating Expenses	41,657
Total, O&M, Navy Reserve	41,657
Operation and Maintenance, Marine Corps Reserve:	
Operating Expenses	46,153
Total, O&M, Marine Corps Reserve	46,153
Operation and Maintenance, Air Force Reserve:	
Operating Expenses	12,133
Total, O&M, Air Force Reserve	12,133
Operation and Maintenance, Army National Guard:	
Operating Expenses	288,900
Wounded Warrior, Enhanced Soldier and Family Support	38,100
Total, O&M, Army National Guard	327,000
Operation and Maintenance, Air National Guard:	
Operating Expenses	51,634
Total, O&M, Air National Guard	51,634

Iraq Freedom Fund	3,747,327
Afghanistan Security Forces Fund	1,350,000
Iraq Security Forces Fund	1,500,000
Joint Improvised Explosive Device Defeat Fund:	
Attack the Network	1,258,000
Defeat the Device	2,340,000
Train the Force	603,000
Staff and Infrastructure	68,000
Total, Joint Improvised Explosive Device Defeat Fund	4,269,000
Total, Operation and Maintenance	61,099,598

TITLE III—PROCUREMENT

Aircraft Procurement, Army:	
Utility Fixed Wing Cargo Aircraft	5,000
UH-60M Blackhawk—27 Aircraft	483,300
AH-64 Apache—3 Aircraft	105,000
CH-47 Chinook—11 Aircraft	334,100
Common Ground Equipment	10,000
Air Traffic Control	6,200
Total, Aircraft Procurement, Army	943,600
Procurement of Weapons & Tracked Combat Vehicles, Army:	
Bradley Program	700,100
Stryker Vehicle	41,000
Bradley Fire Support Vehicle (Mod)	65,000
Bradley Fighting Vehicle Systems (Mod)	48,000
Improved Recovery Vehicle (M88 Mod)	135,000
M1 Abrams Tank (Mod)	200,000
Abrams Upgrade Program (M1A2 SEP)	225,000
M249 Squad Automatic Weapon Machine Gun Mods	6,500
M16 Rifle Modifications	1,845
Modifications Less Than $5.0M (WOCV-WTCV)—Improved Combat Optics	7,000
Total, Procurement of Weapons & Tracked Combat Vehicles, Army	1,429,445
Procurement of Ammunition, Army:	
Cartridge, 25MM, All Types	300
Cartridge, 30MM, All Types	40,000
Cartridge, 40MM, All Types	65,700
Cartridge, Artillery, 105MM, All Types	10,000
Modular Artillery Charge System, All Types	18,000
Rocket, Hydra 70, All Types	20,000
Total, Procurement of Ammunition, Army	154,000
Other Procurement, Army:	
Tactical Trailer/Dolly Sets	29,000
High Mobility Multipurpose Wheeled Vehicle	455,000
Family of Medium Tactical Vehicles	146,000
Family of Heavy Tactical Vehicles	427,000
Armored Security Vehicles	1,500
Truck, Tractor, Line Haul, M915/M916	4,600
HMMWV Recapitalization Program	140,000
Modification of In-Service Equipment	184,800
Items Less Than $5.0 Million (Tactical Vehicles)	8,000
Defense Enterprise Wideband Satellite Communications Systems	19,000
Satellite Terminal, Enhanced Manpack UHF Terminal (Space)	3,400
Navstar Global Positioning System (Space)	3,200
Army Global Command and Control System	3,000
Information System Security Program	21,600
Digital Topographic Support System (MIP)	12,000
Counterintelligence/Human Intelligence Information Management System (MIP)	2,400
Night Vision Devices	45,000
Night Vision, Thermal Weapon Sight	11,000
Fire Support Command and Control (C2) Family	7,000
Knight Family—Procure 29 M1200 Knight Vehicles	50,000
Chemical, Biological, Radiological, and Nuclear Soldier Protection	54,300
Rapid Equipping Soldier Support Systems including Warlock	400,000
Total, Other Procurement, Army	2,027,800
Aircraft Procurement, Navy:	
H-53 Series—Re-activate 1 CH-53 Helicopter	2,600
EP-3 Series—Special Mission Avionics,	9,000
P-3 Series—Special Missions Equipment	2,400
Common ECM Equipment—Generation II Missile Warning Systems	34,500
Total, Aircraft Procurement, Navy	48,500
Procurement of Ammunition, Navy & Marine Corps:	
Joint Direct Attack Munition	5,000
Air Expendable Countermeasures	6,625
Other Ship Gun Ammunition	43
Small Arms and Landing Party Ammunition	32,929
Pyrotechnic and Demolition	64
Small Arms Ammunition	27,645
Linear Charges, All Types	3,875
40MM, All Types	23,096
60MM, All Types	30,252
81 MM, All Types	35,000
120MM, All Types	59,020
Cartridge 25MM, All Types	670
Grenades, All Types	9,385
Rockets, All Types	8,273
Artillery, All Types	51,033
Demolition Munitions, All Types	3,539
Fuze, All Types	880
Non Lethals	5,616
Ammo Modernization	2,000
Total, Procurement of Ammunition, Navy & Marine Corps	304,945
Other Procurement, Navy:	
Air Station Support Equipment—Air Traffic Control Equipment	6,111
Aviation Life Support—Body Armor and Survival Gear	750
Explosive Ordnance Disposal Equipment:	
Unmanned Aerial Systems	37,000
Man Transportable Robotic System	1,400
Mounted CREW Systems	35,400
Physical Security Vehicles—Light Armored Vehicles	900
Medical Support Equipment	820
Physical Security Equipment:	
Body Armor	3,100
Weapons of Mass Destruction Detectors	6,000
Total, Other Procurement, Navy	91,481
Procurement, Marine Corps:	
Light Armored Vehicles:	
Light Armored Vehicles	12,500
Light Armored Vehicles Product Improvement Program	23,000
Light Armored Vehicles Restoration and Modernization	33,600
Modification Kits—Multipurpose Tank Blade	2,200
Modification Kits—Tactical Concealed Video System	400
Marine Air Command Control System	29,000
Intelligence Support Equipment—Angel Fire Sensor Package	8,000
Motor Transport Modifications—Medium Tactical Vehicle Replacement Armor	60,000
Power Equipment Assorted—Engineer Equipment	15,000
Explosive Ordnance Disposal Systems—CREW	172,800
Physical Security Equipment—Ground-Based Operational Surveillance System	340,000
Field Medical Equipment—Family of Field Medical Equipment	6,750
Total, Procurement, Marine Corps	703,250
Aircraft Procurement, Air Force:	
F-15—ARC-210 Beyond Line of Sight/Secure Line of Sight Radios –	39,700

C-5—Aircraft Defensive Systems (12 Kits for C-5A's) –	11,700
Total, Aircraft Procurement, Air Force	51,400
Other Procurement, Air Force:	
Halvorsen Loader	7,500
Items Less Than $5 Million (Vehicles)—Counter Sniper Protection Kit	1,625
General Information Technology—Blue Force Trackers	2,500
Air Force Physical Security System—CROWS and BDOC-T	8,500
Tactical C-E Equipment—ROVER	8,100
Night Vision Goggles	2,500
Total, Other Procurement, Air Force	30,725
Procurement, Defense-Wide:	
Defense Information Systems Network	8,700
MH-47 Service Life Extension Program	34,400
C-130 Modifications	11,000
SOF Ordnance Replenishment	32,759
SOF Ordnance Acquisition	39,600
SOF Intelligence Systems	44,346
Small Arms and Weapons	29,587
Tactical Vehicles	16,458
Unmanned Vehicles	23,500
SOF Operational Enhancements	34,393
Total, Procurement, Defense-Wide	274,743
Total, Procurement	6,059,889
TITLE IV—REVOLVING AND MANAGEMENT FUNDS	
Defense Working Capital Funds:	
Defense Working Capital Fund—Army:	
Army Preposition Stocks	586,900
Spares Augmentation—Combat Losses	63,000
Spares Augmentation—Demand Increase	70,000
Defense Working Capital Fund—Defense-Wide:	
Fuel Transportation	96,000
Fuel Cost Increase	140,700
Combat Fuel Losses	43,400
Total, Defense working Capital Funds	1,000,000
TITLE V—OTHER DEPARTMENT OF DEFENSE PROGRAMS	
Defense Health Program:	
Operations	461,101
Wounded Warrior, Enhanced Soldier and Family Support	114,600
Total, Defense Health Program	575,701
Drug Interdiction and Counter-Drug Activities	192,601
Total, Other Department of Defense Programs	768,302
TITLE VI—GENERAL PROVISIONS	
Special Transfer Authority (Sec 603)	[4,000,000]
Total, Department of Defense	70,000,000

Mr. McCONNELL. Mr. President, is there more time on this side?

The PRESIDING OFFICER. There is 7 minutes 5 seconds.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Michigan has 7 minutes.

Mr. LEVIN. I intend to yield back all that time but 30 seconds. I cannot believe the President of the United States is going to veto a bill providing this additional funding for the troops because the Senate, in a nonbinding resolution, expresses its belief that we ought to have a nonbinding timetable for the reduction of our troops by the end of the year. If the President has said that, I have not seen it. I can't believe he would so try to squelch the Senate from expressing a nonbinding opinion.

I yield back the remainder of my time.

Mr. McCONNELL. Mr. President, the President will veto the bill if the Levin amendment is approved. The McConnell amendment must be approved in order to get a Presidential signature.

Is there time remaining on this side?

The PRESIDING OFFICER. There is 6 minutes remaining.

Mr. McCONNELL. I yield back the time.

The PRESIDING OFFICER. The question is on agreeing to the Levin amendment No. 3876.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 50, nays 45, as follows:

[Rollcall Vote No. 438 Leg.]

YEAS—50

Akaka
Baucus
Bayh
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Collins
Conrad
Dole
Dorgan
Durbin
Hagel
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Stabenow
Tester
Voinovich
Webb
Whitehouse
Wyden

NAYS—45

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Domenici
Ensign
Enzi
Feingold
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lieberman
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Specter
Stevens
Sununu
Thune
Vitter
Warner

NOT VOTING—5

Biden
Clinton
Dodd
Feinstein
Obama

The PRESIDING OFFICER. Under the previous order requiring 60 votes, the amendment is withdrawn.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. WARNER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 70, nays 25, as follows:

[Rollcall Vote No. 439 Leg.]

YEAS—70

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bond
Brownback
Bunning
Burr
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kyl
Landrieu
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Pryor
Roberts
Rockefeller
Salazar
Sessions
Shelby
Snowe
Specter
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb

NAYS—25

Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Durbin
Feingold
Harkin
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Menendez
Murray
Reed
Reid
Sanders
Schumer
Smith
Stabenow
Whitehouse
Wyden

NOT VOTING—5

Biden
Clinton
Dodd
Feinstein
Obama

The PRESIDING OFFICER. Under the previous order, requiring 60 votes for the adoption of the motion, the motion is agreed to.

The majority leader is recognized.

Mr. REID. Mr. President, we have just a few matters left. We have a vote on AMT. This is a vote we have had before. Senator BAUCUS, the Finance chair, will talk about it when we get to it in a few minutes. It is an issue on which I agree with the House. I think we should have paid for it. We have had this vote several times before—at least once before. We have tried different ways of getting the matter before the Senate.

We have an agreement in the order entered earlier today that we are going to vote on whether AMT should be paid for. Senator BAUCUS will speak on that.

AMENDMENT NO. 3877

Mr. REID. Mr. President, it is my understanding there is a motion to concur at the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

> The Senator from Nevada [Mr. REID] moves to concur in the House amendment No. 1 to the Senate amendment to H.R. 2764, with an amendment numbered 3877.

(The amendment is printed in Today's RECORD under "Text of Amendments.")

The PRESIDING OFFICER. There will be 1 hour of debate equally divided.

Mr. REID. Mr. President, we have a vote on this, and we have a vote on whether we will concur with the House on a matter that we have changed and sent back to them. Then I am going to speak with the chairman of the Judiciary Committee. Under the order entered several days ago, we have a judge who is on the calendar. I will talk with the distinguished manager of this bill and the chairman of the Judiciary Committee to find out if we are going to have a recorded vote.

My point is that people should not run off after the second vote. There may be three votes tonight.

The PRESIDING OFFICER. Who yields time?

The senior Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, the next vote is on AMT, paid for. We have had this vote several times. It requires 60 votes. I personally believe that the AMT relief we will be providing for here, so the taxpayers will not have to pay additional AMT for 2007, should be paid for. I don't think the votes are here. There are not 60 votes to pay for it. But once this goes down because it doesn't have 60 votes, it is then my expectation that the House will then vote for AMT not paid for so that we can get AMT passed this year. Americans will know they will not have to pay the additional AMT tax, done in a way that is satisfactory.

There is an hour allocated on this amendment, a half hour each side. Mr. President, I don't plan to take many more minutes than I have already consumed. I expect the other side will not either.

I will reserve the remainder of my time, with the expectation that I will yield back the remainder of my time. For now, I will reserve my time.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I yield myself such time as I may consume. I haven't had a request on this side for many people to speak. I think I will speak for 9 or 10 minutes on my side. If people want time, I will be glad to yield time.

When we were debating the Tax Relief Act of 2005, the other side forced a series of debates on the same subject matter. We had the same debate three times, and it culminated on Groundhog Day, February 2, 2006. Despite numerous votes and debates in each round, we went through essentially the same debate and vote not once or twice but three times.

I have two charts that will remind folks of that exercise.

My first chart depicts a groundhog. For those of you who see the groundhog, you will recall that the centerpiece of that debate involved the alternative minimum tax patch. During the first groundhog debate, the bipartisan majority had to prove that we meant business on the cornerstone of that bill, which was the last AMT patch that was enacted. I am referring to the AMT patch that protected then about 15 million families, and now we are talking about protecting about 23 million families.

The bipartisan majority, I am pleased to remind everybody, stuck to our guns in conference on that bill. We made sure the AMT patch was one of the cornerstones of the conference agreement. So despite the extended debate, what we said would happen did happen.

Now, the next Groundhog Day is February 2, 2008. That is just 45 days from now. That may seem like a long time, but given recent history, I am worried. Here is why.

About 47 days ago, the two tax-writing committee chairmen, Congressman RANGEL and Senator BAUCUS, and the ranking members, Congressman MCCRERY, and this Senator, wrote Secretary Paulson and acting IRS Commissioner Stiff and pledged to get an AMT patch bill to the President before the end of the year. We wrote the letter for a couple of reasons. The first reason is to spare 23 million middle-income families from an average tax increase of $2,000 per family. As everyone now agrees, this monster tax was not meant to hit 23 million middle-income families. The second reason was to assure the Secretary of the Treasury and the IRS Commissioner that we would do everything possible to minimize delays in refunds for another 27 million families and individuals, on top of the 23 million who would be hit for the first time.

After pledging to get mutually agreeable AMT patch legislation to the President in a form he could sign—that is what the letter was about—we are instead now engaged in this Groundhog Day type of exercise. We are essentially having the same debate, and we will go through the same votes the Senate went through just a couple of weeks ago. In other words, the floor debate tonight illustrates my worry that we are repeating the Groundhog Day exercise.

I ask unanimous consent to have printed in the RECORD a copy of that letter by the two chairmen and ranking members.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, October 30, 2007.

Ms. LINDA E. STIFF,
Acting Commissioner, Internal Revenue Service,
Washington, DC.

DEAR ACTING COMMISSIONER STIFF: Under present law, more than 23 million taxpayers will be subject to higher taxes in 2007 unless legislation is enacted to limit the reach of the Alternative Minimum Tax (AMT). We realize that this fact is causing concern for many taxpayers and is creating administrative difficulties for the IRS as the agency prepares for the upcoming filing season.

As the leaders of the Congressional tax-writing committees, we want to assure you that legislative relief is forthcoming so that no new taxpayers will be subject to the AMT for taxable year 2007. To accomplish this, we are committed to extending and indexing the 2006 AMT patch with the goal of ensuring that not one additional taxpayer faces higher taxes in 2007 due to the onerous AMT. In addition to allowing the personal credits against the AMT, the exemption amount for 2007 will be set at $44,350 for individuals and $66,250 for married taxpayers filing jointly.

We plan to do everything possible to enact AMT relief legislation in a form mutually agreeable to the Congress and the President before the end of the year. We urge the Internal Revenue Service to take all steps necessary to plan for changes that would be made by the legislation.

Thank you for your immediate attention to this matter.

Sincerely yours,

MAX BAUCUS,
Chairman, Committee on Finance.
CHARLES E. GRASSLEY,
Ranking Member, Committee on Finance.

CHARLES B. RANGEL,
Chairman, Committee on Ways and Means.
JIM MCCRERY,
Ranking Member, Committee on Ways and Means.

Mr. GRASSLEY. So we are not quite there yet, but the way we are going, we might not get this year's AMT patch done until the next Groundhog Day.

Let me bring up another chart to expand on this point. I have next to me the portrait of Punxsutawney Phil, that famous groundhog. In thinking of Phil and the weather report he will provide in 45 days, I also thought about the popular film entitled "Groundhog Day." That movie stars Bill Murray, in which a man relives the same day—Groundhog Day—over and over and over. This film has taken on greater significance for me as I seem to be in a very similar situation. More than just a sense of the deja vu, I feel I am reliving a past experience.

We are going through the same debate we had a couple of weeks ago. We are on a different bill and the amendment has different offsets. Yet I seem to remember already having this debate.

So, Mr. President, instead of taking the next steps and focusing on what we said we would do in the letter and finding a mutually agreeable—those are words from the letter—resolution to the AMT patch, the House Democratic leadership is insisting that the Senate repeat the same debate and vote of just last week.

At 5:01 p.m., on Tuesday, December 4, 2007, we took up H.R. 3996, with the title "Temporary Tax Relief Act of 2007." For several hours on Tuesday, Wednesday, and into Thursday, we debated the bill. The final vote on final passage came at 7:25 p.m., Thursday evening, December 6.

According to the Secretary of the Senate, 93 of us were here for that vote. So I must not be the only one reliving this experience.

I ask unanimous consent to have printed in the RECORD the results of that final vote.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

The result was announced—yeas 88, nays 5, as follows:

[Rollcall Vote No. 415 Leg.]

YEAS—88

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Durbin
Enzi
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Warner
Webb
Wyden

NAYS—5

Carper
Conrad
Dorgan
Feingold
Whitehouse

NOT VOTING—7

Biden
Clinton
Dodd
Ensign
McCain
Obama
Voinovich

Majority ½ Required

Vote date: 12/06/2007, 6:23:00 p.m., Business Type: L.

Result Code: 1 (Bill Passed).

Vote title: H.R. 3996 as Amended.

Mr. GRASSLEY. Mr. President, as we consider the Senate amendment to the omnibus bill, I have to ask: Why are we still here? I have to ask: Didn't we already go through this exercise? I have to ask: Aren't we finished with the Senate debate?

In the face of the urgent need to enact an AMT patch, does the House Democratic leadership want the Senate to reenact recent debates and resuscitate old talking points? Our un-offset AMT patch already passed with the support of 88 Senators.

While I believe this legislation is extremely important and we will debate it for as long as is necessary, I question the necessity of going through a process that resulted in overwhelming bipartisan passage of the same bill 2 weeks ago.

That is my first point. This is, in fact, a curious exercise. It is an exercise with no apparent purpose other than delay. Is the delay on the part of the House Democratic leadership important? Why doesn't the House send the amended House bill which cleared this Chamber by a vote of 88 to 5 to the President of the United States for signature? Because President Bush will sign it. That bill does meet—again the words from the letter of the chairman of the committee—that bill does meet the mutually agreeable criteria of the tax writers' letter. The amendment before us, just as the prior House vote, does not meet the mutually agreeable criteria that was in that letter.

Nearly all House and Senate Republicans have a problem with this amendment and its predecessor that failed in the Senate. The problem is not necessarily with the offsets themselves. Some of them might be acceptable tax policy to this Senator and others on our side. The debate and resistance on our side rests with a bigger principle. It is about accepting the notion that the unintended reach of the AMT should be permitted unless we find offsetting revenue from other taxpayers; in other words, other taxpayers being taxed to offset revenue from middle-income taxpayers who were never supposed to pay this tax in the first place. It is the use of the AMT then as an open-ended revenue-generating machine that creates problems on the Republican side of the aisle.

I am going to point to another chart to illustrate this debate. This is a chart of a very fine horse, a horse named Trigger and his rider Roy Rogers. Trigger is a fine horse, but he is dead. He is very dead. Trigger is so dead that he is stuffed and resides in a museum. This debate is the practice of beating a dead horse. It would be like tourists taking swipes at Trigger as they go through the museum. Everyone knows beating a dead horse is a waste of time, but that is what we are doing. We need to stop beating a dead horse. We need to show our good friends in the House Democratic leadership that they need to stop reviving a dead horse of an offset AMT patch. It is a dead horse. Let's stop beating it. Vote against this amendment.

After this exercise is done, then I urge my friends in the House leadership to pass the un-offset AMT patch bill we sent them several days ago, that very same bill that passed this body 88 to 5.

Think, will you, on the other side of the Capitol, think of the 23 million families that will face a tax increase of $2,000 per family if we don't get this bill to the President. Think of the 27 million families and individuals that will face even longer delays in getting their refunds next year if we don't get this bill passed, or even if we do get this bill passed, it is going to be delayed. Think of these hard-working taxpayers. Stop beating a dead horse and let's get the people's business done.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. PRYOR). The Senator from Montana.

Mr. BAUCUS. Mr. President, the Senator from North Dakota has some comments about not beating a dead horse. I now yield 7 minutes to the Senator from North Dakota.

I might say, we should not beat a dead horse, that is clear, but also we should not look a gift horse in the mouth. We have an opportunity to resolve this and get it done. I urge us to vote quickly so we can dispose of this matter so the American taxpayers get their AMT relief very quickly.

I yield to the Senator from North Dakota.

Mr. CONRAD. Mr. President, I thank the chairman.

I say to the Senator from Iowa when he tells us that we should stop beating a dead horse, the picture he used shows that Trigger rides again. That wasn't a dead horse. That horse is alive, and as well it should be, because the underlying question is whether we pay for anything in this Chamber or do we borrow the money? When we borrow the money, do we borrow it from the Chinese and the Japanese, or do we start paying our bills right here at home? That is the issue before the Chamber. It is not a question of a dead horse or a live horse. It is a fundamental question of whether we pay our bills or put it on the charge card.

The issue before us is very simple. If we do not offset the alternative minimum tax or alter it in some way, it will hit 23 million American families, up from some 4.2 million this last year.

The bill before us says, yes, adjust the alternative minimum tax so more people are not hit by it, but it also says something very important. It says pay for it; don't go out and borrow the money, don't go out and borrow billions more from China and Japan.

The House has it right. We ought to pay for it. Certainly it makes no sense to let the alternative minimum tax sweep up millions more people, but it also makes no sense to fail to pay for it. That is not just my view; that is also the view of the former chairman of the Federal Reserve who said on ABC's weekend program in response to a question from George Stephanopoulos, the question was put to the chairman:

> So when the Congress this week . . . fixes this patch in the alternative minimum tax . . . and doesn't pay for the increase in the deficit, that is something you're against?

Mr. Greenspan:

Yes.

No qualifications, a simple clear statement in support of paying for fixing the alternative minimum tax.

Why is paying for it so important? Because if we fail to do so, we put it on the debt, and already the debt has skyrocketed under this administration, from $5.8 trillion in 2001 to, at the end of the fiscal year that just ended, a debt of $8.9 trillion.

Future generations will look back on this one. Perhaps they will be amused by the debate tonight. They will not be amused by the debt we leave them. This generation will not be known as the greatest generation. This generation will be known as a greedy generation, a self-oriented generation, one that was not responsible with the people's money.

Some of my colleagues claim we never intended to raise this money, that it was no part of any budget, that it was not part of any revenue projection. I beg to differ. As chairman of the Senate Budget Committee, I can tell you that these revenues have been in every budget written by this President, and written by the Congress, whether controlled by the Republicans or the Democrats. The only way any of these budgets have balanced was to assume this revenue which is the law of the land would either be collected or would be offset, would be paid for.

This chart shows the revenue assumptions in the Bush budget. We find alternative minimum tax revenue assumed for each and every year of the 5 years of this budget.

I won't belabor the point. This is a question of whether we are going to be responsible. This is an opportunity to fix the alternative minimum tax, to prevent it from being spread to 23 million American families, but to do it in the responsible way: to offset it with other revenue so it does not get added to the deficit, so it does not get added to the debt, so we are not compelled to borrow even more billions from the Japanese and the Chinese and around the world.

I hope my colleagues will vote "aye" and demonstrate their fiscal responsibility tonight.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Ohio.

Mr. BROWN. Mr. President, yes, we have been here before. I hear the Senator from Iowa, whom I greatly respect, say we have been here before and have done this over and over. In the last 2 hours, we have made the same mistake, or about to make the same mistake, that we have made in the last 6 years. About 7 groundhog days ago, if you will, we went from a budget surplus to huge budget deficits, as Senator CONRAD pointed out. Do you know why? Because we are in the middle of a war that Senator BYRD spoke so eloquently against time and again on this Senate floor, a war that has cost us $500 billion and counting, and we have done tax cuts over and over. Every groundhog day we do another tax cut.

So tonight, in the space of 2 hours, we are going to encapsulate that in one evening. We did $70 billion for a war nobody is willing to pay for. Let our grandchildren pay for that one. And then we are doing more tax cuts, hundreds of billions of dollars we are not paying for, so let our grandchildren take care of it.

We have been here before, and it is about time we vote "yes" on this and do the right thing, so instead of these going from a budget surplus 7 groundhog days to hundreds of billions of dollars in budget deficits, instead we have an opportunity, as Senator CONRAD said, to do the right thing to begin to pay for things as we go so that our grandchildren will not continue to be burdened with our profligacy and our irresponsibility.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. Mr. President, if the other side is ready to yield back their time, I will yield back our time, but I want to find out if they are interested in doing that.

Mr. BAUCUS. I yield back our time.

Mr. GRASSLEY. I yield back our time.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. DURBIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 48, nays 46, as follows:

[Rollcall Vote No. 440 Leg.]

YEAS—48

Akaka
Baucus
Bayh
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Conrad
Dorgan
Durbin
Feingold
Harkin
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Stabenow
Tester
Voinovich
Webb
Whitehouse
Wyden

NAYS—46

Alexander
Allard
Barrasso
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Thune
Vitter
Warner

NOT VOTING—6

Biden
Clinton
Dodd
Feinstein
McCain
Obama

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this motion, the motion is withdrawn.

The majority leader is recognized.

Mr. REID. Mr. President, I move to concur in the House amendment.

Mr. President, there is a proverb from the Book of Matthew that says: "For where your treasure is, there your heart will be also."

In the past few weeks, as we have put together the budget that is now before us, Democrats have sought to put our hearts and our treasure where the American people need them most.

President Bush and his Republican allies in Congress have been determined from the start to stand in our way.

The President picked a top line budget number out of thin air and said he would veto any bill that invested another dime above this total in the needs of the American people—no matter how many children, students, working families veterans or senior citizens would be harmed.

This from the President who inherited record surpluses when he took office and turned them into record deficits.

This from the President who has spent nearly $500 billion—all of it borrowed—to fight a war of choice in Iraq, while ignoring the desperate needs that we face here at home.

And this from congressional Republicans who have rubber-stamped his every irresponsible, wasteful, reckless choice.

But now, this year, this President and these Bush-Cheney Republicans claim—after years leading our country down a path of fiscal ruin—they have been baptized into the church of fiscal responsibility.

Under this false pretense, they went about to prevent us from presenting appropriations bills that help America's working families.

With the power of the President's veto and a core group of congressional Republicans willing to back it up, this fight has not been easy. That is an understatement.

Nevertheless, in the past few weeks, we have worked within the President's arbitrary top line to make it clear to the American people where our hearts and our fiscal priorities lie.

Every victory in the appropriations bills now before us—every benefit to working families, every investment in our Nation's future—we have had to fight for, tooth and nail.

Bush-Cheney Republicans turned their backs on medical science in this budget.

They tried to cut 800 grants for medical research at the National Institutes of Health—programs that would help find cures for dread diseases.

Our Democratic priorities are different.

We want to spread hope—real scientific hope—that those who suffer from Alzheimer's, cancer, Parkinson's and diabetes and other maladies will see a brighter, healthier day.

So we restored the Bush-Cheney Republican cuts to the NIH and invested more than $600 million in medical research.

We refused to back down and we won that fight.

The Bush-Cheney Republican budget would have slashed access to health care by $600 million—leaving many of the most vulnerable Americans with nowhere to turn.

But our Democratic priorities are different.

We believe in helping the little girl with asthma, for whom the emergency room is a revolving door because her parents can't afford a doctor; or the uninsured laborer who gets injured on the job; or the senior citizen who suffers from arthritis.

We gave these Americans a better chance to live healthy lives—with $1 billion above the President's request for programs like community health centers, high risk insurance pools and rural hospitals—programs on which hundreds of thousands of low-income Americans rely.

We refused to back down on America's health care needs, and we won that fight.

If the Bush-Cheney Republicans got their way, this budget would have stripped $1.2 billion from education, eliminated major student aid programs and cut vocational education by 50 percent.

But Democrats have different priorities here, too.

We believe that education is the great equalizer in America, and that every American child deserves the right to a quality education and the keys to a better future.

We backed that commitment with major investments in Title 1, special education, teacher quality grants, after school programs, Head Start, student aid grants and technical training—all above the Bush-Cheney Republican request.

Democrats refused to back down and let Republicans rob children of the chance to succeed, and we won that fight.

Bush-Cheney Republicans talk tough on law enforcement, but when it came time to actually give our State and local law enforcement the tools they need to keep us safe, Bush-Cheney Republicans said no.

Their budget cut law enforcement funds by $1.4 billion at the Department of Justice.

Once again, Democrats' priorities are different. We invested $1.2 billion more than the President's request to help our police fight crime.

We refused to back down from our commitment to safer neighborhoods, and we won that fight.

Bush-Cheney Republicans try hard to scare us with the threat of terrorism. Did their budget match their rhetoric? No.

They cut more than $1 billion in homeland security grants for police, firefighters and medical personnel.

What are our priorities? Democrats increased our commitment to fighting terrorism by nearly $2 billion.

We refused to believe that at a time we are spending $12 billion a month in Iraq and Afghanistan, we couldn't spend an additional $2 billion per year to fight terrorism in America.

We won that fight, too, and America will be safer because of it.

The same year when the Minneapolis bridge collapse tragically reminded us that our roads, bridges and tunnels are crumbling, Bush-Cheney Republicans tried to strip critical infrastructure projects from the budget.

Democrats refused to stand by while the President spends billions to build roads in Iraq, but tells us we can't do anything about our roads in America.

We can do something and we did. We refused to back down and we won the fight for American infrastructure.

When it came time to choose between energy independence and big oil, between a clean environment and the special interests, the Bush-Cheney Republicans chose the special interests.

Our priorities are consumers who are spending more than ever to pay for gas for their cars and heat for their homes.

We take the side of cleaner air and renewable fuels by investing in solar energy, wind energy, biofuels and energy efficiency.

We stood up to Bush-Cheney Republicans, who once again turned their backs on science and cozied up to the major polluters.

We won that fight, and America will be safer and cleaner because we did.

I am so grateful for my Democratic colleagues in the House and Senate.

We have faced a level of arbitrary stubbornness from President Bush and his congressional allies that no Congress has ever faced before.

We turned a horrible budget into a budget that does some good, important things.

And we did it responsibly: without raising taxes or adding anything to President Bush's epic pile of debt.

Our country owes enormous gratitude to the senior Senator from West Virginia, Chairman ROBERT BYRD, for his leadership on this budget.

Chairman OBEY also did a tremendous job on this legislation.

I would also like to acknowledge the work of Senator COCHRAN, who worked with Senator BYRD and others to move this bill through committee and to the floor.

This budget includes funds to help prevent Western wildfires and better fight the ones that do occur.

It includes vital education funding for Nevada's universities.

It invests in Nevada's renewable energy.

It provides funds for vital Nevada water projects.

And it honors our troops and veterans with more than $340 million for the southern Nevada veteran's hospital.

But let me be clear: this compromise budget could have been much, much better if not for Bush-Cheney Republicans' double standard on fiscal responsibility.

They chose to enforce an arbitrary topline on America's priorities—even as they continue to borrow billions to fund the endless war in Iraq, to support corporate cronyism, and to look the other way on global warming and pollution.

Because Republicans have made these choices, the American people will have to keep waiting for the kind of budget they deserve.

But because Democrats refused to back down, this budget is a step forward.

The American people deserve to know that Democrats will keep taking step after step after step to set the right priorities and make the progress that our country so desperately needs.

Mr. President, as things now stand, we have about 20 minutes of talking on the Republican side and we have Senator BYRD, who has less than 10 minutes on our side. Those are the only speeches I know of.

Mr. LEAHY. Mr. President, I am going to require 5 minutes.

Mr. REID. That is what I was starting to say. On our side, we have Senator BYRD plus the manager of the bill, Senator LEAHY.

Following that, there is going to be a vote on a judge. I don't know how much time Senator LEAHY and Senator SPECTER want on the judge, but whatever time they want, they can have it. But we will have a vote on the judge.

Tonight, when these speeches are finished, we will have one final vote, a vote on the judge. We are going to be in session tomorrow. There will be no rollcall votes after 9, unless something untoward happens that Senator MCCONNELL and I do not expect. So we will be in session if somebody wants to come in and give some speeches. We have some nominations we are trying to clear, maybe some bills from the House. I do not expect any heavy lifting tomorrow, at least I hope not.

I wish to express my appreciation to everyone for their cooperation in getting to the point where we are. As some have heard me say before, usually you recognize you have something that is OK when both negotiators are unhappy with what they have gotten. That is what we have. We are not happy with how we have been pushed into doing what we have done. The President is not happy, as his people say he has been pushed into doing things he didn't want to do. We are where we are. We are going to be able to finish our appropriations process, and we should all hold our heads high in that regard.

Again, I wish everyone a very merry Christmas, a happy New Year, and look forward to a productive year next year, the last of the 110th Congress.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, it has been a challenging year for the Senate Appropriations Committee. When the 110th Congress convened in January 2007, only two of the annual appropriations bills had been enacted. Working with the chairman of the House Appropriations Committee, Mr. DAVID OBEY, Senator COCHRAN, and Representative LEWIS, we immediately began work on a joint funding resolution to fund the Federal Government.

We focused on funding a short list of priorities, such as adding $3.6 billion for VA medical care; $1.6 billion for State and local law enforcement; $620 million for the National Institutes of Health; and $1.4 billion to fight AIDS and malaria in the developing world. That joint funding resolution was passed by the House and the Senate and signed into law by the President on February 15, 2007.

Almost immediately, the committee was called back into action to tackle a bill to make emergency appropriations for the wars in Iraq and Afghanistan. The committee produced a prudent and responsible bill that required a new course for the war in Iraq. The bill set a goal for having most of our troops out of Iraq by January 1, 2008. Had the President signed that bill, most of our troops would already be home preparing to celebrate the new year.

Unfortunately, the President found that the bill did not support his "stay the course" policies and vetoed that bill on May 1, 2007. The Appropriations Committee produced another bill, totaling $120 billion, unfortunately this time stripped of the important guidance on the future of the war. That bill was again passed by the House and Senate, and this time the President signed it into law on May 25, 2007.

The committee then began its annual work of producing the regular appropriations bills. I am proud to say that the committee reported 12 individual appropriations bills, many of which were reported by unanimous, bipartisan votes. The bills that were considered on the floor of the Senate received broad, bipartisan support, and each received the affirmative vote of more than 75 Senators. And finally, the, committee—working on a bipartisan, bicameral basis—produced the complex legislation, which is now before the Senate.

My reason for detailing the work of the Appropriations Committee this year is simple: I wish to convey my personal appreciation for all of the work and cooperation of the committee's ranking member, Senator COCHRAN, who has time and again used his skill and experience to bring credit upon himself, the committee, and the Senate as a whole.

I also wish to commend the chairmen and ranking members of each of the 12 subcommittees. It is through their knowledge and leadership that the committee is able to craft the individual appropriations bills. It is to their great credit that the committee was able to rise to the many challenges presented this year.

I wish to express my gratitude to the staff of the Appropriations Committee. They are dedicated public servants: professional, expert, and diligent. The committee is extremely fortunate to have their services, and I thank them for all the many hours they have devoted to performing their duties.

And finally, I send to my colleague, Senator COCHRAN, each member of the Appropriations Committee, and all of the staff, my warmest wishes for a safe and joyous Christmas in the spirit of the old-Time Christmases and a very happy New Year.

Mr. DOMENICI. Mr. President, I do not know where the time is. I do not to want to interfere. I want 2 minutes before they are finished. Thank you.

Mr. LEAHY. Mr. President, what is the parliamentary situation on time?

The PRESIDING OFFICER. There is 50 minutes remaining on the majority side and 1 hour on the minority side.

Mr. LEAHY. Mr. President, I see the Senator from Georgia rising. Do you wish to speak?

Mr. CHAMBLISS. Yes, I do have a statement I want to make, followed by Senator ISAKSON.

Mr. LEAHY. If the Senator is willing to wait for a few minutes?

Mr. CHAMBLISS. Surely.

Mr. LEAHY. Mr. President, I commend the distinguished Senator from West Virginia. In a few weeks, I will have served with him for 33 years. Now, in ROBERT C. BYRD time, 33 years is but a moment. In PATRICK J. LEAHY's time, it is a wee bit of time. But I remember coming here as a 34-year-old Senator—Senator BYRD was the majority whip at the time—and how much he taught me, and his colleague, the leader, Mike Mansfield, and then later when he was our leader, and, of course, sat on Appropriations. He has been my leader for all of those years. I appreciate his help.

His late wife Erma was a very special friend of my wife's and mine, and I hope he does not mind me mentioning her at this time. I always thought when she and my wife Marcelle would meet at the grocery store that perhaps BOB and I were at a lower level. It went to a higher level when it was not Senator BYRD and Senator LEAHY. But it was Marcelle and Erma talking about BOB and PATRICK, and what should we do to take care of those folks. Well, ROBERT C. BYRD has taken care of all of us these years. It has been a privilege to serve on the Appropriations Committee with him. It is especially nice, because one of the closest friends I have in the Senate, THAD COCHRAN, has been both chairman and ranking member of that committee, and those of us who have been here for over a third of a century, as I have, know the majority and minority goes back and forth.

The thing that does not go back and forth is the friendships we have across the aisles. The distinguished Presiding Officer knows that his father and I were very close friends and served together. His mother and my wife were close friends. Those kinds of friendships go on through the years and through the decades.

We have spoken of the Senate as being a family. Indeed it is. It is probably a family that wants to go home and go to bed, so I will not push this much longer. But I think how important it is that we do have these chances to be together. So I applaud Senator BYRD, I applaud Senator COCHRAN, and their staffs.

Because this is the Foreign Operations Bill we are on, I want to mention my own staff: Tim Rieser, Kate Eltrich, Nikole Manatt, who handle the Appropriations subcommittee for me, and the various other matters they are involved in here; J.P. Dowd, my legislative director; Ed Pagano, my chief of staff; Bruce Cohen, who is always listed as one of the 50 most important people here in the Senate—I get listed as an asterisk—because of what he does to make sure the Judiciary matters are kept here; Jessica Berry and so many others who keep this thing going.

I said to Senator REID, our distinguished leader, we Senators are but mere constitutional impediments to our staffs. We know they are the ones who run it. Roscoe Jones of my staff was here, probably never heard me say that. He is trying desperately to keep a straight face, but it is a fact.

We have included within this money for DNA funding $4.8 million for the Kirk Bloodsworth post-conviction DNA testing grants, and $147 million for the Debbie Smith DNA backlog grants.

I am privileged to know both Kirk Bloodsworth and Debbie Smith.

Mr. LEAHY. Mr. President, I am pleased to note that we included funding in the appropriations package for landmark programs created by the Justice For All Act of 2004. Specifically, we provide $2.5 million for Capital Litigation Improvement Grants to improve the quality of legal representation in State capital cases, and over $152 million to improve Federal and State DNA collection and analysis systems critical to the prosecution of the guilty and the protection of the innocent from wrongful prosecution.

The Justice For All Act capped more than 4 years of effort by a bipartisan House and Senate coalition that included both supporters and opponents of the death penalty. It is the most significant step we have taken in many years to improve the quality of justice in this country and restore public confidence in the integrity of the American justice system.

That law increased Federal resources for combating crimes with DNA technology, established safeguards to prevent wrongful convictions and executions, and enhanced protections for victims of Federal crimes.

It authorized the Debbie Smith grant program to address the DNA backlog crisis in the Nation's crime labs, and created new grant programs to reduce other forensic science backlogs, train criminal justice and medical personnel in the use of DNA evidence, and promote the use of DNA technology to identify missing persons. It also established enhanced and enforceable rights for crime victims in the Federal criminal justice system.

The law also included legislation I authored called the Innocence Protection Act. That measure provides access to postconviction DNA testing in Federal cases, helps States improve the quality of legal representation in capital cases, and increases compensation in Federal cases of wrongful conviction. It established the Kirk Bloodsworth PostConviction DNA Testing Program to help States defray the costs of postconviction DNA testing.

Getting the Justice For All Act fully-funded has proven to be tough, especially given the fiscal crunch that all criminal justice programs have faced in recent years. However, as a senior member of the Appropriations Subcommittee that sets the Justice Department budget, I have worked closely with CJS Chairwoman MIKULSKI and Ranking Member SHELBY to include in the omnibus package roughly $155 million to advance the comprehensive and far-reaching reforms in the criminal justice system established under the Justice For All Act. I thank my colleagues for their leadership in this area.

State and local authorities will be better able to implement and enforce crime victims' rights laws, including Federal victim and witness assistance programs. They can apply for grants to develop and implement victim notification systems so that they can share information on criminal proceedings in a timely and efficient manner.

The intent of the Justice For All Act was to create a fairer and more accurate system of justice for all Americans. The spending priorities set forth in the Justice Department portion of the fiscal year 2008 Omnibus appropriations package will help protect crime victims, maximize the use of forensic DNA evidence testing, and provide safeguards to prevent wrongful convictions and executions.

I note that this bill is the product of more than 9 months of work by the Senate and House Appropriations Committees. It meets the President's arbitrary budget ceiling, but because of the arbitrary ceiling, we have had to cut a number of things. Senator GREGG, Congresswoman LOWEY, Congressman WOLF, and I worked on that to agree to the numbers so that the foreign ops part is not a Democratic bill or a Republican bill, it is a bipartisan bill that attempts to address a myriad of foreign policy, national security, and domestic needs of this country.

Other subcommittees worked just as hard and in a similar bipartisan manner. None of us are completely happy with the outcome. We had to make exceedingly difficult cuts to get to the President's number. But that is the nature of this process.

It is ironic that a President who said he would veto this bill unless it was within his self-proclaimed budget ceiling because he wants to keep a lid on spending, is asking Congress for another $70 billion in emergency funding to continue the war in Iraq.

Those dollars do not score against the budget, so the White House can espouse the fiction that the President is being fiscally responsible at the same time that he piles on the debt for future generations.

Of course, he never threatened to veto any of the appropriations conference reports during the past 6 years.

It is a political ploy after inheriting a balanced budget and tripling the national debt, but it is going to be hard felt by the American people. Cuts in funding for education, health care, public infrastructure, homeland security, environmental protection, transportation—no part of the federal budget was exempted except defense.

The State and Foreign Operations portion of the bill is $2 billion below the President's budget. A full $1.3 billion of that cut was the result of the President's veto threat.

It means fewer children will receive vaccinations in the poorest countries, less money for international peacekeeping, less for HIV/AIDS prevention, care and treatment, less for non-proliferation and anti-terrorism programs, less for disaster relief, less for education, environment, energy and agriculture programs.

But, if the President gets his way, there will be tens of billions of dollars more to keep our troops bogged down in Iraq, while the Iraqi Sunnis and Shiites continue to fight among themselves.

Despite that, this omnibus bill is a far, far better outcome than continued spending at the fiscal year 2007 levels, and the dire consequences that would bring.

The State and Foreign Operations portion totals $35.1 billion in discretionary budget authority including $2.4 billion in emergency spending.

Without emergency spending, the bill totals $32.8 billion, which is $2 billion below the President's regular fiscal year 2008 request and $1.52 billion above the fiscal year 2007 level.

Here are some of the highlights:

We provide $6.5 billion for global health programs, including $345 million to combat malaria, $150 million for tuberculosis, and $5 billion for HIV/AIDS.

We provide $546 million for the Global Fund to Fight AIDS, Tuberculosis and Malaria. Added to funds in the Labor, Health and Human Services bill, this omnibus bill provides a total of $841 million for the Global Fund, an increase of $115 million above last year's level.

It includes $446 million for child and maternal health, which is almost $100 million above last year's level.

We provide $1.69 billion for United Nations peacekeeping, $550 of which will support the desperately needed UN-African Union force in Darfur.

The bill provides $1 billion to assist the world's refugees, and $100 million to help Jordan cope with the hundreds of thousands of Iraqi refugees that have flooded that country, which is already home to tens of thousands of Palestinians.

The bill provides the requested funds for Israel, Egypt, Pakistan, Afghanistan, the West Bank, Lebanon, and other needy countries.

It provides $1.54 billion for the Millennium Challenge Corporation, which is $344 million above the Senate-passed level.

It provides $501 million for Educational and Cultural Exchange Programs, an increase of $55 million above the fiscal year 2007 level.

The bill does not include the so-called Mexico City language concerning international family planning which would have led to a Presidential veto. It is regrettable that the President would rather score political points than support private organizations that would use our funds for voluntary family planning services.

The bill provides $968 million for embassy security, which is $190 million above the fiscal year 2007 level.

There are several other important provisions in the State and Foreign Operations portion of this omnibus bill.

One would make long overdue reforms to current law by allowing thousands of persecuted refugees, barred because they were members of armed groups that were allied with the U.S., or who were forced to offer food, shelter or other services to terrorist groups, to seek asylum here.

This change was worked out by myself and Senator KYL, and would provide relief to such Vietnam-era allies as the Hmong tribesman of Laos and the Montagnards of Vietnam, and for child soldiers and others who were forced against their will to provide support to terrorist groups.

These people were there for us when we needed them, and we should not turn our backs when they need the safety of our shores. It is an affront to our values and to our reputation as a safe haven for victims of persecution.

The changes we are making will also provide relief for Iraqi refugees, some of whom have been barred for paying ransom to secure the release of a family member who was kidnapped by insurgents.

This change will not raise the number of refugees admitted to the United States, but it will bring our laws back in line with our values.

This bill contains other provisions, some proposed by Democrats, some by Republicans, which make important improvements in our foreign assistance programs.

We provide $300 million for safe drinking water and sanitation programs, consistent with the Senator Paul Simon Water for the Poor Act.

There are funds set aside for reconciliation and people-to-people coexistence programs in the Middle East, as well as in other countries divided by ethnic, religious, or political conflict.

There are new provisions which address the problem of corruption and governance in countries that receive U.S. assistance.

There are new provisions to improve monitoring of U.S. military aid to countries that have human rights problems, and to address the problem of child soldiers.

Mr. President, these are only a few of the items supported by both Democrats and Republicans in this omnibus bill, and they are only within the State and Foreign Operations portion.

There are thousands of other important domestic programs funded by each of the other subcommittees whose bills make up this omnibus appropriations bill.

Lastly, I wish the American public realized how much Senators on both sides of the aisle work together. I wish the American public realized the number of friendships there are on both sides of the aisle, both among the Senators and their families. Are we going to pass a perfect bill here? No. Am I opposed to the blank check for Iraq? Yes.

We have been in Iraq longer than we were engaged in World War II. It is time to let our brave men and women come home to their families. I believe that from the bottom of my soul. The opposition I have to this bill is because of that.

I know how proud I was when my youngest son, LCpl Mark Patrick Leahy of the Marine Corps, was one to answer the call in Desert Storm, as much as I feared for his safety, and how pleased I was that war ended so quickly, that he was not in harm's way.

I also worry that that is not something parents can say when they see parents and wives and husbands, children and brothers and sisters when they see their family members in a war that has lasted longer than World War II. It is time to say: Come home, America. Come home, America, and face the problems in our country. Let the Iraqis now face their problems. Let them stand at the plate. Let us address the fact that we have so many unanswered problems in health and science, in addressing our myriad diseases, education, infrastructure, and everything else in this country.

One thing I must say is that is in this bill, Senator STEVENS and I changed the so-called WHTI provision in the omnibus. It shows some realities across the border into Canada and vice versa. There are those of us who think of Canada as that great country to the North. There are some of us who have family ties in Canada, some of us who feel that Canada is not a threat to the United States and we should not treat it as such.

Mr. President, one important issue I wish to highlight today is an international border issue with our friendly neighbors in Canada, Mexico, and the Caribbean that could have severe implications for the social and economic ways of life for communities all across our country.

In the wake of the September 11 terrorist attacks, Congress has enacted a number of new border security measures, all with the expressed goal of preventing another terrorist incident. In this bill, we have worked hard to provide the needed resources for these programs in a fair and balanced manner. Post 9/11, everyone recognizes that there are potential threats and security needs, but we must implement them sensibly and intelligently.

Over the past few years, I have heard from many Vermonters about problems they have encountered at U.S. border crossings, from long traffic backups to invasive searches and questioning to inadequate communication from Federal authorities about new facilities and procedures. Such a top-down approach does not work well in interwoven communities along the border, where people cross daily from one side to the other for jobs, shopping, and cultural events. We have hardened security around this Capitol and the White House and built fences near San Diego. But those procedures do not work on Canusa Avenue in Beebe Plain, a two-lane road where one side of the street is Vermont and the other side is Quebec, or at the Haskell Free Library and Opera House, which straddles the international border in Derby Line, Vermont, and Stanstead, Quebec.

That is why I am pleased that this bill includes a much-needed delay for full implementation of the so-called Western Hemisphere Travel Initiative, which will require individuals from the United States, Canada, Mexico, and the Caribbean to present passports or other documents proving citizenship before entering the United States. I was pleased to join with Senator STEVENS and many other colleagues from both bodies in pushing for inclusion of this important provision because it is clear that the Department of Homeland Security and the Department of State are not ready for a full rollout of the new passport checks next summer.

Muddled thinking, poor planning, and administrative hubris have plagued implementation of the Western Hemisphere Travel Initiative. The Department of Homeland Security has rushed to implement the new passport checks before the necessary technology, infrastructure and training are in place at our border stations. If these critical features of the deployment are not in place when the new program starts, we will see severe delays at our border and law-abiding citizens from the United States, Canada, Mexico, and the Caribbean will have great difficulty moving between our countries. Most importantly, a hasty implementation will undermine the intended goals of the program.

The massive backlogs in processing passport applications we saw earlier this year when the Departments of Homeland Security and State started to require passports for air travel is just a taste of the chaos that is likely when they start enforcing citizenship checks at our Nation's land and sea borders in January. There is another train wreck on the horizon if these Federal agencies continue pushing forward with full implementation of the Western Hemisphere Travel Initiative before the necessary policies and procedures are in place to handle the surge in applications and the lengthy border crossing delays that are sure to come.

I appreciate the recognition by this Congress that premature implementation will recklessly risk the travel plans of millions of Americans and the economies of scores of U.S. States and communities. The Departments of Homeland Security and State have shown that they need more time to establish a set of rules and procedures that will do more than just shut our borders down to legitimate travel and trade.

Mr. President, there is one item that was in the Senate passed version of H.R. 2764, the State and Foreign Operations Appropriations bill, that the conferees agreed to address in the explanatory statement accompanying the amended bill that is Division J of the omnibus bill, relating to Uganda.

That language directs the Secretary of State to submit a report within 90 days detailing a strategy for substantially enhancing United States efforts to resolve the conflict between the Lord's Resistance Army and the Government of Uganda. The language specifies certain issues to be addressed in the strategy. It also indicates that $5 million is provided to implement the strategy.

Due to an oversight, the $5 million was omitted from the funding table in the explanatory statement under the Economic Support Fund heading. However, it is the intent of the conferees that this amount in unallocated Economic Support Fund assistance be made available for this purpose.

Mr. President, I yield the floor. I see the Senator from Georgia is about to speak.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I know many of my colleagues have become involved in issues in their States stemming from a shortage of water over the years. Sometimes these issues are intrastate, sometimes they are interstate. Regardless of the size or scope, they always get very complicated quickly.

The water wars between Georgia, Florida, and Alabama that have been going on for decades are no different in that regard. They too get very complicated very quickly. There are decades of negotiations, agreements, lawsuits and settlements, and the Governors of the three States are still attempting in good faith to come to a resolution. In fact, those three Governors met in Tallahassee, FL, yesterday, along with Secretary Kempthorne, to create a roadmap forward on this very complicated issue.

There is language included in this Omnibus appropriations bill that does not resolve the very complex problems that the three States continue to deal with, the allocation of water among them. Rather, the language in this bill seeks to, one, insert Congress into the middle of an ongoing dispute and attempts to pick winners and losers in that dispute; two, it attempts to limit the ability of the Corps of Engineers to provide complete and accurate technical data to make recommendations to the States involved in the dispute; and, three, prohibits the Corps of Engineers from completing the process of updating water control manuals, which they have begun to do on one basin, and which they are required to do by statute and their own regulations.

I object strongly to the language regarding this issue included in this bill. The Army Corps of Engineers operates a number of different reservoirs across river systems around the country. Normally they conduct their operations under a water control plan, which is a plan that identifies the objectives for managing the system; basically, the release and retention of water for different needs, such as navigation, water supply, hydropower production, recreation, as well as other needs.

The water control plan is the manual by which the Corps of Engineers manages the river systems, and they do so within the confines of water allocations set for each State.

Now water can be allocated among States in one of three ways: interstate water compacts, direct congressional appointments, or equitable apportionment by the Supreme Court of the United States.

Obviously, interstate water compacts are the preferred method for allocating water, because they allow the States, which are the most knowledgeable about their own water resources and needs for water, to do the apportioning. That is what the Governors of Georgia, Alabama, and Florida are currently trying to do.

The State of Georgia shares the Apalachicola-Chattahoochee-Flint River Basin with Alabama and Florida. Georgia also shares the Alabama-Coosa-Tallapoosa River Basin with Alabama. After 17 years of litigation, the Governors of these three States are finally at the negotiating table finding a way forward on this very difficult issue.

I commend them for doing so during these exacerbating drought conditions we are now experiencing. It is always harder to discuss sharing water when there is less of it to go around. So during this time of progress, it is mind boggling to see this language in the omnibus bill intended to block that progress. It is a blatant dilatory tactic. I am disappointed it is included in this bill. I am disappointed for several reasons.

First, this is not an issue into which Congress should be inserting itself. The Corps of Engineers is required by Federal statute and their own regulations to operate the reservoirs with up-to-date water control manuals. However, for the ACF basin, the only approved water manual was prepared in 1958 and does not even include the Federal facilities at West Point, Walter F. George, or George W. Andrews.

The process of updating the manuals has been on hold for almost 20 years as litigation between the States has been ongoing. However, last year, the U.S. District Court for the District of Columbia ordered that the Corps of Engineers proceed with its NEPA studies, which is the necessary first step in updating the water control manuals. The court ordered it be done as expeditiously as possible.

Apart from the fact that Congress should not be inserting itself in this issue, apart from the fact that everyone knows updated water control manuals are required by law, have been ordered by a Federal court and are beneficial to all parties, I am also disappointed to see this language because of the process by which it got into this bill.

This language was not in the House-passed version of the Energy and Water appropriations bill. And, in fact, the only instance in which the House has considered this issue was last year during the debate on the fiscal year 2007 Energy and Water appropriations bill. Similar language was removed from that legislation by a House vote of 216 to 201. So this language was not in the House-passed bill.

The full Senate did not even debate the fiscal year 2008 Energy and Water appropriations bill. Only the Senate Energy and Water Appropriations Subcommittee approved this language. It has now been included in this omnibus bill. That simply is not right.

Finally, let me say that I noted with interest the fact that last week, seven States in the western part of the United States signed a historic water-sharing agreement.

I congratulate those from Utah, Arizona, California, Colorado, Nevada, New Mexico, and Wyoming who worked on this issue and were able to complete what I am sure was a very difficult process. It gives those of us in the Southeast hope for that light at the end of the tunnel, hope that we, too, can reach agreement one day. I ask my colleagues to consider for a moment that if during the midst of progress on that historic water agreement a Member of the Senate attempted to use the appropriations process to prevent the Corps of Engineers from implementing the most up-to-date information in the management of the water that crosses those States. I hope those colleagues would consider the negative impact that would have on the process in which their States were engaged.

I read very carefully the language my colleague from Alabama inserted into this omnibus bill. I can only take solace in the fact that at least the language allows the Corps of Engineers to continue the process of updating the water control manuals, even though it seems to prevent them from actually implementing those manuals, whatever recommendations come out of those manuals. We all know updating water control manuals is a 2-year process. You can rest assured that we will revisit this issue and rest assured when the time comes, I will do everything in my power to make sure these critical updated manuals are actually implemented. I think at the end of the day my colleague from Alabama will discover that updated water control manuals will benefit all parties involved in the difficult negotiations of water allocation among the three States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I associate myself entirely with the remarks of the distinguished Senator from Georgia. Secondly, I express my appreciation to Senator REID for his attempt when this was discovered to allow us a chance to debate the merits of the proposal in division C of section 134 of the Omnibus appropriations act. Unfortunately, that could not be done. Senator CHAMBLISS and I are left with expressing our deep disappointment on the floor of the Senate tonight.

I ask unanimous consent to print in the RECORD the complete article of a December 18, 2007, front-page article from the Marietta Daily Journal entitled "Drought Talks to Speed Up."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Marietta Daily Journal, Dec. 18, 2007]

DROUGHT TALKS TO SPEED UP

(By David Royse)

TALLAHASSEE, FLA.—The governors of three drought-stricken Southeastern states agreed Monday to speed up talks on sharing water during scarcities, hoping to end a nearly 18-year fight over the issue by March.

The governors of Florida, Alabama and Georgia and federal officials also agreed not to reduce for now the minimum amount of water that will flow into the Apalachicola River, which feeds a major oyster breeding ground in the Florida Panhandle. That eases the minds of some fishermen and Florida officials—they had feared the flow could be further reduced to meet drinking water needs in Atlanta. Florida's Charlie Crist, Georgia's Sonny Purdue and Alabama's Bob Riley said they agreed that their staffs will continue to work together to come up with a plan for dolling out the region's water by March 15.

That was hopeful news to fishermen along the Panhandle Gulf Coast, who were looking at the prospect of water flows remaining lower than they say they can tolerate until June 1, when an interim agreement on flow levels originally had been set to expire. Now, there's a possibility of agreeing on raising the amount of water coming into Florida earlier.

"We're cautiously optimistic," said Kevin Begos, the director of the Franklin County Oyster & Seafood Task Force.

U.S. Secretary of the Interior Dirk Kempthorne, who also participated, said he was pleased the governors have agreed to try to end the states' nearly two decades of disagreement on the issue as early as this spring.

"This was real. It was meaningful," Kempthorne said. "The atmosphere today reinvigorates me that we can get this done."

One of the worst droughts in years in the Southeast has created a sense of urgency, all three governors acknowledged.

"We're talking about solving something we've been working on for 18 years within the next two months," Riley said.

The fast-growing Atlanta area gets most of its water from Lake Lanier, at the head of the river basin shared by the states. But drawing more water from the lake means less for downstream uses in Alabama and Florida.

Alabama is concerned about water for the Joseph M. Farley Nuclear Plant, near Dothan.

Florida is concerned about freshwater flowing into Apalachicola Bay, a prime shellfish producing area, that produces about 1 in 10 of the oysters eaten in the country.

The amount of freshwater flowing through the Apalachicola-Chathoochee-Flint river system into the Gulf at the mouth of the Apalachicola River has been reduced to near historic lows, threatening the fishing industry there.

The flow increased in recent days because of a downpour over the weekend, but it had been reduced to a level that fishermen had said wouldn't sustain their industry. Making them more nervous, U.S. Corps of Engineers officials had said they might reduce the flow further. And it wasn't likely to be renegotiated until June 1.

At a Cobb County-Marietta Water Authority meeting on Monday, authority General Manager Glenn Page said that for the first time since May, the level of Lake Allatoona increased.

At full pool, Lake Allatoona is 840 feet above sea level. Page said the lake on Monday was at 819.15 feet, about 5.5 feet below average for this time of year. On Friday, the lake level was 818.88 feet.

But fishermen have said that to keep the low amount of water going into the bay through the spring spawning season would devastate the industry.

Crist said he understands the needs of the bay's fishermen and oystermen, who complained in a recent meeting that the river mouth and bay are already so salty that oysters can't survive. Speeding up the timeline could mean earlier relief.

"Florida's oyster industry faces an uncertain spring, due to the current drought," Crist said. "Spawning season is critical to our northwest Florida economy."

Crist also hinted that Georgia might need to increase its conservation—noting Florida has made moves to cut use since the drought began.

"We all share the difficulties of the current drought—all three of our states must provide for comprehensive water conservation efforts," Crist said.

None of the governors, however, would talk specifics about where their chief remaining obstacles lie.

Water flows into the bay are also a concern for environmentalists, who worry about the effect of less water on other species besides oysters.

The endangered Gulf sturgeon, and two species of mussel, the fat threeridge and the threatened purple bankclimber, are also imperiled by lower flows.

In early December, authorities said there was less than four months of available water left in Lake Lanier. Perdue said recent reductions in flow that Florida opposed have aided in raising the lake's level.

"The flow reductions have helped, the ability to recover some of the rainfall and store that has helped," Perdue said. "But we've got to have a protocol that determines how we're going to share in times of scarcity, and that's what we're all trying to figure out."

Just last week, Florida water managers approved restrictions on water use in the southern part of the state. Starting early next year, outside watering will only be allowed once a week from Orlando south to the Keys.

The meeting also follows a major agreement signed last week that will allow seven western states to conserve and share Colorado River water, ending a divisive battle among those states.

Mr. ISAKSON. I would like to read one sentence from that article: Governors Charlie Crist of Florida, Sonny Perdue of Georgia, and Alabama's Bob Riley said "that their staffs will continue to work together to come up with a plan for doling out the region's water by March 15."

That common goal stated by those three Governors today in Florida puts us within less than 90 days' reach of what has been out of the grasp of the States of Georgia, Alabama, and Florida for 18 years, since 1989. At the last minute, because of a broken process for an Omnibus appropriations bill to contain legislation that directs, potentially limits, or sets the parameters by which the Corps of Engineers might be able to implement control of the waterways is just not right. It is my sincere hope at some time in the future those who might have thought this was a good idea will recognize it is actually contrary to what we in the Senate from the three States have attempted to do when we had a summit in Washington less than 2 months ago with our three Governors and the Secretary of the Interior.

There is no more precious gift than water, no better and more precious resource than water. There also is nothing better in the legislative process than a spirit of cooperation between each of us who shares borders in our States so as to find the right way to solve problems, not have dilatory tactics to postpone or delay problems.

I conclude by expressing my deep disappointment that the Omnibus appropriations bill contains division C, section 134, which has those potentially limiting factors and urge my colleagues to look to the future to find solutions, rather than a way to protract and delay and find confusion.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wanted to say to the two Senators who have just spoken, this Senator from New Mexico is ranking member of that committee. I am not chairman any longer of the committee they have alluded to. I can assure them that it was not overt action on this Senator's part that put that provision in the bill. I think you know that. We would be talking; I am pretty accessible. You two have already been telling me. I am hopeful that my presence on that committee will be of help to you in resolving whatever problems might be caused by its being there. Having said that, I want to make a comment. If it takes me an extra minute, I ask for an extra minute at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I come to the floor as I embark upon my last year as a Senator after 35 years. Tonight, today, this week, this month reminds me of something. It reminds me that it is time for the Senate to have a serious debate on whether we should be doing appropriations every year and doing a budget resolution every year or whether it is time for the Senate to do that on a 2-year basis, as many States do, and as we certainly could do, taking the first year for appropriations and budgeting and the second year of the bi-cycle with no appropriations other than emergency supplementals or whatever we define. I believe it will work. I believe it will work because it is better than what we have. I also believe things are so bad in terms of not being able to get our work done and ending up with appropriations like this.

As good as they are, as hard as people work, everybody knows it is not the way to do business. We have done it. Democrats have done it. I lay blame on no party. I merely say the Senate can't sleepwalk through this for much longer. This is a huge problem with a simple solution. The solution will be a little one that will address a huge problem. Plain and simple, the legislation is drawn, committees have had hearings, a 2-year cycle for the processes of budgeting and appropriations. I hope those who have come up to me in the last week will follow through. I hope the chairman of the Committee on the Budget, who has indicated he is going to look carefully and study thoroughly, will do that quickly.

I would like to join with those early on next year in seeing what we can do to better a process that has served us well but, clearly, at this point in history, considering the size of government, how often government must produce budgets, how wasteful that is, all the other things that go with it, I would hope we might make some giant move in the right direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I am advised that there are between both sides nearly an hour and a half left to debate. My colleagues have been asking when we might vote on this and on the judge who is also to be voted on. If my friends on the other side are willing to yield back all their time, I am willing to yield back all time on this side and go to a vote on this measure. I am not trying to cut off anybody from their long speeches. But if they are willing to do that, we could save an hour and a half, yield back time on both sides, and then yield back everything but 1 minute per side on the judicial nomination and go straight to a vote on that. Do I hear any takers?

I ask unanimous consent that all time be yielded back on both the Republican and Democratic side.

The PRESIDING OFFICER. Is there objection?

Mr. DEMINT. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEAHY. You want to stay here for the next hour and a half and vote and the next hour or so for the judge and vote.

Mr. DEMINT. Will the Senator yield? I think there are a few of us who would like to make comments on the omnibus, but I don't think we are going to use all of our time.

Mr. LEAHY. I recommend that the Senators, for those who wish to go home, may want to make speeches after the vote. If they would like to make them before, of course. If they would like to make them before, they have that absolute right, and we would not yield back any time.

Mr. DEMINT. That is my preference, to make some comments.

Mr. LEAHY. Then I will not yield back.

The PRESIDING OFFICER. Who yields time?

The Senator from South Carolina.

Mr. DEMINT. Mr. President, hopefully, we can cut the time short. We insist on some comments about this bill because it is probably the largest bill that has ever passed in the Senate. It is sitting in front of me tonight. It amazes me we are willing to take this lightly. This is the bill we are getting ready to vote on, probably the biggest spending bill that has ever passed in the Senate. It was received yesterday. Normally it is a courtesy in the Senate that the bills we are debating are placed on every Senator's desk so that we can at least have the pretense that we have looked at them. But you will notice that this bill is not on any desk in the Chamber because there is not one single Senator here tonight who can say they have read this bill.

Mr. DURBIN. Will the Senator yield for a question?

Mr. DEMINT. No, sir, I am going to make my statement. I know we are all tired and ready to go home. I do appreciate the work of my colleagues. I wish them all a very Merry Christmas and a wonderful time with their families. But this is the last bill of the year. It is not just any bill. We began the year, all of us, very hopeful. Oftentimes a change is helpful as we rethink how we do things. In fact, I began this year introducing one of Speaker PELOSI's bills that provided more transparency to earmarks that I thought was better than ours. I introduced it on the Senate side. But, unfortunately, as we have gone through the year, we haven't been able to get our work done.

We like to say we are the world's greatest deliberative body. I have to ask my colleagues tonight, on the largest bill we have ever considered, the most expensive bill we have ever considered, what deliberation?

We don't even know what is in this bill. We haven't had any real debate. We are going to try to cut it off in an hour or so. This is a couple of times bigger than the Bible. It is bigger than Webster's Dictionary. It has some of the most important provisions to direct our country over the next year that we could possibly consider. We don't even have a desk copy.

I would like to make a few things clear about this bill. This does not include the Iraq and Afghanistan money. We voted on that separately. It is done. It is going to go back to the House. A vote against this bill is not a vote against our troops, but it is a vote against how this has been done and the mismanagement that has occurred. To bring this much spending and this many provisions, 3,400 pages plus in 24 hours, and ask us to vote on it is irresponsible.

There should be no confusion tonight. We are not going to vote on the Iraq funding, which we passed. I am here to encourage my colleagues to consider for many reasons voting against this omnibus spending bill. I am afraid it is indicative of the way we have run this year, as we look at this big bill sitting in front of us.

I am afraid the new majority has attempted to cater to so many special interests with so many diverse interests that we have really become dysfunctional and have not been able to get our work done. They cannot really support the funding of the troops or they will irritate the antiwar left. They cannot vote for fiscal responsibility or they will irritate the special interest lobbyists who need a lot of the special projects and earmarks in this bill.

So instead, we have come up with this arcane procedural process. This is not really a bill; it is some form of message. And we are going to pass it separately so that we can have it both ways and no one can be blamed for the mismanagement. But there should be no mistake. NANCY PELOSI is the Speaker of the House, and HARRY REID is the Senate majority leader The Democrats are in charge of Congress. This is their process. It is their bill. And I am afraid, my colleagues, it is a disgrace.

This is the bill. As I have said, it might be the largest bill in the Nation's history. It is the most expensive bill in America's history—3,400 pages-plus; 24 hours to consider its contents. It took over 6 hours just to print this out. There is one copy in the cloakroom on both sides. We have not even read it. It contains over 9,000 earmarks. If we can see this chart over this large stack of legislation: 9,100 earmarks, plus the 2,100 that have already been passed.

If you remember, a lot of the culture of corruption we talked about at the beginning of this year was attributed to the earmarks—trading earmarks for bribes and earmarks for campaign contributions. The new majority promised the American people, with my support, that we would reduce the number of earmarks significantly.

One of the last acts of the Republican majority was to stop the big omnibus last year and to force a continuing resolution where the result was only 2,600 earmarks.

Those who say this large number of earmarks has always been a part of the Senate do not know our history. All you have to do is go back to 1995: 1,400 earmarks. If you go back past then, there were fewer than that.

This is not a constitutional function. It has not been part of the history of the Senate. This growth in earmarks is a perversion of the purpose of this Congress, where we have changed our focus from national interests, the future of this country, to parochial, special interests that we work on every year and hardly even talk about those issues that challenge our Nation—such as a Tax Code that is sending jobs overseas; entitlement programs, where we do not have a clue how we are going to pay for them; health care, when people cannot receive it in our country. We are fighting over bike paths and museums and little special projects all year long.

This year, with the new majority, we are back up to the second highest level in history of the number of earmarks, special project earmarks, that we are supporting in this bill right here, and we do not even know everything that is in it as yet. It contains at least $20 billion in budget gimmicks and so-called emergency spending. I could go down the list. It would put a lot of people to sleep. There are a number of ridiculous provisions that we are just finding.

The serious debate over immigration came down to at least one starting solution: that we are going to secure our borders. We voted the money to build fence and barriers on our borders. But this bill changes what we have already passed. It allows for only a single-layer fence and takes out the requirement for the location of the fence in States, that the money cannot be released until 15 new requirements authored by the Appropriations Committee are satisfied. It is just designed to delay what the American people made clear to us earlier in the year. They want us to have a country with secure borders. This bill changes that. It also provides $10 million to pay for lawyers for illegal aliens.

The English requirement. The Senate passed language earlier in the year to ensure that employers are not subjected to Government-funded lawsuits if they require English in the workplace. This bill takes that protection away from employers and exposes them to lawsuits because they need English spoken in the workplace.

Sanctuary cities. The prohibition against sanctuary cities was taken out.

There are special earmarks for the AFL–CIO, a number of others.

We could go down the list. Again, we are just starting to find out what is in the bill. I know very few Senators here tonight know what is really in it.

The organizations that are watching this Congress to try to identify waste are going to be key voting this tonight. I think my colleagues know they consider that a very serious issue. The Citizens Against Government Waste are saying vote no. The Club for Growth says vote no. The American Conservative Union says vote no. The Americans for Prosperity: No. Americans for Tax Reform: No. National Taxpayers Union. We can continue to go down the list. All the organizations that downloaded this off the Web last night and began looking through it within an hour or two found things that made it unacceptable.

It is an unacceptable bill, and it should not be part of the world's greatest deliberative body tonight. But I think we agreed—I think the American people asked the new majority to end business as usual. I hope we can do that tonight. I hope we can give the American taxpayers a real Christmas present and stop wasting their money, stop breaking the promises. While we are making all the new promises in here, we are not making provisions to keep the promises we make.

I know most of my colleagues believe this is not the way we should be running the Senate and that they would like for there to be a better way. We do not have to vote against the troops to vote against this bill. I would encourage my Democratic colleagues, many of them who have stood with us this year on earmark reform, that is one reason alone to vote against this bill: the policy changes, the moving more money to Planned Parenthood, the compromising of our border security. The list is getting longer and longer, and we are not even a quarter of the way down the bill yet.

I encourage my colleagues to join the American people and help us stop wasteful spending. This is the last bill of the year. It is the last vote. It is going to say a lot about this Congress and what we have accomplished. This is our chance to at least say: No more business as usual. We are not going to do business this way, where we pile 3,400-plus pages on a desk, in 24 hours, and ask the Senators of this country to vote for it without even knowing what is in it. It is not the way to run a Senate. It is not the way to run a country.

I plead with my colleagues, let's leave this year on a positive note. Vote against this omnibus and give Americans a real Christmas present.

Thank you, Mr. President. I yield back.

The PRESIDING OFFICER. The assistant majority leader is recognized.

Mr. DURBIN. Mr. President, for 46 hours and 8 minutes—for 46 hours and 8 minutes—the Senator from South Carolina has had an opportunity to go to the Internet and see this bill in its entirety, with his staff, and to read every page—46 hours and 8 minutes. For this Senator to suggest on the floor that we are sneaking this bill in, that people have not had a chance to see it, I would just say to the Senator from South Carolina: Welcome to the world of the Internet. This bill has been posted since 12:15 a.m. Monday morning on the Internet for your perusal. That is early to get up, I understand. It is an early time to be reading the bill. But, please, do not come to the floor and suggest that this is a mystery bill which no one has seen. For 2 days, this has been posted on the Internet. You have had your chance. Every Senator has had a chance. And incidentally, this bill was passed pursuant to a budget resolution.

Mr. DEMINT. Has the Senator read the bill? Have you read the bill?

Mr. DURBIN. Regular order, Mr. President. The Senator from South Carolina would not yield for my questions, and ordinarily I do, but I am going to make this quick because it is late at night.

I say to the Senator from South Carolina: Welcome to the Senate where we pass a budget resolution. We did that this year. It is new to the Senate. We did not do that last year. Welcome to the Senate where we are going to pass appropriations bills. It did not happen last year. The Senator may recall when he arrived that the Republican-controlled Senate failed to pass 11 appropriations bills, and we had to pass them when we arrived in the new Senate.

So for him to suggest that what we are doing here does not give the American people a chance to see what has happened—this has been the most transparent approach to passing these bills. In fact, I might say to the Senator—he has probably followed this—the Senate Appropriations Committee has considered all of the bills that are contained therein. There have been changes, for sure, but those that came to the floor—about 7 of them—passed with over 75 votes apiece. So to suggest that this is a mystery document is to ignore the Internet, ignore the availability, and ignore the obvious. The last time, the Republican majority passed two appropriations bills. Congratulations. We want to pass them all. And this is your chance. You can vote no. That is your right as a Senator.

Let me say a word about earmarks. About 4 inches of the document in front of you consists of complete disclosure on earmarks—the most detailed disclosure in the history of Congress. And your chart, unfortunately, tells the story from the wrong angle. The total dollar amount of the earmarks contained in those appropriations equals 43 percent of the earmarks contained in the Republican appropriations bills of 2 years ago. A 43-percent reduction in the dollar value of earmarks, total transparency, total disclosure—I thought that is what you were asking for when you stood up during the ethics debate.

Let me also say that the Senator is opposing the removal of authorization language from appropriations bills. That is a point under our rules that is debated all the time. It happens. It happened in my bill, in my appropriations bill. And most of the time it happens because the White House tells us they do not want the language.

The last point I want to make to you is that to suggest that this bill is wasteful spending comes at just the right moment—just the right moment—after the Senator from South Carolina voted for $70 billion on a war that is not paid for. And the Senator joined in opposing our efforts to pay for a reduction in taxes. Wasteful spending? What the Senator did in those two votes is to pass billions of dollars in debt on to future generations.

I would urge the Senator, discover the Internet, discover the opportunity to read these bills. And when you do, you will see that this information has been available now for 46 hours and 13 minutes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, in this discussion of earmarks, of course, the elephant in the room—and I do not necessarily mean that as a pun—are the hundreds of billions of dollars of earmarks from the President of the United States: the blank check to the war in Iraq; the blank check to the people who are hired as contractors, various companies—Halliburton is one that comes to mind, but many others, Blackwater and so on. These blank checks—nobody wants to talk about those.

But every President—not just this President but every President—has hundreds of billions of dollars in earmarks in the bill. This President has had trillions of dollars. That is why this President, who inherited the largest surplus in the Nation's history, has turned it into the largest deficit in the Nation's history. And it is why? Because with the combination of his deficits and his war in Iraq, he is just paying the interest on the Bush administration's debt and the war—just the interest and the cost of the war.

Every day, 7 days a week, 365 days a year—366 in leap year—we spend $1 billion every single day—every single day—in interest and the war in Iraq. That is money that does not go to education, does not go to finding a cure for cancer or Alzheimer's or diabetes or AIDS. It is $1 billion a day that does not go to educate our children and our grandchildren. It is $1 billion a day that does not go to find a way to make sure our schools can start competing again with schools around the world. It is $1 billion a day that does not go to paying down the national debt.

So those are the earmarks we do not talk about.

Mr. President, I yield to the senior Senator from Florida.

Mr. NELSON of Florida. Mr. President, I thank the distinguished Senator from Vermont. I will be very brief. I will vote for this bill. There are good things in the bill and there are bad things. One bad thing, as the Senator from Vermont was listing off a number of things that have not been adequately funded, is the fact that the widows and orphans of the people who have served our Nation in uniform are not being compensated a paltry $1,200 a month due to an offset between what they paid—what their spouse paid for in the spouses's benefit, and what, under the dependents indemnity compensation, they are entitled to by law.

This bill, to its credit, tries to address that offset but addresses it with a paltry $50 per month for those widows and orphans. It was President Lincoln who said a Nation has an obligation for those who went to war to care for the widows and orphans. Widows and orphans are a cost of war, and we have denied that cost and we still do so again tonight. We have only been working on this for 7 straight years, and at least we got a paltry $50. But there is much more that needs to be done to right this wrong.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I see the Senator from Iowa, who obviously has the right to speak. Let me ask again how much time remains on both sides.

The PRESIDING OFFICER. The majority controls 30 minutes and the minority controls 32 minutes.

Mr. LEAHY. Mr. President, I hope we can quickly reach a point where Senators on both sides are willing to finish speaking. Obviously, I am not going to ask to cut off anybody's time. As soon as there is no Senator seeking recognition, I will move again to yield back all time on this vote and all time on the judge's vote, so we can go to both those votes back to back.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Mr. President, I do need to rise to speak in strong opposition to what folks in Wyoming have figured out is an ominous omnibus appropriations bill, and they think there are literally billions of reasons to vote against this bill, and that is what I intend to do when I vote on it.

We are nearly a quarter of the way through fiscal year 2008 and only one of the 12 appropriations bills is law. The remaining 11 bills are stuck together in this bill. There is one-half trillion dollars of spending in the 3,000-page bill. Now, when I was going to school, we spent a lot of time figuring out what a million was, and I think I kind of figured that out after I got here. But we talk mostly about billions, and that is a little tougher to do. But I did run into one example that explains a billion a little bit, and that is if we are talking about a billion seconds ago, we are talking about 1959. If we are talking about a billion minutes ago, Christ was walking the Earth. If we were talking about a billion dollars of spending ago, we are talking about 8 hours and 20 minutes, the way we are spending it right now.

There was some comment about not having access to the bill. Well, the Web site had the bill the way the House was to address it 2 days ago. I suspect you can get through the 3,400 pages if you stayed up the whole 48 hours and read it, but we didn't know what that bill was going to be after their action until less than 12 hours ago—perhaps a few more than that, considering the time of night it is now. But this is a real unreal state of affairs and it has become the norm.

It has been pointed out that this isn't the only year we have done an omnibus bill, but this is exhibit No. 1 on what is wrong with government in this country, and I don't want to condone it. Every year this happens, every year we drive an omnibus, we get closer to financial ruin when we do that. What have we been spending our time on this year? Political votes, not policy votes. And the American taxpayer is paying the price here in the eleventh hour to the tune of billions of dollars.

In the 2006 mid-term elections, the American people called on us to stop business as usual. They called on us to stop overspending. They called on us to change. That is the message we gave them, that we were going to change. But instead of change, we have seen Washington run in a more partisan manner than ever before. This bill contains 3,400 pages, and I can't imagine that many of my colleagues have read it, even those who knew it was on the Web site 48 hours ago.

In the crazy world that is Washington, the bill complies with the spending level set forth by President Bush, but it does so in a way that uses budget gimmicks and hides billions of dollars in extra spending. As the only accountant in the Senate, I can tell you the Federal Government's budgeting is criminal. If a private company forgot to count $11 billion against their budget, the CEO would go to jail.

I support some of the funding in this bill. I support full funding for our veterans. I support providing money for border security. Almost all of these provisions are worthy areas for Federal funding. But we cannot spend money on everything we want and call ourselves fiscally responsible. If the money is needed for these programs, maybe we should cut out the more than 9,000 earmarks that were in the bill to pay for them. At some point, someone will have to pay for our overspending, and I would ask: Where do my colleagues think that money comes from? This money is coming from mothers working at the mall or fathers who are building buildings or farmers plowing their fields. They do not work so hard so they can serve up a dish of pork to people thousands of miles away without their consent. But that is what the architects of this bill are doing.

My concerns with this bill are more than just fiscal. We do have a process around here for considering legislation. I am talking about legislation versus appropriation. This bill ignores that process and the Senate rules that expressly prohibit legislating on appropriations bills. By making it an omnibus bill, it makes things that are important seem insignificant when compared to the one-half trillion dollars we are spending. So it seems petty if anybody suggests taking out some minor item of a few million, or even a few billion, considering the size of the bill.

But I am talking about the legislation part. It ignores the process and the Senate rules that expressly prohibit legislating on appropriations bills. Again, because it is an omnibus bill, we don't have the same right to challenge parts that would be legislating. We do hold hearings in committee. We work within the committee to develop and pass legislation. Then we consider the bill on the Senate floor. We do this so that important issues get the input and attention the American people expect and deserve. It might take longer to go through these steps, but the product is better; not perfect, but certainly better than the product that is before us today.

The amount of legislating in the Omnibus appropriations bill, particularly the Labor-HHS title, is criminal and outrageous. HIV/AIDS funding is a perfect example. A year ago, we passed a bill with a formula in it that made sure that money for HIV/AIDS followed the patients. How well did that do? It passed unanimously in the Senate and it passed unanimously in the House. You can't be more bipartisan than that. You can't be more agreeable than that. We said the formula was right and that the money should follow the patients. Well, there is legislation in this bill that changes that formula, and it never received a hearing before a congressional committee, it has never been marked up, and it was inserted in the House bill without a full debate or even a vote.

We struck that part over here. We struck that part by a very significant vote because it was mostly 7 cities stealing from 42 other cities. That is not the way to legislate. So striking that part did occur in the Senate by a significant vote. So much for transparency and sunshine in Washington.

The Labor-HHS section of the bill is not the only section that includes problematic legislation. The bill includes provisions that allow a 2-percent deduction of State mineral royalty payments to help cover administrative costs at the Department of Interior. Let's see, what does the Department of Interior do? They get a check from Wyoming companies, collected by the State of Wyoming, audited by the State of Wyoming, and they take half of it and send us a check back for the other half. That check is going to cost us $20 million.

Whoever heard of paying somebody $20 million to write you a check? Well, maybe there is some accounting they have to do to figure out whether the money sent was exactly right. You know, accountants are not allowed to take a percentage of the money. That is what lawyers do. Accountants are supposed to stay on flat fees, and I guarantee you nobody ever got $20 million for a few minutes work. That is another example of the Government taking money that is owed to States to pay for the unrelated Federal priorities because a majority in Congress doesn't control spending.

The omnibus contains provisions to prohibit the Department of the Interior from issuing final regulations for oil shale development, even though the process for development was laid out through careful bipartisan negotiations that came through a committee and that were voted on by the people in the committee, that were voted on here on floor of the Senate, that were voted on the House floor, and that were combined into what we call the Energy Policy Act of 2005. We said: Get that process set up. We didn't say: Do the process. We said: Get the process set up.

Well, there is language in this bill that says: You can't set it up. You can't do what we said in 2005 as a necessity for getting energy going in this country. Now, there are plenty of possibilities for stopping that process through things that are already in place, but, no, there is legislation in this bill that says: We don't want energy. We don't want you to even consider energy. We don't even want you to set up the regulations for how you might proceed in an orderly way so that we can object to that orderly way if we want to.

It also includes the new $4,000 fee for each application for a permit to drill oil and gas wells, with no guarantees that the permits will move forward in an expeditious manner so they can produce more domestic energy. If we don't produce more energy, the price, I guarantee you, will go up. You cannot constrain the supply and get the price to go down.

It is unfortunate that Congress waited until December 18 to advance these appropriations bills. Without the "gotcha" politics part, they could have been completed more than 2 months ago. They could have been completed in a very bipartisan way. We have to quit playing "gotcha" politics. Congress wasted countless weeks writing and debating bills that were never going to be signed. The President has been quite vocal about his objections. People on both sides of the aisle have expressed objections on a lot of the things we have voted on.

So here we are today, a week before Christmas, cramming through in 1 day a project larger than several Manhattan phone books, and that most of my colleagues have not had the time to read and review, and that is even if they divided it up among all their staff and had them look at all the parts they are familiar with. So I am telling you I am offended by the process. I am disappointed in the institution. I vote "no" on the bill. I want us to change it.

Mr. President, I yield the floor.

Mr. HARKIN. Mr. President, I am disappointed with the omnibus appropriations bill that is before us today. With the McConnell amendment, this omnibus bill will write yet another blank check—this one for a whopping $70 billion—for the President to spend on his wars in Iraq and Afghanistan. At the same time, this bill will grossly underfund urgent priorities here at home—everything from cancer research to law enforcement to home heating assistance.

And why is this happening? It is happening because President Bush has refused to compromise, refused to negotiate, refused to respect Congress as a coequal partner in the budgeting process.

The President claims that he is standing on principle, the principle of budget restraint and fiscal conservatism. But this claim is laughable.

Think about it: Mr. Bush provoked a bitter confrontation with Congress over the $22 billion that we proposed spending on urgent domestic priorities above his budget request. Democrats offered to split the difference, lowering that amount to $11 billion. But Mr. Bush still refused to negotiate or compromise.

Meanwhile, he and his allies have insisted on vastly more than that—a total of $144 billion—for the war in Iraq this year, all of which will simply be added to the deficit. At the same time, he demands a $50 billion AMT fix—which we all favor—but he insists that we not pay for it. That's another $50 billion piled onto the deficit.

So the President has forced Congress to cut $22 billion in domestic funding from the budget, and he turns right around and demands that Congress add more than 10 times that—more than $200 billion—for wars and tax cuts, all of it unpaid for, all of it added to the deficit. And this is what he calls budget restraint and fiscal conservatism? As I said, that claim is simply laughable.

Actually, this is not so much laughable as it is shameful. Bear in mind that in October the Senate passed an appropriations bill for Labor, Health and Human Services, and Education by an overwhelming 75 to 19 margin, including a strong majority of Republican Senators. That bipartisan support reflected the fact that the bill funded essential, life-supporting, and life-saving services for millions of people in this country. That bill reflected the values and priorities of the American people.

But even before we brought the health and education appropriations bill to the floor, President Bush threatened to veto it. He dismissed the bill as "social spending," as though it pays for Saturday night socials or something. Then, on November 13, in one fell swoop, Mr. Bush vetoed the bill, and insisted, again, that we bend to his budget demands.

Let me remind our colleagues what Mr. Bush was demanding. The President demanded that we cut cancer research and other medical research at the National Institutes of Health.

He demanded that we cut thousands of families from the Low Income Home Energy Assistance Program.

He demanded that we completely eliminate the safety net that includes job training, housing, and emergency food assistance for our most needy citizens, including seniors and people with disabilities.

He demanded that we slash funding for Community Health Centers, preventing 225 new centers from opening.

He demanded that we dramatically cut funding for law enforcement and the COPS program.

He demanded that we cut funding for special education and Head Start.

I am pleased to say that we did not allow these heartless, misguided priorities to prevail entirely. The President has refused to compromise, refused to negotiate—and, no question, this is going to hurt millions of Americans, including the most needy among us. Nonetheless, I am pleased with what we have been able to salvage in this bill.

The omnibus bill before us today technically yields to the President's top-line number of $515.7 billion. But I am pleased to report that it shifts funding in order to address some of the bottom-line priorities of the American people and of the Democratic majority in Congress.

Even within the constraints of this bill, the final Labor-HHS-Education section of the omnibus includes significant increases above the President's budget. For instance, it includes: an additional $607 million for the National Institutes of Health, additional $788 million for LIHEAP, the home-heating assistance program for low-income families.

It provides $77 million above the President's budget for community Health Centers, allowing more than 50 new centers to be opened.

It provides an additional $955 million for Head Start, Title I, special education, and teacher quality.

It also provides an additional $150 million for the Social Security Administration to help clear out the backlog of disability claims.

However, because of the President's veto threat and refusal to compromise, law enforcement remains woefully underfunded, in particular support for local police departments. Fewer community health centers will be opened and fewer children will be vaccinated. More than 80,000 fewer children will be served under Title I.

Every dime of additional funding in this bill goes to meet basic, essential needs here at home—needs that have been sadly neglected in recent years, even as we have squandered hundreds of billions of dollars in Iraq.

I voted against the McConnell amendment to provide another $70 billion in funding, mostly for Iraq. The war in Iraq has not reduced the threat of another terrorist attack in America, it has increased that threat. It has not defeated Islamic terrorists, it has brought more recruits to the ranks of al Qaeda.

Nor has the so-called "surge" in Iraq succeeded as advertised. The whole rationale for the surge was to create breathing space for new elections in Iraq and reconciliation between Sunnis and Shiites. These things have not happened.

I joined with Senator FEINGOLD to attempt to link any new funding for Iraq to a deadline for redeployment of our troops. Unfortunately, that amendment failed. This means that the next $70 billion appropriation for Iraq will not require any redeployments, nor will it include any benchmarks that the Iraqi government must meet. It is simply a blank check, untied to any demands or expectations, and that is unacceptable.

Indeed, I find it ironic that Mr. Bush has been more than happy to spend untold billions of dollars on schools, hospitals, job training, and law enforcement—in Iraq. But when we try to address those priorities here at home, Mr. Bush gets out his veto pen and hoists the flag of what he calls "fiscal conservatism."

But, as I have said, Mr. Bush's pose as a fiscal conservative is absurd.

During the six years that the Republicans largely controlled Congress, Mr. Bush did not veto a single appropriations bill, including many that exceeded his budget requests.

He is demanding that we pass supplemental bills that bring war spending, this year alone, to more than $196 billion, mostly for Iraq. The Congressional Budget Office now estimates that Mr. Bush's war in Iraq will cost a staggering $1.9 trillion through the next decade. Yet, just last week, he pledged to veto the omnibus bill because of $11 billion in funding for education, health, biomedical research and other domestic priorities.

Think about it: The President is demanding that we continue to spend $12 billion a month on his war in Iraq, yet he objected to an additional $11 billion over a full year for domestic funding. This is simply not reasonable or rational.

At the same time, the President is insisting that we send him an Alternative Minimum Tax fix costing $50 billion. Yes, we need to fix the AMT, and we need to do so in a responsible way. But, Mr. Bush has a different idea. He refuses to pay for the AMT fix. He insists that we simply pile it onto the deficit, dumping it on our children and grandchildren.

Bear in mind, by the way, that this AMT problem is not a surprise to anyone. The 2001 tax cut bill deliberately refused to address the AMT issue in order to squeeze in hundreds of millions of dollars in additional tax cuts, overwhelmingly for the well-off. Mr. Bush used the AMT to mask the true cost of the tax cuts. But, in doing so, he left the AMT as a ticking time-bomb that would soon double the number of Americans subject to the tax.

Today, that time-bomb is exploding, threatening to hurt millions of middle-class families. The House of Representatives, to its great credit, came up with a responsible way of paying for the AMT fix. The House proposed to eliminate the so-called "carried interest" tax break for hedge fund managers with multi-million-dollar incomes—a tax break that allows them to pay their taxes at lower marginal rates than middle-income Americans.

Eliminating this egregious tax break is a matter of basic fairness. It also would help to pay for the AMT fix. But the President said no. He promised to veto it. All of which means that the $50 billion we spend on the AMT patch will not be paid for; it will be added to the deficit and the debt. That is not just a shame; it is shameful.

So I regret that the President vetoed a good, bipartisan Labor-HHS-Education appropriations bill that passed this body overwhelmingly. I regret that Mr. Bush has refused to negotiate or compromise. I regret that he demands that we spend endlessly on his war in Iraq, even as he demands that we slash essential services and programs here at home.

But, despite all of these disappointments, we can take pride in the fact that this omnibus bill, in important ways, reflects the values and priorities of the American people. We have found additional funding for our priorities—priorities ranging from cancer research to education to law enforcement. I urge my colleagues to join me in voting for this bill.

PECUNIARY INTEREST LETTERS

Mr. HATCH. Mr. President, today I rise to discuss an unintended oversight by my office in connection with the disclosure of a congressionally directed funding project in the House message to accompany H.R. 2764, the Omnibus appropriations bill. When I filed my original requests for funding for projects in May of this year, I did not realize the letter included a request to fund the Old Dome Meeting Hall Renovations project in Riverton, UT. Subsequently, with the enactment of Public Law 110-81 on September 14, 2007, along with other Members of the Senate, I was asked to sign, and did sign, various certification letters in connection with our requests for project funding.

Upon a review of our files last night, with respect to the forthcoming House message to accompany H.R. 2764, the Omnibus appropriations bill, we determined that the certification letters sent to the committee may have been incorrect, as a member of my family may be deemed to have an indirect pecuniary interest in one of the items requested in my letter to the Appropriations Committee dated May 15, 2007. Upon discovering this oversight, I forwarded a letter to the attention of Appropriations Committee chairman, ROBERT BYRD, and ranking Republican member, THAD COCHRAN, which I believe to be in accordance with the facts now known to me.

I have chosen to address these issues openly on the floor of the Senate to clear up any facts regarding this completely unintended and unfortunate oversight. I want my colleagues to know that I always have and will continue to do everything possible to ensure I meet all ethics laws, rules, and requirements here in the U.S. Senate.

For the reasons I have outlined and in an effort to meet the highest ethical standards, I will be voting present on the Omnibus appropriations bill when I otherwise would have supported the legislation.

Mr. COCHRAN. I appreciate this colloquy and your intent to meet all the new, as well as old, ethics requirements regarding earmarks in appropriations bills. This is the first year for implementation of many of these new ethics rules and there has been some not unexpected confusion over how some of the new requirements must be implemented. I applaud your aggressiveness in making sure that you have done everything within your knowledge and power to ensure that you have complied with all the rules and requirements that are specified by the rules of the Senate with regard to the use of earmarks. Our discussion today provides the type of transparency intended by the ethics rules and should satisfy all requirements with regard to letters of pecuniary interest and earmarks as they relate to your situation.

Mr. HATCH. I ask unanimous consent that a copy of my letter to Chairman BYRD and Ranking Republican Member COCHRAN be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, December 18, 2007

Hon. ROBERT C. BYRD,
Chairman, Committee on Appropriations, Senate, Washington, DC.

Hon. THAD COCHRAN,
Ranking Republican Member, Committee on Appropriations, Senate, Washington, DC.

DEAR CHAIRMAN BYRD AND RANKING MEMBER COCHRAN: I certify that neither I nor my immediate family has a pecuniary interest in any congressionally directed spending that I requested the Committee on Appropriations for Fiscal Year 2008, except that a member of my immediate family may have an indirect pecuniary interest in the Old Dome Meeting Hall Renovations; Riverton, Utah; Economic Development Initiative project, requested in my letter dated May 15, 2007 to the Senate Subcommittee on Transportation, Treasury, the Judiciary, Housing and Urban Development, and Related Agencies, Committee on Appropriations.

I respectfully ask that my request to fund this project be withdrawn.

Once this has been effectuated, my request will be consistent with the requirements of Paragraph 9 of rule XLIV of the Standing Rules of the Senate.

Sincerely,

ORRIN G. HATCH,
U.S. Senator.

LOW-VOLUME HOSPITAL MEDICARE INPATIENT PAYMENT ADJUSTMENT

Mr HARKIN. Mr. President, I am pleased to support the legislation pending before the Senate today, which will ensure that Iowa's seniors continue to have access to their physicians and will reauthorize the SCHIP program through March 31, 2009, with additional funds for the "shortfall States," like Iowa. I am however concerned about one provision that is not included in the legislation, a provision that is critically needed to help Iowa's midsized hospitals.

Unfortunately, current Medicare payment rates for hospitals do not account for the fact that most rural facilities cannot achieve the same economies of scale as large hospitals. This leads to inadequate reimbursement, which threatens the very existence of some of these facilities. To help address this situation, the Medicare Payment Advisory Committee MedPAC has recommended implementing a payment adjustment for certain small rural hospitals that serve a lowvolume of patients. For example, Grinnell Regional Medical Center in Grinnell, IA, is having difficulty keeping their doors open simply because of its size and location. Due to Medicare policies, they are currently reimbursed at 60 percent of its costs. This cannot continue. These hospitals are essential to giving our seniors good access to healthcare.

Mr. GRASSLEY. I want to thank my distinguished colleague for raising this issue, which has also been a concern of mine. I agree with him that these rural hospitals—the so-called "tweener" hospitals—should be given some assistance. These hospitals play a critical role in the medical care of our seniors throughout Iowa, and I remain committed to working with Senator BAUCUS to include "tweener" hospital improvements in next year's Medicare legislation.

Mr. BAUCUS. Senator HARKIN, I agree with you that this is an issue we need to address. As you know, I intend to work with Senator GRASSLEY to move a Medicare reform package early in 2008. Given the importance of this issue, I am committed to working with you to find solutions that will assist these hospitals within the context of our Medicare efforts.

Mr HARKIN. I appreciate that commitment. I look forward to working with both of you early next year to move legislation to assist these hospitals, in Iowa and throughout the country.

ADVANCED TECHNOLOGY LOAN GUARANTEES

Mr. LEVIN. Mr. President, I would like to ask the distinguished chairman of the Energy and Water Development Appropriations Committee, Senator DORGAN, to clarify for me the scope of the budget authority contained in the fiscal year 2008 Consolidated Appropriations Act for the Department of Energy's guarantee loans for development of advanced energy technologies. My understanding is that there would be $10 billion in budget authority for the Department to guarantee loans in the broad technology areas of renewable, energy efficiency, manufacturing, electricity transmission and distribution technologies.

I believe there is tremendous potential for new technologies to produce ethanol from cellulosic materials through all phases of development, including pretreatment. An important step toward proving these technologies will be the development of pilot-scale facilities. Is it the chairman's understanding that a range of technologies and pilot-scale demonstration facilities would be eligible for a loan guarantee issued by the Department of Energy using the budget authority included in this Consolidated Appropriations Act?

Mr. DORGAN. Yes, cellulosic ethanol projects are consistent with the intent of title XVII of the Energy Policy Act of 2005 and would clearly be within the scope of technologies that would be eligible for a loan guarantee from the Department of Energy.

Mr. LEVIN. I am also very interested in ensuring that advanced batteries and battery systems are fully developed and believe that loan guarantees for projects and facilities to develop lithium ion batteries could provide a significant boost for U.S. competitiveness. In the case of battery technologies, we need to develop the manufacturing capability in this country to ensure that these batteries will be produced here. Is it the chairman's understanding that advanced battery technologies would be included in the scope of the budget authority in this bill and would be eligible for a loan guarantee from the Department of Energy?

Mr. DORGAN. Yes, I believe that loan guarantees for development of advanced battery technologies would also fit into the scope of manufacturing technologies contemplated by the language in the Consolidated Appropriations Act of 2008 and should be consistent with the intent of title XVII of the Energy Policy Act of 2005.

Mr. KYL. Mr. President, I rise today to comment on section 691 of the Consolidated Appropriations Act, 2008. This provision amends section 212(d)(3)(B) of the Immigration and Nationality Act in order to allow the executive to make REAL ID immigration bars inapplicable to individuals or groups whose presence in this country would not pose a threat to the United States, while continuing to bar from the United States all persons who are tied to the worst terrorist organizations. The provision also gives automatic exemptions to the Hmong and Montagnard soldiers who fought alongside the United States during the Vietnam war, providing overdue relief to the members of these armies. And section 691 also designates the Taliban as a Tier I terrorist organization for immigration purposes, effectively eliminating exceptions to the applicability of REAL ID immigration bars for members, combatants, and others tied to the group that harbored Al Qaeda at the time when that organization was plotting the terrorist attacks of September 11, 2001.

Section 691 is the result of a negotiated compromise between Senator LEAHY and me a compromise that was encouraged and assisted by Senator COLEMAN and other Members who have taken an interest in this issue. The final language allows the Secretaries of Homeland Security and State to decide that the barriers to entry and stay in the United States in section 212(a)(3)(B) of the INA do not apply to certain individuals or groups. The language also clarifies that such non-applicability determinations are not subject to judicial review.

Under current law, the REAL ID immigration bars can only be deemed non-applicable to an alien if the alien is a representative of a political or social group that endorses terrorism, has himself endorsed terrorism, or has given material support to a terrorist group, and may only be extended to a group if that group is a Tier III group that only has a subgroup that engages in terrorism. The amendment expands the non-applicability determination authority to all terrorism-related bars, except that the bars cannot be deemed non-applicable if an alien is expected to engage in future terrorism, is a member or representative of a Tier I or II group, voluntarily and knowingly engaged in terrorist activity or endorsed terrorism on behalf of a Tier I or II group, or has voluntarily and knowingly received military-type training from a Tier I or II group. Also, no group nonapplicability determination may be applied to a group that attacks democratic countries or intentionally engages in a practice of attacking civilians.

Section 691's expansion of section 212(d)(3)(B) nonapplicability authority generally draws a line between Tier I and II terrorist organizations, on the one hand—groups which have been designated as Foreign Terrorist Organizations by the State Department or other agency of the Federal Government—and Tier III organizations, on the other hand, which are swept into the definition of "terrorist organization" as a result of their conduct. The State Department's FTO list includes some of the most bloodthirsty terrorist organizations on the planet. The list includes groups such as al-Qaida, Hamas, Hezbollah, and the Salafist Group for Call and Combat. By precluding nonapplicability determinations with regard to persons tied to these groups, section 691 not only helps to protect the U.S. homeland from terrorism—it also contributes to making these groups radioactive in the foreign countries where they are based. Joining or helping one of these groups or accepting military training from them will bar an individual from ever being allowed to enter or reside in the United States, in all cases and without exception. And making these groups radioactive makes it more difficult for them to recruit members or to carry out terrorist attacks.

Information that has been developed in hearings before the Senate Judiciary Committee explains why it is imperative that the United States discourage individuals from providing any type of aid or material support to foreign terrorist organizations. In an April 20, 2005, hearing before the Terrorism Subcommittee, for example, Barry Sabin, the Chief of the Counterterrorism Section of the Justice Department's Criminal Division, explained how the provision of material aid to terrorist groups is critical to the functioning of these organizations. Mr. Sabin noted:

> We know from experience that terrorists need funding and logistical support to operate. They need to raise funds, open and use bank accounts to transfer money, and to communicate by phone and the Internet. They need travel documents. They need to train and recruit new operatives, and procure equipment for their attacks.

It is also important to emphasize that all provision of material support to terrorist organizations is bad. There is no such thing as "good" aid to a terrorist organization, because all aid is fungible and can be converted to evil purposes, and because even humanitarian aid can be used by a terrorist organization to help it to recruit new members. These points were developed in detail in answers to written questions provided by Chris Wray, the Assistant Attorney General for the Criminal Division, following a May 5, 2004, hearing before the Judiciary Committee. Mr. Wray explained why there is no such thing as benign material support to a designated foreign terrorist organization:

> First, because material support of any kind is fungible and frees up resources that may then be used to promote violence, the provision of any material support facilitates and furthers the organization's unlawful and violent activities regardless of the benign intent of the donor. As the Ninth Circuit recognized in rejecting the argument that 18 U.S.C. section 2339B is unconstitutional because it proscribes the giving of material

> support even if the donor does not have the specific intent to aid in the organization's unlawful purposes, "Material support given to a terrorist organization can be used to promote the organization's unlawful activities, regardless of donor intent. Once the support is given, the donor has no control over how it is used. *Humanitarian Law Project* v. *Reno*, 205 F. 3d 1130, 1134 (2000).
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> Even support designed and intended to encourage a group to pursue lawful, nonviolent means to achieve its ends may be used to further the organization's violent aims.
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> [S]ome terrorist organizations use their humanitarian activities as an integral part of an overall program that includes murdering innocent civilians and assassinating government officials. For example, one expert on terrorist organizations, Matthew Levitt, describes in "Hamas from Cradle to Grave," Middle East Quarterly, Winter 2004, at 3–15, that this foreign terrorist organization is one unified body, and that its social welfare organizations, supported by numerous charities, answer to the same leaders who set Hamas political and terrorist policy. Levitt describes how Hamas charity committees, mosque classes, student unions, and sport clubs serve as places where Hamas activists recruit Palestinian youth for terrorist training courses in Syria and Iran, or for suicidal terrorist attacks. And, he discusses how a single soccer team from the Jihad mosque in Hebron has produced several Hamas terrorists responsible for five suicide bombings in 2003.
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> Even more frightening, Levitt explains how Hamas charities, social service organizations, hospitals, schools, and mosques openly laud suicide bombings. Hamas-run schools and summer camps begin indoctrinating children as early as kindergarten for later use as suicide bombers. As Levitt notes, Palestinian children raised in this environment make willing terrorist recruits. This program is accomplished in significant part by the multi-faceted nature of Hamas, which gains strength through its humanitarian and charitable activities in the community.
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> Thus, even if individuals are providing material support, such as money, for groups like the Hamas, and are somehow able to ensure that this money is spent by these FTOs only for humanitarian activities, such as a school, the problem remains that this money enables these groups to gain more general support, loyalty, and popularity among the local people and to earn a measure of legitimacy. This support and legitimacy then allows groups such as Hamas to recruit suicide bombers, as well as accomplices to provide critical services such as transportation, lodging, and local intelligence for terrorist operations. Accordingly, even those who are providing material support with the sincere hope and assurance that their money is not being used directly for terrorism are nevertheless providing groups such as Hamas with the type of overall support they need in order to operate successfully as terrorists.

Section 691 of the Consolidated Appropriations Act also bars the extension of a non-applicability determination to any alien who has voluntarily and knowingly received military-type training from a Tier I or II terrorist organization. Again in his April 20, 2005, testimony before the Terrorism Subcommittee, Counterterrorism Section Chief Barry Sabin explained why individuals who have received such training are dangerous to the United States and why an individual's participation in such training benefits the terrorist organization. Mr. Sabin explained:

> Various investigations have uncovered individuals who have traveled overseas to training camps to receive military-style training. These individuals, who in many cases have received firearms and explosives training, appear to be preparing to conduct terrorist activity or violence and pose a clear threat here and abroad. Investigations have also disclosed that attendees sometimes maintain longstanding relationships with other training camp "alumni," who may later seek to recruit and utilize them in their plots. In an even more basic way, a trainee's participation in a terrorist organization's training camp, without more, benefits the organization as a whole. By attending a camp, an individual lends critical moral support to other trainees and the entire organization, a support that is essential to the health and vitality of the organization.

Section 691 also clarifies that the decision to extend or to not extend a non-applicability determination to a particular group or individual is not subject to judicial review. A decision as to whether a particular individual or group that would otherwise be within the scope of a section 212(a)(3)(B) bar should instead be deemed outside the scope of that bar is a decision that is inherently executive in nature. Such a decision will often involve consideration of classified information that would be compromised if litigated in open court, and it will involve sensitive judgments about which terrorist groups are more dangerous than others.

Vesting this discretion solely in the executive allows executive officers to consider the full range of information about a particular group that is available to the State Department, the Justice Department, Homeland Security, and to intelligence agencies. It allows the executive to decide that some groups are less dangerous and therefore the REAL ID bars may be deemed to not apply to activities tied to that group, and that other groups are extremely dangerous and that even tenuous connections to such a group should serve as grounds for exclusion, with no exceptions allowed.

Were decisions about nonapplicability to be made in the courts, their precedent-based system of decision-making would require the courts to extend the same "rights" to members of one group as had extended to the last group whose case was reviewed. What is sufficient to justify a nonapplicability determination with regard to the FARC in Columbia, for example, would also be good for al-Qaida. By keeping these non-applicability decisions out of the courts, section 691's amendments to INA section 212(d)(3)(B) allow the Government to take the common-sense approach of treating different groups differently based on how violent they are and how much of a threat they pose to the United States. For that reason, section 691 does not allow judicial relief from an executive determination. Rather, it is the executive alone that will decide whether a bar should be inapplicable—that it should not even apply to the alien in the first instance.

Subsection (b) of section 691 statutorily exempts several groups from the definition of "terrorist organization" for purposes of INA section 212(a)(3)(B). These groups—which include Hmong and Montagnard groups that fought alongside the United States in the Vietnam War—have already been cleared by the administration and do not pose a threat to the United States. This subsection will immediately resolve any legal ambiguity as to these groups' status.

Subsection (c) of section 691 corrects a technical error in the original REAL ID Act. With this change, the otherwise-automatically-deportable spouse or child of a barred alien is not barred if the spouse or child did not know of the husband/father's terrorist activity or has renounced that activity.

Subsection (d) designates the Taliban as a Tier I terrorist organization for immigration purposes. As a result of the distinctions drawn in subsection (a) of section 691, this designation will render individuals tied to the Taliban ineligible for most waiver authority.

Subsection (e) requires a report by the Department of Homeland Security on the use of its authority to waive material-support bars on grounds of duress.

Subsection (f) makes all of these changes apply retroactively.

I think that section 691 reaches a reasonable compromise that allows removal of the applicability of the REAL ID immigration bars for groups and individuals to whom those bars should not apply, but allows REAL ID to continue to protect the United States and its citizens from foreign terrorist organizations. I would like to thank Tim Rieser of Senator LEAHY's staff, and Jennifer Daskal, on detail to Senator LEAHY, for working with my staff to draft this section. Whom to exclude from the United States for terrorism-related reasons is a difficult and very serious matter, and one that I am glad has been the subject of a carefully developed bipartisan compromise in this bill.

Mr. McCAIN. Mr. President, fiscal year 2008 began 79 days ago. And yet here we are at the end of the calendar year—with Christmas one week away—and everyone scrambling to finally get our work done and get out of town. This process, and the monstrosity it has produced, is the height of irresponsibility. We owe the taxpayer more than this.

In the past, I have stood here on the Senate floor to speak about how our economic situation and our vital national security concerns require us to take greater effort in prioritizing our

Federal spending and that we could no longer afford, literally, "business as usual." Actually, Mr. President, what we have before us is even worse than business as usual because the bill we received from the House provides not a single penny to fund our ongoing mission in Iraq. We are at war and our men and women serving in Iraq today continue to face a fierce and determined enemy—and this bill does not fund their mission. The omission of Iraq funding is no more than a political stunt—and we all know it. What kind of message does this send to those brave men and women in the field?

Unfortunately, little has changed over the years. Here we are again, nearly 3 full months into fiscal year 2008, and we have before us another appropriations monster. Let me remind my colleagues that, because of our inability to get much done around here under the regular order, we have been forced to consider huge omnibus appropriations bills and one long-term continuing resolution in 5 of the last 6 fiscal years.

The bill before us today is more than 1,400 pages long and is accompanied by a joint explanatory statement that was so big they couldn't even number the pages. This bill consolidates 11 of the 12 annual appropriations bills with a price tag of nearly $475 billion. Amazingly, this bill contains 9,170 earmarks. Add those to the 2,161 earmarks that were contained in the Defense appropriations bill and the grand total for fiscal year 2008 earmarks stands at 11,331 unnecessary, wasteful, run-of-the-mill pork barrel projects. And that is just for the House and Senate-passed bill. I can only imagine what this will look like when it comes out of conference.

A New York Times/CBS News poll that was released today shows that the approval rating of Congress stands at 21 percent. Can we blame the American people for holding us in such low esteem? Let's look at how we are spending their hard earned tax dollars.

Here is just a sampling of some of the earmarks contained in this bill: $150,000 for the STEEED, Soaring Toward Educational Enrichment via Equine Discovery, Youth Program in Washington, DC. Basically this is an earmark of $150,000 so that disadvantaged kids can ride horses; $50,000 for the construction of a National Mule and Packers Museum in Bishop, CA; $100,000 for Cooters Pond Park in Prattville, AL; $625,000 for the Historic Congressional Cemetery right here on Capitol Hill; $1.95 million for the City College of NY for the Charles B. Rangel Center for Public Service; $975,000 for the Clinton School of Public Service at the University of Arkansas, Little Rock, AR; $1.628 million for animal vaccines in Greenport, NY; $477,000 for Barley Health Food Benefits in Beltsville, MD; $244,000 for Bee Research in Weslaco, TX; $10 million to Nevada for the design and construction of the Derby Dam fish screen to allow passage of fish; $1.6 million for sensitivity training for law enforcement in Los Angeles; $1.786 million to develop an exhibit for the Thunder Bay National Marine Sanctuary in Michigan; $846,000 to the Father's Day Rally Committee in Philadelphia, PA; $125,000 for International Mother's Day Shrine in Grafton, WV; $470,000 for an Oyster Hatchery Economic Pilot Program, Morgan State University, MD; $446,500 for Horseshoe Crab Research, Virginia Tech, VA; $125,000 for the Polish American Cultural Center in Philadelphia, PA; $400,000 for the National Iron Worker's Training Program; $350,000 for leafy spurge control in North Dakota; $1.725 million for the Hudson Valley Welcome Center in Hyde Park, NY.

This omnibus was made available just yesterday, yet approved by the House last night. Imagine that—a 1,445 page bill, with a joint explanatory statement that is nine inches tall and costs $475 billion was made available and voted on by both chambers in less than 48 hours. Simply remarkable. It is impossible for us to know exactly what is in this thing, and we are expected to simply take the appropriators word that it is all okay. Well, I have been around here long enough to know that a bill of this size, put together behind closed doors and rammed through at the last minute, cannot be all good. And I know it will be a long time before all of the hidden provisions in this legislation are exposed.

I fully recognize that it isn't necessarily the fault of the appropriators that we are forced into this new pattern of adopting omnibus appropriations measures. Overly partisan politics has largely prevented us from following the regular legislative order, and that fact must change. But while it may not be the appropriators fault that we are forced to consider omnibus appropriations measures, it is their decision to continue to load them up with unauthorized earmarks and at a rate that seems only increases year after year.

When we ram through a gigantic bill, spending hundreds of billions of taxpayer's dollars with little or no debate because we want to go home for Christmas, we send the message to the American people that we are not serious enough about our jobs. We essentially accomplish little almost all year long because everything requires 60 votes, and then, at the very last minute, we scramble around and throw together a mammoth bill like the one before us today. We are sending the signal that it is more important for us to be able to issue press releases, and I am sure hundreds of them will be going out today, about how much pork we have been able to get for our States and districts, than we are about good government and fiscal responsibility. How can we, in good conscience, defend this behavior to the American people?

Among the most egregious aspects of this bill are the so-called "economic development initiatives" funded under the Department of Housing and Urban Development. This account is nothing more than a slush fund for the appropriators—plain and simple. Contained within this section of the joint explanatory statement are 741 locality-specific earmarks costing nearly $180 million. These pork barrel projects are spread out over 42 pages and fund everything from construction of coastal trails, nature education centers, public parks and renovations for museums and theaters.

On defense matters, the omnibus appropriations bill proposes funding $1.18 billion in military construction projects that were not requested by the President. Of that amount, $584 million was vetted by both the Senate Armed Services and Appropriations Committees to ensure that the services' critical unfunded priorities requirements were met. On the Senate floor, those projects were further reviewed, and approved in the Senate versions of the authorization and appropriations bills.

However, this bloated omnibus appropriations bill also includes another $580 million—for 108 military "airdropped" construction projects, that is, funding for projects that were not included in any previous appropriations bill passed by the House or Senate. The House appropriators have once again waited until the last minute to present these new spending items to skirt responsibility for their pork spending. Mr. President, in the ethics reform law we passed with much fanfare earlier this year, we amended Senate rule 44 specifically to discourage such "airdropping" of projects in the dead of night. In an unprecedented and unfortunate act, the majority accepted $328 million of airdropped military construction authorizations into the recently passed national defense authorization bill. It was in part for this reason that I reluctantly decided not to sign the defense authorization conference report. I could not then, and cannot now, support the parachuting of new spending items into final reports that have not been transparently vetted on the floor of Congress. I am very disappointed that we in the Senate continue to condone this irresponsible practice in light of our efforts to prevent it with ethics reform.

The omnibus appropriations bill also earmarks over $41 million for the planning and design of pork military construction projects requested by Members of Congress. Congress normally authorizes funding annually for each military service to plan and design their critical future military construction priorities. This bill disregards the military's priorities and earmarks funds towards specific projects—without the Department being given the opportunity to determine whether or not those projects reflect actual military requirements.

Even more egregious is that we are proposing to pay for this airdropped pork by cutting over $900 million from the amount of $8.1 billion requested by the President to carry out the critical military construction activities related to the 2005 defense base closure and realignment round. The Department of Defense and the local communities affected by BRAC need enough funding to meet the statutory deadline of September 2011. To underfund BRAC in order to pay for earmarks is a sad reflection on the priorities of this Congress, which has again unabashedly put parochial interests above the needs of the Defense Department, our local communities and the American taxpayer.

We simply must start making some very tough decisions around here if we are serious about improving our fiscal future. We need to be thinking about the future of America and the future generations who are going to be paying the tab for our continued spending. It is simply not fiscally responsible for us to continue to load up appropriations bills with wasteful and unnecessary spending, and good deals for special interests and their lobbyists. We have had ample opportunities to tighten our belts in this town in recent years, and we have taken a pass each and every time. We can't put off the inevitable any longer.

In a report on our long-term budget outlook issued this month, the Congressional Budget Office states this: "Significant uncertainty surrounds long-term fiscal projections, but under any plausible scenario, the federal budget is on an unsustainable path—that is, federal debt will grow much faster than the economy over the long run. In the absence of significant changes in policy, rising costs for health care and the aging of the U.S. population will cause federal spending to grow rapidly."

The report goes on to say that: "If outlays increased as projected and revenues did not grow at a corresponding rate, deficits would climb and federal debt would grow significantly. Substantial budget deficits would reduce national saving, which would lead to an increase in borrowing from abroad and lower levels of domestic investment that in turn would constrain income growth in the United States. In the extreme, deficits could seriously harm the economy. Such economic damage could be averted by putting the nation on a sustainable fiscal course, which would require some combination of less spending and more revenues than the amounts now projected. Making such changes sooner rather than later would lessen the risk that an unsustainable fiscal path poses to the economy." Again—this is not my dire prediction, it comes from our own CBO.

To underscore the urgency of the problem, in a speech at The National Press Club just yesterday, David Walker, the Comptroller General of the United States announced that—for the eleventh straight year—the Federal Government failed its financial audit. Mr. Walker said that "the federal government's total liabilities and unfunded commitments for future benefits payments promised under the current Social Security and Medicare programs are now estimated at $53 trillion, in current dollar terms, up from about $20 trillion in 2000. This translates into a defacto mortgage of about $455,000 for every American household and there's no house to back this mortgage. In other words, our government has made a whole lot of promises that, in the long run, it cannot possibly keep without huge tax increases."

The Comptroller General also highlighted a specific program that serves as an example of the serious problems we face. He said: "The prescription drug benefit alone represents about $8 trillion of Medicare's $34 trillion gap. Incredibly, this number was not disclosed or discussed until after the Congress had voted on the bill and the President had signed it into law. Generations of Americans will be paying the price—with compound interest—for this new entitlement benefit." He went on to note that: "Unfortunately, once federal programs or agencies are created, the tendency is to fund them in perpetuity. Washington rarely seems to question the wisdom of its existing commitments. Instead, it simply adds new programs and initiatives on top of the old ones. This continual layering is a key reason our government has grown so large, so expensive, so inefficient, and in some cases, so ineffective."

Mr. Walker ended his speech by saying "If all of us do our part, and if we start making tough choices sooner rather than later, we can keep America great, ensure that our future is better than the past, and ensure that our great nation is the first republic to stand the test of time. To me, that is a cause worth fighting for." I agree wholeheartedly. And I say to my colleagues: Let's start making those tough choices today. We have to face the facts, and one fact is that we can't continue to spend taxpayer's dollars on wasteful, unnecessary pork barrel projects or cater to wealthy corporate special interests any longer. The American people won't stand for it, and they shouldn't. They deserve better treatment from us.

ST. JOHN'S BAYOU/NEW MADRID FLOODWAY

Mrs. BOXER. Mr. President, I wish to speak to the intent of section 123 of title I of division C of the bill, which addresses the Corps of Engineers project—Saint Johns Bayou/New Madrid Floodway. As the chairman of the Committee on Environment and Public Works with jurisdiction over the Corps of Engineers, the Clean Water Act and the National Environmental Policy Act,

I offer my understanding of section 123. Section 123 does not interfere with or overturn any court decision concerning this project with regard to either or both of the Clean Water Act and the National Environmental Policy Act. The language provides that the project as described in the June 2002 Revised Supplemental Impact Statement, as supplemented by the March 2006 Revised Supplemental Environmental Impact Statement 2 is determined to be economically justified. The language does not affect the application of the Clean Water Act and NEPA to this project. Because of the specific reference to the project documents, the language in section 123 does not alter legal requirements regarding cost/benefit analysis for subsequent or revised project documents, including environmental impact statements, or any requirements with regard to NEPA and the Clean Water Act.

Mr. CARDIN. Mr. President, nearly a year ago, when President Bush announced his decision to send 30,000 additional troops to Iraq, he predicted that increased U.S. troop levels would stabilize the country so that its national leaders could reach political agreement. More troops would enable us to accelerate training initiatives so that the Iraqi army and police force could assume control of all security in the country by November 2007. According to this plan, the Iraqi army and police force were to assume control of Iraq's security last month.

Well, the information before us in December, like the reports before us in September and July, show us that President Bush's troop escalation hasn't delivered on the President's promises. It has failed to stem the civil war going on in Iraq, failed to allow Iraqi forces to take control over their own security, and failed to lead to political reconciliation. That failure was clear when I last came to the floor to discuss this issue in September, and it is clear today.

With troop levels still 24,000 above where they were a year ago, and with no plans to lower them below pre-surge levels, not even President Bush's claims that substantial progress toward the ultimate goal of the escalation—political reconciliation—has occurred. There have been no agreements on de-Ba'athification reform, oil revenue sharing, provincial elections, or amnesty laws, nor has the Iraqi government or the Administration offered a clear plan for achieving a sustainable political reconciliation. Just 2 days ago, LTG Raymond Odierno, the No. 2 commander of U.S. forces in Iraq, was quoted pleading with the Iraqi government to make progress on national reconciliation and improving basic services.

Our country's resources remain locked in Iraq. Iran is emboldened. Insurgent violence is at its highest level in Afghanistan since U.S.-led forces first ousted the Taliban and our military reports signs of al Qaeda is returning to Afghanistan from Iraq. Pakistan is facing political turmoil and Turkey has begun military incursions into Iraq's Kurdish regions.

We have to change our mission in Iraq. The cost of further delay in lives, matériel, treasure, and our standing in the world is too great. The United States cannot impose the political reconciliation necessary to bring long-lasting security to that nation. It is time to direct our resources toward the rest of the region and to needs here at home.

A new policy begins by removing our troops from the middle of a civil war and giving them a more realistic mission, one that is in the best interests of Iraq and the United States. Given the facts and the realities independent reports provide us, I continue to support an amendment, this time sponsored by Senators FEINGOLD and REID, to change our mission in Iraq from providing security and services to a focus on training, counter-terrorism and force protection.

I voted against an amendment to add $40 billion to the omnibus spending package without any limits on the President's use of that money. The military has no immediate need for additional funds for Iraq. Congress just passed a $456 billion Defense Appropriations bill. The omnibus provides the Army and Marine Corps an additional $20 billion. Given the Department of Defense's ability to shift funds, this money should pay for the war through March. We will have a chance to vote on additional funding next year when we will have more information about trends on the ground in Iraq.

Further, while negotiating this year's spending levels this President has vetoed additional health and education funding and refused to negotiate over a modest increase in overall appropriations to fund critical needs here at home, and he continues to insist Congress fund a failed strategy in Iraq. The President's intransigence undermines our position in the world and has left this Congress fewer resources to direct toward priorities here at home. Those are the wrong priorities for our nation.

The world has an interest in a safe and secure Iraq. It is time to take steps to protect our troops and our all volunteer force, change the mission, step up our diplomatic efforts, and internationalize the effort to bring stability to that country and to the Middle East.

We don't need additional funds for Iraq, we need a new direction.

Mr. President, I yield the floor.

Mr. LAUTENBERG. Mr. President, I rise to discuss one provision of the fiscal year 2008 Omnibus appropriations bill which is of great importance to the security of our nation, and of particular importance to my State of New Jersey. That is Section 534, which will overturn the Department of Homeland Security's efforts to preempt the rights of State and local governments to adopt chemical security protections stronger than the standards adopted by the Federal Government.

The effort by DHS to prevent States from going beyond the measures adopted by DHS to protect their residents from terrorist attacks on chemical facilities was never authorized by Congress, and the inclusion of my provision overturning the Department's effort represents a strong rejection by Congress of the Department's attempt to do so.

Opposition to the Department's efforts has been widespread and bipartisan, including from the National Governor's Association, the National Conference of State Legislatures and the Chairmen of the 9/11 Commission, Representative LEE Hamilton and former New Jersey Governor Tom Kean. Nevertheless, DHS continues to insist that its partnership with industry rather than a partnership with States—will be sufficient to protect the American public. By including this provision in the omnibus bill, Congress is making clear that the role of State and local governments is not to be undermined by the Department of Homeland Security.

The provision included in the omnibus bill amends Section 550 of the Department of Homeland Security Appropriations Act, 2007 to clarify that DHS does not have the authority to preempt State or local governments from adopting chemical security measures stronger than those adopted by DHS. The language in this bill will allow States to go beyond the Federal regulations as long as there is no actual conflict with the Federal regulations. This means that unless it is impossible to comply with both State and Federal law, the State law is not preempted. Determinations on whether it is impossible to comply with both State law and Federal law are properly decided by the Federal courts, and DHS should not be prejudging or interfering with this determination.

While we all wish it were not so, the threat of terrorists using our chemical plants as a mechanism for killing hundreds or thousands of citizens is not far-fetched. It was reported as far back as December 2001 that chemical trade publications had been found in a hideout in Afghanistan used by Osama bin Laden. Numerous Government agencies and independent bodies have identified the Nation's chemical facilities as an attractive target for terrorists. And New Jersey has good reason to be concerned about a terrorist attack on a facility storing large amounts of dangerous chemicals. The FBI has called the stretch between Port Newark and Liberty International Airport "the most dangerous two miles in America." According to a 2005 CRS report, 7 of the 111 sites identified by EPA that could put more than 1 million people at risk in the event of an attack or serious accident are in New Jersey. According to the same report, up to 7 facilities in New Jersey put up to 1 million people at risk, and up to 20 more facilities pose a risk to up to 100,000 people.

I want to thank the leadership of the Appropriations Committee and my colleagues in the Senate and the House for their support for including this critically important national security provision in the Omnibus appropriations bill.

Mr. SANDERS. Mr. President, like many of my colleagues, I worked very hard to assure that, given the veto threats of President Bush, the Omnibus appropriations bill was as strong as it could be. In that regard, we have made some real progress. Unfortunately, however, this bill contains $40 billion for Iraq operations, with no strings attached the money to be used as the President wishes, with no accountability for when our involvement in Iraq will end. With expenditures of $12 billion a month, it is now estimated that the total cost of our Iraq involvement will end up being more than $1 trillion.

I cannot support providing more money for continuing our ill-conceived and tragic presence in Iraq, money provided with no requirement for plans as to when the redeployment will begin, when it will be concluded, and what our future course in Iraq will be. Consequently, I will vote against the Omnibus appropriations bill.

My vote against this bill also reflects genuine concern regarding last-minute additions of loan guarantees for questionable energy sources, which move us in exactly the wrong direction. More specifically, the report language accompanying the Omnibus appropriations bill provides $18.5 billion in loan guarantees for nuclear powerplants, $2.0 billion in loan guarantees for uranium enrichment, $6.0 billion in loan guarantees for coal, which I have reason to believe includes coal to liquids, and $2.0 billion in loan guarantees for coal gasification, which I also fear could be used for coal to liquids. It is, quite frankly, beyond belief that we would be passing legislation to support these questionable energy sources. In my view, we should be doing everything we can to transform our energy system so as to move away from unsafe and polluting sources to energy efficiency and sustainable and renewable technologies. Congress can, and must, do better.

Mr. INHOFE. Mr. President, it is now December 18 and we are all anxious to get home. Additionally tomorrow is my 48th wedding anniversary. That's why I want to get home. Standing in our way is final disposition of the 2008 appropriation bills. The leadership has brought before us an omnibus bill that combines the remaining 11 regular appropriation bills not yet signed by the President. That in and of itself is a failure. Instead of working to pass the annual appropriations bills and ensure the continued operation of our Government, congressional Democrats have spent the majority of the 110th Congress playing political games with critical funding for our troops, attempting to pass surrender resolutions, and pushing a path to amnesty for the millions of illegal immigrants in our Nation. Two months past the end of the fiscal year, Congress only managed to pass one of the annual appropriations bills, instead choosing to roll billions of dollars in funding into an Omnibus appropriations bill hours before Congress is supposed to recess for the year. In fact, this year we observed the latest date in 20 years that Congress failed to send a single annual appropriations bill to the President's desk. This Democrat-controlled Congress should be labeled as nothing but irresponsible. Additionally, I am here to point out that this bill violates rule XVI of the Standing Rules of the Senate because it is legislating on an appropriations bill.

Title I of Division C, which appropriates money for the Civil Works program of the Army Corps of Engineers, the following projects have either not yet be authorized or the amounts appropriated for them under this bill exceed the authorized levels:

Louisiana Coastal Protection and Restoration study; coastal Mississippi hurricane and storm damage reduction study; rural health care facility on the Fort Berthold Reservation of the three affiliated tribes; North Dakota environmental infrastructure project.

During consideration of H.R. 1492, the Water Resources Development Act, Public Law 110–114, I elaborated for my colleagues in great detail the history and function of the authorization process and stated that I would oppose any appropriation bill that attempted to fund projects either not previously authorized, or above their authorized level. As I made clear in my statements on September 24 prior to passage of the conference report and again on November 8, prior to the Senate's veto override vote, the authorization process is the foremost mechanism we have to control spending. We are violating it in this bill.

In addition to these increases in spending, the omnibus includes numerous provisions authorizing or modifying other projects and policies of the Corps in nonspending ways. These legislative provisions, too, should be decided within the authorization process, not in an omnibus appropriations bill.

Just over a month ago, we authorized $23 billion in projects for the Corps of Engineers, and Chairwoman BOXER and I have already begun discussions on a new authorization bill for 2008. So, I have to ask why are we violating not only the Standing Rules of the Senate, but creating an opportunity for criticism on our ability to control spending. It makes no sense, it is not necessary and I believe goes to the heart of why the public has such a low opinion of Congress. They don't trust us. Why should they, we cannot seem to follow our own rules.

Before I close, I would like to point out one more area of unnecessary and irresponsible legislating in this omnibus appropriation bill. There are several provisions to address climate change scattered throughout the bill. These provisions include creation of new requirements and a new mitigation incentives fund for the Economic Development Administration, in title I of Division B; a sense of Congress with a call for a mandatory program to reduce greenhouse gas emissions, in Division F; and the creation of a mandatory greenhouse gas registry, in title II of Division F, which appropriates money for the Environmental Protection Agency. We are in the middle of a regular order process for the consideration of climate change legislation. To include these provisions now, at the last minute on an omnibus, is a total affront to that process.

The proposed registry language is a completely standardless grant to the EPA, possibly an unlawful delegation of Congress' power to legislate. The language directs EPA to develop a mandatory reporting program of greenhouse gas emissions "above appropriate thresholds in all sectors of the economy of the United States." There are no other standards or directions to the Agency. There are no standards by which a reviewing court can judge EPA's actions.

This registry language should be removed or, at a minimum, allowed to sunset at the end of fiscal year 2008 without implementation or effect.

In another provision, the appropriators express concern about proposed new power plants in Texas. This provision, at the very least, should refer to all fossil fuel generation, not just single out coal-fired generation.

Colleagues, I have no illusions that my attempt here today to bring about discipline on the spending process will succeed, but I cannot allow the bill to go through without registering in the strongest possible terms my objections to what we are doing here today.

I have no doubt that each of the Army Corps projects mentioned above have merit, and I would be happy to work with the sponsors, as would, I am sure, Chairwoman BOXER, during the authorization process, but doing it now is wrong. It violates our rules, it removes discipline from the process.

Mr. NELSON of Nebraska. Mr. President, I rise today to speak in support of the consolidated appropriations bill before the Senate and to discuss one small part of the bill that is an important component to our many efforts to advance the biofuels industry and to wean our nation off of its reliance on oil.

In the Energy and Water Appropriations bill, the Senate Appropriations Committee provided $2 million to the Department of Energy for "E–85 infrastructure deployment."

I want to highlight the importance of this funding and stress the need for DOE to utilize this money in the most cost efficient and effective manner possible.

E85 is an alternative form of transportation fuel that consists of 85 percent ethanol and 15 percent gasoline. It has been developed, in part, to address American's air quality issues and its dangerous dependence on foreign oil.

Currently, there are over 6 million E85 capable vehicles on the Nation's highways, and the use of E85 in these vehicles has the potential to significantly reduce the Nation's dependence on foreign oil, add billions to total farm income, help improve rural and the American economies, and help reduce levels of greenhouse gas emissions.

Recognizing the importance of E85, President Bush and Secretary of Transportation Mary Peters participated with the CEOs of General Motors, Ford, and Chrysler in an event on March of 2007, where they announced the growth in the production of flexible-fuel vehicles, FFVs, that can run on E85.

The automakers pledged to double their existing production of flexible fuel vehicles by 2010. They also pledged that by 2012 fully 50 percent of all vehicle production would be FFVs.

This pledge, however, was predicated on the fact that adequate fueling infrastructure would be available by that time to fuel the millions of additional E85-compatible vehicles.

It is the responsibility of Congress to provide adequate funding to help advance the deployment of E85 fueling infrastructure. I was encouraged then that the Senate elected to set aside $2 million for this purpose in the Energy and Water Appropriations bill. Once finalized, it will become the Department of Energy's responsibility to allocate this funding to the entity that can provide the most effective and cost-efficient service.

As Governor of Nebraska I helped create the Governors' Ethanol Coalition. In 1997, this coalition, along with the National Corn Growers Association, domestic automakers, and others, established a group named the National Ethanol Vehicle Coalition, NEVC, to be the Nation's primary advocate for the use of E85 ethanol as an alternative to oil-based transportation fuel.

Working with its many partners, NEVC maintains the primary national database on E85 fueling locations, E85 fuel providers, and comprehensive data on the technical requirements necessary to install E85 fueling systems. NEVC also provides the marketing and promotional materials used by all E85 fueling stations in the Nation.

NEVC accomplishes all of these actions in a cost effective, timely, and prudent manner. In addition to having assisted with the opening of 1,413 existing stations, NEVC has provided assistance to station operators for securing reasonably priced supplies of ethanol. NEVC has also provided assistance regarding State and Federal tax credits and the materials needed for proper marketing and promotion by these stations.

NEVC has an extensive background, high level of technical competence, and vast experience in establishing and maintaining E85 fueling facilities, and they have proven themselves capable of effectively delivering assistance in a cost-efficient manner.

I note that there is broad consensus that additional alternative fueling infrastructure is needed in this country, and I stress the need for DOE to wisely use the limited funds we have made available.

As such, Mr. President, I strongly urge the Department of Energy to work closely with NEVC and give them all due consideration when it is expending the funding Congress has provided to meet the needs and goals for E85 fueling stations.

Mr. CORNYN. Mr. President, it is no secret that every Senator who comes to Washington, DC, comes with a few select issues in mind which he makes his own, and which he takes a particular interest in. For me, open and transparent government has been one of those issues.

From my time as a Texas lawyer, supreme court justice, and attorney general I know firsthand the importance, but also the difficulty of creating and enforcing open government and the free flow of information. I have always taken to heart, however, the words of James Madison, who once declared: "The advancement and diffusion of knowledge is the only guardian of true liberty."

Of course, I have the advantage of coming from Texas, one of the strongest States in terms of free information and open government. In Texas, it is a matter of principle that everyone should be able to quickly and easily find out what their government is doing and how.

That is why I was so pleased last week when the Senate passed the Openness Promotes Effectiveness in our National Government, or OPEN Government Act of 2007. Now, the House has likewise passed this important bill, and I eagerly await the President signing it into law.

I have to thank my colleagues, the chairman of the Judiciary committee, Senator LEAHY, and Lydia Griggsby of his staff; Senator KYL, and Joe Matal of his staff; and two of my former chief counsels, James Ho and Reed O'Connor. Without their hard work, we wouldn't be celebrating this legislative victory today.

I have spoken on several occasions in this Chamber about the importance of reforming and updating the Freedom of Information Act, so that undue delays and onerous burdens which plague American citizens looking for information that they by right should have. After 40 years of FOIA there still remain pending requests for information more than a decade old. And many requests result in costly and drawn out lawsuits which effectively prevent the average citizen from receiving the information they deserve.

This bill will restore this most fundamental principle of a free and informed citizenry. It reinforces Lincoln's notion of a government "of the people, by the people, for the people," placing information back in the hands of Americans. It is nothing short of a victory for democracy.

This bill restores meaningful deadlines with real consequences to the FOIA system, ensuring Government agencies will provide timely responses to requests. It creates a new system for tracking pending FOIA requests and an ombudsman to review agency compliance. At the same time it closes loopholes and strengthens FOIA law ensuring all journalists have equal access to information.

These reforms are long overdue, and are but a part of creating a government focused on openness. Still, I look forward to the President signing this bill and pacing the way for a culture of transparency in America. In my home of Texas, we have worked hard to establish the ideals of openness and transparency, and I know that the Nation can follow suit. It is in everyone's best interest to throw a little more sunshine on Washington, DC.

Ms. SNOWE. Mr. President, I rise today to draw your attention to a critical amendment that I am offering to the Omnibus appropriation bill. As ranking member of the Subcommittee on Oceans, Atmosphere, Fisheries, and the Coast Guard, I am working with my colleagues in the New England delegation to seek support for this amendment. Our amendment would allow fisheries disaster relief funds to be made available to hard-hit fishermen in all New England States, not just Massachusetts as is currently stipulated

From the time the first Europeans arrived in the region that would become New England, fish—particularly groundfish such as cod and haddock—were the fundamental natural resource. It was said that fish were once so bountiful that one could walk across the Gulf of Maine on the backs of codfish. But today, our centuries-old tradition of groundfishing is at a critical juncture, and many of our fishermen are increasingly finding that they can no longer find enough fish to make a living in an industry that has sustained their families for generations. This is because ongoing requirements to rebuild New England's groundfishery have resulted in drastic cuts to the fishing industry and severe economic impacts to our fishing communities. Since 1996, groundfishermen in the Northeast Multispecies Groundfish Fishery have seen their allotted days-at-sea slashed by over 75 percent, from an average of 116 to just 24 days a year. This effectively closes the fishery 93 percent of the time.

I understand the need to reduce catch on a temporary basis in order to allow the stocks to rebound from decades of overfishing, but if we are going to have any fishermen left to harvest those rebuilt stocks, we must have Government assistance to sustain the fleet through this rebuilding period. The Maine groundfishing fleet already has been cut in half over the past 13 years, from more than 220 boats in 1994 to just 110 today. Groundfish landings in Maine are down 58 percent over that same time period. Shoreside support industries such as fish processors, and ice, bait and fuel suppliers have suffered similar losses—with jobs in fish processing and wholesaling dropping 40 percent, from nearly 3,000 jobs to less than 1,800 today.

Because of these severe economic impacts and their ramifications to shoreside infrastructure and the overall health of coastal communities, earlier this year the Governor of Maine appealed to the Secretary of Commerce, asking that he officially declare a "fisheries failure" in this region. Such a declaration under existing law would allow the release of vital disaster assistance to help minimize the devastating losses our fishing communities are experiencing.

Unfortunately, the Secretary of Commerce failed our fishermen, when he failed to make this declaration. He misinterpreted Congress's intent when, in the most recent reauthorization of the Magnuson-Stevens Fishery Conservation Management Act, we authorized disaster relief funding for fisheries crippled by overly onerous regulations. And that mistake was fueled by his decision to cherry-pick numbers and timeframes that provided a rosier analysis of the true cumulative economic impact of the groundfish regulations. It was his contention that the fishery was "rebuilding." While this may be true, the fact remains: today, our fishermen are only allowed to work 24 days a year. If these are the regulations we require, I think that is evidence enough that the fishery should be considered a failure.

But given the Secretary's decision, and his rejection of numerous appeals to reconsider, it is now up to Congress to provide this vital economic relief, which will enable our fishing communities to survive while groundfish stocks rebuild over the next several years. But as it now stands in the omnibus, Congress is poised to repeat the mistakes made by the Secretary of Commerce by denying this relief where it is most needed.

Currently, the language in the bill would only allow disaster relief funding to groundfishermen in the State of Massachusetts. This language marks a significant departure from the New England delegation's past efforts to address the impacts of groundfish regulations. For nearly a decade, until this language appeared, my staff and I have worked closely with Senators KERRY and KENNEDY—as well our colleagues from other New England States—to develop and put forth a comprehensive, consistent, regional approach for achieving the goal of fairly and effectively helping our groundfishermen. The simple fact is that this is a regional fishery. Massachusetts fishermen are chasing the same fish as their Maine or Rhode Island or New Hampshire counterparts. And I am deeply troubled to see that this regional, cooperative approach has been abandoned by my colleagues from Massachusetts, and they now choose to "go it alone" without seeing that this is a regional crisis. After all, considering that devastating economic impacts have hit all New England States, especially Maine, it is simply unfair and unreasonable to keep this funding contained to one State.

We first worked to remedy this situation and restore a strong regional solution last October. When the Senate passed our Commerce-Justice-Science Bill, S. 3093, we included a Sununu amendment, which I cosponsored, that would have directed $15 million of the funds provided to the National Oceanic and Atmospheric Administration to be available to carry out disaster relief activities of the Magnuson-Stevens Act. To my great dismay—and without consultation to the New England delegation—the omnibus before us no longer contains the Senate-passed language allowing this disaster relief for New England's groundfishermen. The Senate must now act to restore this funding.

If we fail to do the right thing today, the result will be that disaster relief funding will go to only Massachusetts—arguably the State that needs it the least. For example, the port of New Bedford, MA consistently ranks first in the Nation in the value of fisheries landings. Fishermen brought $281.2 million worth of fish to New Bedford alone in 2006, continuing a 7-year trend of increasing value of landings. On top of that—Massachusetts fishermen are already set to receive approximately 6 million of additional fisheries mitigation funding from operators of a liquefied natural gas facility.

If Congress does not act to remedy this situation, we could be sounding the death knell for groundfishermen in other New England States. The fishermen in Maine, New Hampshire, Rhode Island, and Connecticut would simply be unable to compete with their counterparts in Massachusetts, who will soon find themselves awash in an influx of cash, boosting their bottom lines and increasing their competitiveness. This would be a grievous injustice—one that we cannot countenance.

For the sake of the hard-working groundfishermen throughout the other New England States, who have already endured years of costly regulations and are working hard to help stocks recover, I implore my colleagues to support this amendment. Congress must right the wrongs that continue to be carried out on our hardest hit fishermen and coastal communities.

Mr. LIEBERMAN. Mr. President, I rise today to support the fiscal year 2008 omnibus appropriations bill. I know it has been difficult to reach a compromise on this bill, and I realize that many funding levels for important programs were reduced so we could reach an agreement.

Despite these cutbacks, I believe we can still be proud of this bill. It contains considerable funding for counterterrorism and crime prevention, scientific and medical research, Pell grants, title I schools, special education, small business programs, consumer product protection, Amtrak, State and local first responder grants, and low-income energy assistance. To meet the President's top line budget number, my colleagues had to make hard choices. To their credit, the bill before us today prioritizes the most critical domestic programs in the Federal Government.

The omnibus also contains an additional $3.7 billion in emergency funding for veterans, constituting the largest increase in veterans' spending in the history of our Nation. $1.9 billion of the increase is targeted for VA medical services. This much needed funding will improve treatment for traumatic brain injury and post-traumatic stress disorder, two of the most prevalent injuries from the global war on terrorism.

I am also proud of what this bill will do for the people and communities of Connecticut. The money I requested will assist many worthy local efforts, such as hospital renovations, the construction of a small craft maintenance facility at Naval Submarine Base New London, a community college manufacturing technology program, and improvements to several intermodal transportation facilities.

I would like to clarify conference language concerning two specific projects in the bill. Currently, the Interior, Environment, and Related Agencies conference report lists a State and tribal assistance grant project as "$300,000 for The City of Southington for wellhead cleanup." This language should be interpreted as if it stated "$300,000 for the Southington Water Department for wellhead cleanup."

The Labor, Health and Human Services, Education and Related Agencies conference report lists an Office of Museum and Library Services project as "$97,000 for the Connecticut Historical Society, Hartford, CT for educational programs and interactive school programs at the Old State House." This language should be interpreted as if it stated "$97,000 for the Connecticut Historical Society, Hartford, CT for educational programs and interactive school programs at the Old State House and the Connecticut Historical Society Museum."

Once again, I commend the efforts of my colleagues on the consolidated appropriations bill for fiscal year 2008. They deserve hearty congratulations for their demanding work and considerable willingness to compromise.

Mr. COBURN. As we approach the end of the year, Congress once again finds itself on a last-minute spending spree, approving billions of dollars of new spending with few questions asked, no amendments allowed, and little debate, discussion, or inspection permitted.

The U.S. national debt now exceeds $9.13 trillion. That means almost $30,000 in debt for each and every man, woman, and child in the United States. The U.S. debt is expanding by about $1.4 billion a day, or nearly $1 million a minute. The unfunded liability placed on a child born today is $400,000.

The "Financial Report of the United States Government" released this week found that the Federal deficit would be nearly 70 percent higher than the $162.8 billion reported 2 months ago if the Government used the same accounting practices as private firms. Accounting for such liabilities as pensions and health care costs when they are incurred rather than when they are paid would have boosted the deficit to $275.5 billion, the report noted.

It is completely irresponsible for Congress to add to this debt that threatens the retirement security of our senior citizens and the economic prosperity of our children and grandchildren who will inherit the debt that results from the spending decisions Congress is making today.

The Omnibus appropriations bill, which combines the 11 unfinished appropriations bills to fund the Federal Government's operations in fiscal year 2008, provides approximately $515.7 billion in discretionary spending. The bill also adds approximately $11 billion in emergency spending, of which $3.7 billion is contingent emergency spending for veterans programs.

This bill was approved by the House of Representatives last night, and the Senate will vote on it today, even though it has only been available now for 36 hours. The bill is more than 3,400 pages, and I am fairly certain that not a single Member of either chamber of Congress, or anyone else, for that matter, has read it in its entirety. What is most shocking, however, is that the eagerness of Members of Congress to recess for the year and to satisfy the desire to secure pork projects has taken precedent over our responsibility to properly manage the Nation's finances and set national spending priorities.

While this bill does not provide the funding that is needed for our brave men and women in uniform fighting on the front lines in Iraq, it does contains over 9,000 special interest pork projects, known as "earmarks."

"An earmark Christmas, Lawmakers deck out omnibus with many a spending project," proclaims the front page of the Hill newspaper. "Earmark Extravaganza, Nearly 9,000 Requests in Omnibus," exclaims the front page of Roll Call.

Nearly 300 of the earmarks in this bill costing over $800 million were air dropped into this bill during closed-door meetings not open to the public or most Members of Congress.

Among the thousands of earmarked projects tucked into this bill are:

$113,000 for rodent control in Alaska;

$213,000 for olive fruit fly research in France;

$1,645,000 for the City of Bastrop, LA. According to Bastrop Daily Enterprise, "The money is officially earmarked for the purchase of bulletproof vests and body armor. Bulletproof vests only cost about $700–800, however, so $1.6 million would appear to be overkill." Police detective Curtis Stephenson agrees, conceding "There's no way we'd need that kind of money just to put all our people in vests.";

$200,000 for a Hunting and Fishing Museum in Pennsylvania;

$150,000 for a Louis Armstrong Museum in New York;

$700,000 for a bike trail in Minnesota;

$1,000,000 for river walk in Massachusetts;

$200,000 for a post office museum in downtown Las Vegas;

$1,000,000 for an earmark requested by a House Member who has been indicted on Federal charges of racketeering, money-laundering and soliciting bribes;

$824,000 for alternative salmon products;

$146,000 for an aquarium in South Carolina;

$1,000,000 for managing weeds in Idaho; and

$37,000 for the Lincoln Park Zoo in Illinois.

It is hard to argue that any of these are national priorities or more important than funding the troops in Iraq or worth increasing the national debt. Members of Congress have, however, learned to rationalize the practice of earmarking, but the truth is every earmark diverts funds away from more important national priorities.

I filed two amendments to this bill that would have demonstrated this point that I had hoped to offer but was blocked from doing so. These amendments would have given Congress the opportunity to choose between improving deficient roads and bridges and providing health care to women and children before steering funds toward special interest earmarks.

The first amendment, 3860, would have allowed the Department of Transportation to redirect earmarked funds to improve unsafe roads and bridges.

On August 1, 2007, the Interstate 35 West, I-35W bridge over the Mississippi River in Minneapolis, MN, collapsed during rush hour, killing 13 people and injuring another 123. This tragedy exposed both a nationwide problem of deficient bridges as well as misplaced priorities of Congress, which has focused more on funding earmarks than improving aging infrastructure.

According to the U.S. Department of Transportation, one out of every eight bridges in our Nation is structurally deficient. Of the 597,340 bridges in the United States, 154,101 bridges are deficient. Yet, instead of addressing needed bridge maintenance, Congress has prioritized earmarks for politicians' pet projects, many which do not even involve roads or bridges.

The $286 billion, 5-year Transportation authorization bill approved by Congress in 2005, for example, included 6,373 earmarks, totaling $24 billion, including the infamous "Bridge to Nowhere" in Alaska.

An investigation by the inspector general of the Department of Transportation found that "Many earmarked projects considered by the agencies as low priority are being funded over higher priority, non-earmarked projects." The IG notes that "Funding these new low priority projects added to the already substantial backlog of replacement projects and caused [Federal Aviation Administration] to delay the planning of its higher priority replacement projects by at least 3 years."

Earmarks have siphoned away tens of billions of dollars that could and should have been spent to upgrade deficient bridges or improve aging roads rather than being spent on politicians' pet projects.

The Senate has already rejected a similar amendment in September, and this bill shows once again that Congress is more interested in securing earmarks than securing our Nation's roads and bridges.

The second amendment, 3861, would have allowed the Department of Health and Human Services to redirect earmarked funds to the Maternal and Child Health Block Grant Program.

Congress has spent much of this year posturing about who cares most about providing health care for children and the uninsured. Yet Congress has failed to enact any reforms to expand health care access. According to the Kaiser Family Foundation, in this country there were 9.5 million children who lacked health insurance for at least part of last year, and over 17 million women are uninsured.

This amendment ensures that many of these uninsured women and children would receive services from the Maternal and Child Health Block Grant, which provides funding for urgent health needs for pregnant women, mothers, infants, children, and adolescents. It is shameful that Congress has diverted tens of millions of dollars in the health title of this bill towards special interest pork projects when millions of children and women do not have access to critical health care.

The Senate rejected a similar amendment in October, and this bill demonstrates once again that while Congress may talk about prioritizing children's health care, the real priority of Congress is its own special interest pork projects.

There are plenty of other examples in this bill of Congress's misplaced priorities. The bill, for example, terminates the Baby AIDS Program that provides resources to prevent perinatal HIV transmission and care for mothers with HIV, while ensuring that San Francisco receives funding for deceased AIDS patients. The bill provides another $100 million for the 2008 political party conventions. It allows the Department of Justice to again provide Federal financial support for groups linked to terrorism by removing the prohibition passed by the Senate in October.

Who know what other travesties are hidden within this 3,400 page omnibus spending bill that Congress is expected to pass without having time to read, review, or amend? Members of Congress may never know, and apparently few seem to care.

It should come as no surprise to anyone that the approval ratings of Congress have reached alltime historical lows.

Congress has ignored the needs of our troops in combat, the looming bankruptcy of Social Security and Medicare, and the nearly insurmountable national debt that threatens the future prosperity of our Nation while showing virtually no restraint on spending, especially for parochial pork projects.

Mr. CRAPO. Mr. President, I rise today to offer my distinct dismay with the outcome of what has become omnibus funding legislation for 11 of the 13 appropriations bills for fiscal year 2008. H.R. 2764 is a sad testament to Congress's inability to draft and pass responsible Federal funding legislation. I am very disappointed that critical funding for drug abuse education efforts, crime victims and, more specifically, victims of domestic violence has been stripped from this bill. Idaho will lose more than 10 percent of Victims of Crime Act Funding, money, incidentally, which was never supposed to be subject to the appropriations process in the first place. Furthermore, funding for programs that help victims of sexual assault in 15 cities in Idaho and a program that has helped thousands of Idaho schoolchildren learn of the dangers of Internet predators have been eliminated during the conference process on this omnibus spending bill. Justice assistance grants have been significantly reduced. The Office of National Drug Control Policy Youth Anti-Drug Media Campaign was significantly cut, which jeopardizes important anti drug and, particularly anti meth media messaging for Idaho's youth. Although I have supported important funding along the way in these bills including veterans funding, border funds and other Idaho priorities, in my view, victims of crime and our youth are the clear losers in this legislation, and because of this and other substantial concerns I have with this, I have to vote against the bill.

Mr. PRYOR. Mr. President, I would like to express my support for a provision of the Consolidated Appropriations Act, 2008. Specifically, I would like to take this opportunity to highlight and clarify language included in Division E, the Department of Homeland Security Appropriations Act of 2008 regarding the secure handling of ammonium nitrate.

This legislation reduces the risk of large quantities of ammonium nitrate falling into the wrong hands, while ensuring access for agriculture professionals and farmers who use this fertilizer for legitimate purposes. It requires that ammonium nitrate sellers and purchasers register and receive a registration number in order to distribute or buy the product. Doing so reduces the possibility that ammonium nitrate will be misused. First, it allows Department of Homeland Security and relevant law enforcement agencies to know who has access to ammonium nitrate. Second, it requires registration number applicants to be matched against the terrorism screening database before being authorized to buy or sell ammonium nitrate. Finally, by making the sale or purchase of ammonium nitrate more difficult, it deters acquisition of this explosive precursor by dangerous persons.

Farmers who use ammonium nitrate in agriculture production normally obtain the ammonium nitrate from a retail fertilizer dealership. Any retail fertilizer dealership that stores and sells ammonium nitrate would have to register under this legislation. The intent of this legislation is "track and trace"—to provide law enforcement officials with the ability to know where ammonium nitrate is being stored and the establishment of a prescreening process before a person can purchase and take away ammonium nitrate.

Retail fertilizer dealerships provide many services for farmers and one of those services is custom application. Many farmers buy the fertilizer, but never physically take possession of the ammonium nitrate. Instead, farmers purchase the services of a dealer who spreads the ammonium nitrate on their fields. In the southeastern United States, nearly 90 percent of the 41,800 tons of ammonium nitrate purchased is directly applied to the field from the custody of the fertilizer dealer or applicator company. Only 10 percent of the ammonium nitrate purchased in the southeastern United States is ever under the direct control and possession of the farm customer.

Businesses and employees who provide custom application services would be subject to the registration requirements of the legislation. It is not the intent of this legislation to require registration by individuals who use custom application services but never physically control any ammonium nitrate.

I believe this bill will help keep ammonium nitrate out of would-be terrorists' hands while allowing farmers to use it for legitimate purposes.

Mr. BROWNBACK. Mr. President, I rise to discuss the Omnibus appropriations bill that is before us today. Although I am supportive of a number of important items in the bill, I have serious concerns and reservations about how this voluminous package was put together and how it has reached this point. As we are all aware, none of the 11 bills in this package have ever been considered on the floor of this chamber. I believe this is a travesty and entirely contrary to our democratic process. I, for one, believe that next year we must make it a priority to consider all of the appropriations bills in regular order so that all Members can participate in the process. We are appropriating nearly $933 billion through this bill and only a select few Members in both Chambers have participated in the allocation of those dollars.

Despite my deep concerns about the process of putting this bill together, I have chosen to support it because it is within the President's budget request, it provides bridge-funding to support our troops in Iraq and Afghanistan, and it contains a number of other items that I support.

I am pleased that the bill contains funds to continue Marriage Development Accounts in the District of Columbia. We began this program in fiscal year 2006 as a way to stem the erosion of marriage in DC. Sadly, marriage is all but disappearing in low-income communities in this city and across the country because couples lose important benefits such as food stamps, low-income housing credits, Temporary Assistance to Needy Families, and Medicaid merely for taking a wedding vow. In addition, these couples often have to pay higher taxes when they choose to marry. For most low-income couples, the welfare system has made marriage a bad economic decision. MDAs are one way we are making marriage a good economic decision. With an MDA, a low-income couple can save for a house, for higher education, or to start a small business and we will match those funds 3-to-1 with two Federal dollars and one private matching dollar. In just its second year of operation, over 100 DC residents have opened MDAs and 7 have already bought houses with their matched savings.

I am also pleased that we were able to include language in this bill requiring the U.S. Mint to return the words "In God We Trust" to the face of the $1 Presidential coins and the $1 Sacagawea coins. "In God We Trust" is our national motto and since the beginning of our Nation, America's citizens have acknowledged how God is very much a part of the founding principles and traditions of our democracy. I would like to note that in 1861, Secretary of the Treasury Samuel P. Chase ordered that coins bear a motto expressing the American people's trust in God. The first coins with the phrase "In God We Trust" were minted in 1864. In 1955, the phrase was required for all new coins, and in 1956 Congress officially endorsed "In God We Trust" as the national motto. Therefore, I was troubled to learn that the words "In God We Trust" do not appear on the face of the new Presidential coins. These words are barely visible and almost hidden on the edge of the new coins. To rectify this situation, we have included language in this bill that will require the U.S. Mint to return our national motto to the front of the coin.

I would like to note that we have provided $80 million for the Consumer Product Safety Commission, an increase of $17 million over the fiscal year 2007 level. I believe that this increase is important and necessary because it will allow the CPSC to hire additional inspectors to ensure that toys and other consumer products entering our country are safe. We have all been deeply concerned over the flood of shoddy and dangerous products entering our ports. Most troubling is that many of these products are designed for our smallest and most vulnerable consumers: everything from baby cribs and strollers to children's toys and baby teethers have been recalled just this past year. I believe these additional funds will help CPSC address this growing problem.

I am supportive of the $60 million available in this bill to support democracy in Iran. Although I am pleased that this money is in the bill, I would have hoped we could have come up with an additional amount for this important and essential work. I am also concerned about oversight of these funds. In my view, this money is a crucial part of our overall policy on Iran, and I will closely monitor how it is spent.

Finally, I would not be able to vote for this bill if it did not contain the necessary funding for our troops in Iraq and Afghanistan. The amendment that Senator MCCONNELL has offered today contains those important and necessary funds. We are making progress in the war in Iraq and we must continue to provide our brave servicemen and servicewomen all the armor and ammunition and support they need to continue to secure a peace in that region of the world.

I reiterate my deep concerns and consternation with how this omnibus bill was put together. To say that this behemoth bill was cobbled together in the dead of night among just a few Members is no exaggeration. Such an approach is undemocratic and dangerous. Although I will vote for the bill, I must insist that we abandon this undemocratic process and return to regular order when we take up next year's appropriations bills.

Ms. MIKULKSI. Mr. President, I rise today to discuss the Commerce, Justice, Science and Related Agencies, CJS, division of the Omnibus appropriations bill before the Senate. The CJS agreement in this bill is a bipartisan, bicameral compromise that is a product of hard work and tough choices. In order to meet a very stringent allocation mandated by the President, we had to cut $2.6 billion from the Senate CJS bill, which passed the Senate on October 16, 2007.

Although we were forced to make substantial cuts, we protected the subcommittee's priorities. First, security—keeping Americans safe from threats at home and abroad. Second, promoting competitiveness—developing new technologies that create jobs for the future. Finally, providing congressional oversight by demanding accountability from the agencies funded in this bill to ensure they act as good stewards of U.S. taxpayer dollars. Significant improvements to the President's budget were made in this bill to make America safer and stronger and ensure taxpayer dollars are being spent wisely.

Despite the tough choices we had to make, there are accomplishments for which we can be proud. First, the CJS subcommittee's top priority is to protect America from terrorism and violent crime. The subcommittee provided the Federal Bureau of Investigation (FBI), our domestic counterterrorism agency, $133 million above the President's request, for a total of $6.7 billion. The CJS agreement bolsters the FBI's efforts to fight emerging cyber security and terrorist threats and provide for 160 new FBI agents to track and dismantle terrorist cells in the United States For the Drug Enforcement Administration, DEA, we provide $53 million more than the President's request, for a total of $2.1 billion. These funds will lift the hiring freeze and give DEA the resources they need to hire 200 additional special agents. These agents will fight illegal drugs like heroin and methamphetamine that are destroying our communities and disrupt the poppy trade in Afghanistan, which funds terrorist activity.

In addition, the President's budget gutted funds for State and local law enforcement by $1.5 billion from last year's level. The CJS agreement provides a total of $2.7 billion to help State and local law enforcement fight crime, drugs and gangs. The agreement includes $1.2 billion more than the President's request. With the limited resources the subcommittee had, we were able to make modest increases to critically important State and local law enforcement programs. For example, we provided $20 million to put 260 new cops on the beat in our local communities; $400 million to keep women and children safe from domestic violence; $383 million to keep children safe from child predators, gangs and drugs; and $15 million to put cops in schools to fight the rising trend of violence on school grounds. These are critical programs and I wish we could have provided more funds to keep our children safe, protect our communities and provide those on the thin blue line the resources they deserve to protect us.

The CJS agreement continues the subcommittee's commitment to the development of new technologies that create jobs for the future. The CJS agreement fully funds the President's request of $17.3 billion for NASA. NASA is our premier innovation agency that is creating new technologies and inspiring future scientists and engineers. The CJS agreement maintains our commitment to the space station and the aging space shuttle fleet and fully funds the new space transportation vehicle. The CJS agreement also keep our commitment to NASA's scientific discovery and aeronautics research.

In addition, the CJS agreement rejects the President's cuts to Department of Commerce initiatives that create technologies and jobs. The agreement restores $80 million above the President's request for economic development grants to help our communities develop infrastructure to create new jobs. The agreement provides $90 million for the Manufacturing Extension Partnerships, MEP, which help small U.S. manufacturers stay competitive. Also, the agreement provides $65 million for the newly authorized Technology Innovation Partnership, TIP, program to encourage innovation.

The CJS agreement emphasizes oversight and accountability to prevent mismanagement of taxpayer dollars. Specifically, the agreement prohibits funds for lavish banquets and conferences and requires the Inspector General in each agency to stand sentry over grant spending to ensure taxpayer dollars are not squandered. The subcommittee agreement institutes an early warning system for cost overruns and schedule slippages on major satellite procurement programs so that costs to the taxpayers do not grow unchecked. The agreement also requires management reforms at the Patent and Trademark Office, PTO, to reduce application backlogs and waiting times. Currently there is a 2 year backlog to process a patent application and this backlog could reach over 800,000 applications this year.

Unfortunately, the subcommittee also had to make some very difficult choices. There were reluctant cuts dictated by the President's budget that forced the Subcommitte to cut things that we wanted to fund. For example, Byrne formula grants to States are funded at only $170 million. The President zeroed out Byrne formula grants, but our agreement is still $350 million below 2007. Byrne formula grants go to States to pay for police training and technology and crime prevention programs at the State and local level. This cut means there will be less direct Federal funding for State law enforcement budgets, straining State budgets that are already stressed.

Regrettably, the CJS agreement is $424 million below the President's request for the American Competitiveness Initiative, ACI, at the National Science Foundation, NSF, and National Institute of Standards and Technology, NIST. Our Senate bill fully funded the President's request for ACI, which has bipartisan support, but our allocation required very difficult choices and this was one of them.

Finally, I want to express about my disappointment that the House would not agree with two provisions that were included in the Senate CJS bill. First is emergency funding for NASA. Our Senate bill included $1 billion in emergency funding to reimburse NASA for the costs of returning the space shuttle to flight after the Columbia accident. This funding had bipartisan support in the Senate, but the House would not agree to it. The consequence will be a continued gap in time between shuttle retirement and development of our new vehicle.

Second, I included a provision in our Senate bill to extend the H-2B returning worker exemption. This was a simple 1-year extension of current law. On a bipartisan basis, the Senate wanted to protect small and seasonal businesses from going bankrupt. I regret that the House would not agree to the extension.

Overall, the CJS agreement is a bipartisan effort, a product of hard work and tough choices in order to meet a very tight allocation. Even within the tight allocation, we provide funding to keep America safe, we secure America's competitiveness, and we provide strong oversight and accountability to ensure stewardship of taxpayer dollars.

I want to thank my ranking member, Senator SHELBY for his collegiality and cooperation. I also want to thank Chairman BYRD and Ranking Member COCHRAN for their hard work and advocacy. And I thank their staff, specifically, Art Cameron, Chuck Kieffer, and Bruce Evans. I encourage my colleagues to support of the CJS agreement.

Mr. KERRY. Mr. President, I rise in support of the Feingold amendment because the strategy it mandates gives us the best chance to succeed in Iraq and strengthen America's security around the world. In fact, recent developments in Iraq and Afghanistan have made it clear that this amendment is as important now as it was when Senator FEINGOLD and I first introduced a similar measure a year and half ago.

I have heard the arguments that the escalation has worked, that we no longer need to change the mission, and that we are now on the path to victory in Iraq. Every one of us agrees that the troops in Iraq have done an extraordinary job under unbelievably difficult circumstances. The entire country owes them a profound debt of gratitude for their incredible sacrifices.

But we must not lose sight of the bigger picture, which is that the brave men and women of our armed forces no matter how heroically they perform cannot end an Iraqi civil war. Every one of our generals, the Secretary of Defense, and the Secretary of State have all told us repeatedly that there is simply no military solution to this conflict. The President himself has acknowledged as much and that is why he made clear that the purpose of the escalation was to give the Iraqis one last opportunity to make the tough political compromises that are the only hope for bringing lasting stability to Iraq.

But the bottom line is that we have not seen any political progress from the Maliki government since the escalation began nearly one year ago. Not one single additional political benchmark has been met and by some accounts they are even further away from compromising than they have ever been. So when we assess progress in Iraq over the past few months, let's be clear: by the measure that ultimately counts the most political reconciliation this strategy has not accomplished the goal that the President himself established.

The reason is simple: the Iraqi government has proven time and again that without a deadline they will not make the tough compromises necessary to bring about a political solution that is the only solution. And as long as we continue to follow the same course of giving them an open-ended commitment, they will continue to pursue their narrow sectarian interests while our troops continue to pay the ultimate price.

To succeed over the long term in Iraq, we must change course. We must insist on a strategy that honors what our troops have accomplished and force the Iraqis to finally take advantage of the opportunity they have before them. That's what the Feingold amendment does. It changes the mission to one that can be sustained even as we draw down troops to pre-surge levels which our overstretched military requires us to do: training Iraqi security forces, conducting targeted counter-terrorism missions, and protecting U.S. forces and facilities. And most importantly, it sets the deadline we need to create the leverage necessary to bring about real political reconciliation.

In fact, if you look closely at what has occurred over the past few months in Iraq, it is clear that a significant amount of the progress we have seen in terms of reducing violence has been the result of political decisions. That's not to understate the key role our troops have played it's simply to recognize the realities of this type of counterinsurgency mission.

We all know that the Sunni tribal leaders in Anbar province made a calculated decision, based on their own self-interest, to turn against al-Qaida in fact, many of us have argued for some time the Iraqis themselves would never tolerate foreign extremists in their midst.

We also know that one of the key factors in reducing the violence has been the decision by Moktada al-Sadr to tell his Mahdi militia to stand down—at least temporarily. This was reportedly due, at least in part, to a request Prime Minister Maliki made of Iran in August to help rein in the Shia militias. In fact, according to the New York Times, spokesmen for our own military "have gone out of their way to publicly acknowledge Iran's role in helping to slow the flow of weapons into the country."

And finally, we know that the flow of foreign fighters into Iraq from Syria has diminished considerably at a time when we have finally begun some level of diplomatic engagement with Syria.

So we must learn the right lessons from the positive developments we have seen over the last few months and recognize that the way forward, the best chance for lasting progress, is through political and diplomatic efforts. We must act now to take advantage of the window our troops have provided. I applaud the summits that have been held on Iraq in Sharm el Sheikh and Istanbul, but we need to see much more sustained, hands-on engagement at the highest levels of the administration. And we need a deadline to fundamentally change the dynamic for Iraq's political leaders.

The alternative is to continue giving the President a blank check which is exactly what the McConnell amendment does. There's no requirement to transition the mission, and no deadline to leverage political process. And there's no relief for a military stretched to the breaking point. That will not resolve the sectarian divisions that have fed this civil war, it will not bring longterm stability to Iraq, and it will not protect our national security interests around the world.

Nowhere is that more important than in Afghanistan, where the same killers who attacked us on 9/11 are right where we left them, plotting more attacks on our homeland. The simple fact is that because of the attention, energy, and resources we have devoted to Iraq, we're now in danger of losing Afghanistan. The Taliban and al-Qaida have regrouped along the Afghan-Pakistan border, currently hold large swathes of territory, and are expanding their reach into regions that haven't seen the Taliban since 2001. Violence may be down in Iraq, but it's at its highest levels in Afghanistan since the invasion. Opium cultivation has soared to 93 percent of the world's market. Reconstruction efforts have stalled, and Oxfam International is reporting "humanitarian conditions rarely seen outside sub-Saharan Africa."

That is why Secretary Gates and Admiral Mullen called for more troops, equipment, and a strategic plan to get it right in Afghanistan last week. But because we have expended valuable American blood and treasure in Iraq and allowed our focus to wander from our top national security priority, the resources just aren't there to fight Taliban and al-Qaida in Afghanistan. If we change the mission in Iraq and return our focus to Afghanistan, we still have time to achieve the stable democracy we promised.

But we must act now. In Iraq and in Afghanistan, time is not on our side. We must seize this moment to put America on course to a safer and more secure future.

Mr. DURBIN. Mr. President, the fiscal year 2008 appropriations bills do not adequately address all of the long-term needs of the American people. We have no one to blame but the President and his Republican allies who have chosen to stand by his side.

The bills we drafted and passed out of the Appropriations Committees on a bipartisan basis went far beyond what we have here today, but the President has made it clear he would veto any bills that were above his grossly inadequate budget.

These allies stood with the President and his budget, a budget that I cannot believe anyone would be proud to support. The President's budget contained cuts of 800 grants for medical research at NIH, cuts in programs that provide access to health care by $595 million, cuts in rural health initiatives by 50 percent, cuts for crucial Department of Education programs by $1.2 billion, and cuts in Homeland Security Grants for police, firefighters, and medical personnel by $1.1 billion.

This is what we were presented with take it or leave it. The President refused to compromise and instead made it very clear that in his eyes, cuts for health care, education, jobs, and homeland security are nonnegotiable. For the cost of what we spend in 2 months in Iraq, the President was more than willing to sacrifice a year's worth of badly needed investments into health research, our children's education, worker safety, and homeland security.

The President has done all of this under the banner of fiscal responsibility. This is hard to believe from a President who increased spending 50 percent since he came to office, saddled our children and grandchildren with $3.3 trillion in new debt, doubled the size of foreign debt held by other countries, and asked for another $200 billion for the war in Iraq without paying for it.

This President also had no problem with a Defense spending bill that was 11 percent more than he asked for. He has no problem asking us for a blank check to fund war in Iraq. This is a President who says it is OK to increase spending for those in other countries, but not here at home. When it comes to raising money for our needs at home his answer comes with a stroke of his new-found veto pen.

When the President drew his line in the sand, we reached out to our Republican counterparts in an effort to build a bipartisan coalition to overcome his veto, but Republicans gave us the cold shoulder and have decided to stand with the President. These are the same Republicans who last Congress failed to pass a budget or complete any of its work on domestic funding bills. They have criticized us for the size of this bill, but compared to nothing, I will take our work here.

We realize we have an obligation to the American people to fund the important functions of our Government and to finish our work as a Congress. To complete these bills we had to make tough decisions in the face of the President's unreasonable demands and work toward prioritizing the needs of the country.

Even within the unreasonable constraints of the President's budget numbers, we still put veterans first. This bill added $3.7 billion above the President's budget request for veterans and their health needs. This $3.7 billion in veterans spending is a proposal the President once threatened to veto. These funds will be used for medical and prosthetic research, health services for injured and ill veterans, and the construction of new medical facilities to help those returning home from Iraq and Afghanistan. The additional $3.7 billion for veterans is contingent on Presidential action. The President must make an emergency spending request by January 18, 2008.

Within the President's overall budget numbers, we were still able to increase spending for health, education and workers by $3.9 billion. That is $3.9 billion for our needs here for Americans at home. Even with the President's hard-line position on his overall budget numbers, the fiscal year 2008 Consolidated Appropriations Act better reflects American priorities.

Democratic increases above the President's budget request include $3.7 billion for veterans healthcare, $613 million for medical research, $3 billion for education, $486 million for renewable energy sources, $788 million for heating assistance for low-income households, $1.6 billion for highways and bridges, $1.2 billion for State and local law enforcement, $1.8 billion for homeland security, and $17 million for consumer protection.

I am also very pleased and proud of what we were able to do with very limited funding within the Financial Services and General Government Appropriations Subcommittee.

Our bill provides $20.6 billion in funding for the Department of the Treasury, the Internal Revenue Service, the Executive Office of the President, the Federal judiciary, the District of Columbia, and an array of 20 independent agencies, including the Consumer Product Safety Commission, the General Services Administration, the Federal Communications Commission, the Federal Election Commission, the Federal Trade Commission, the Postal Service, the Securities and Exchange Commission, and the Small Business Administration.

Therefore, while I would like to highlight some of the features in the Financial Services title, I note that the circumstances that led to the final bill forced us to make regrettable cuts, because of the President's insistence on his overall bottom line on domestic spending.

I am pleased this bill provides $80 million for the Consumer Product Safety Commission, a 30-percent increase of $17.3 million above the fiscal year 2007 enacted level and $16.75 million above the budget request.

This increase in funding will allow the agency to hire employees, find space for additional employees, and make critically needed IT improvements.

In addition, the bill includes $115 million for election reform programs to be available for States for assistance in meeting the requirements of the Help America Vote Act of 2002. The amended bill also provides $10 million for an election data collection pilot program.

Within the IRS, funding of $2.15 billion is provided for the Taxpayer Services account. This is $11.7 million above the fiscal year 2007 enacted level, $46.9 million above the President's request, and $800,000 above the Senate committee-reported level. The President's budget sought to cut Taxpayer Services by $35.1 million below the fiscal year 2007 level. The bill also establishes a new $8 million pilot grant program to improve the Community Volunteer Income Tax Assistance Program to serve underserved populations and hardest-to-reach areas.

The bill boosts funding for Treasury's Community Development Financial Institutions, CDFI, Fund to $94 million, reflecting an increase of $39.5 million over the fiscal year 2007 enacted level, $65.4 million above the President's request, and $4 million above the Senate committee-reported level. The President's request would have decimated the fund, which promotes access to capital and local economic growth by directly investing in and supporting community development financial institutions and by expanding lending, investment, and services offered by banks and thrifts within underserved markets.

The Federal judiciary receives a 4.3 percent increase over fiscal year 2007 in both mandatory and discretionary funding. Within the Judiciary title, the bill provides $410 million—an 8.3 percent increase over fiscal year 2007—for court security. The bill also authorizes a pilot program to permit the U.S. Marshals instead of the Federal Protective Service to provide security for seven Federal courthouses including the Dirksen Courthouse in Chicago.

Finally, among an array of general provisions applicable government-wide in Title VII of Division D, the bill provides for a 3.5 percent cost-of-living adjustment for civilian Federal employees as included in both the House-passed and Senate committee-reported bills.

I am frustrated that we were not able to do more and that the process has been delayed, but the fiscal year 2008 funding levels we consider this evening reflect America's priorities and I am pleased to support the final package.

Mr. REID. Mr. President, with the Senate's passage of the Omnibus appropriations bill for fiscal year 2008 and H.R. 6, the Energy Security and Independence Act of 2007, the Department of Energy must now finally understand that its irrational hostility toward geothermal energy research and development has come to an end, pursuant to these two acts of Congress.

First, H.R. 6 will become law ahead of the omnibus and thereby controls the primary use and priorities for funds provided by Congress following its enactment. As Senators may know, the

United States and particularly Nevada and the West have tens of thousands of megawatts of clean power generation potential from geothermal energy sources just waiting to be developed. In title VI, H.R. 6 contains very important research and development provisions collectively referred to as the Advanced Geothermal Energy Research and Development Act of 2007 that will help realize that enormous potential and create significant sustainable economic growth in rural areas throughout America.

The Department must, by law, comply with the program direction provided in H.R. 6. The Department staff need not reinvent the wheel or plead that they cannot accept or acknowledge statutory direction from Congress at this point in the fiscal year, since they have not and will not have had any conflicting direction from Congress.

Second, the Omnibus appropriations bill requires that the Department cease and desist its efforts to shut down the existing geothermal program. Instead, the. bill provides approximately $20 million for geothermal energy technology research. This is an increase of $20 million over the budget request for the deployment of large-scale enhanced geothermal systems, to include accelerating the development of subsurface technologies, including geological and geophysical data collection and synthesis. This direction to the Department is entirely consistent with that provided in H.R. 6.

The Congress expects the Department to use that money wisely and in a balanced fashion that comports with the direction in the appropriations bill's statement of managers and the statutory direction provided in H.R. 6. Clearly, the funds should not and cannot be used to focus on one or even a narrow set of technologies to the exclusion of the continuum of geothermal energy technologies. I also expect that next year's budget request will reflect the direction given to the Department by Congress in H.R. 6.

The PRESIDING OFFICER. All time is yielded back.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. HATCH (when his name was called). Present.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 76, nays 17, as follows:

[Rollcall Vote No. 441 Leg.]

YEAS—76

Akaka
Alexander
Baucus
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Byrd
Cantwell
Cardin
Carper
Casey
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Dole
Domenici
Dorgan
Durbin
Grassley
Gregg
Harkin
Hutchison
Inouye
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Warner
Webb
Whitehouse
Wyden

NAYS—17

Allard
Barrasso
Bayh
Burr
Chambliss
Coburn
Crapo
DeMint
Ensign
Enzi
Feingold
Graham
Hagel
Inhofe
Isakson
McCaskill
Voinovich

ANSWERED "PRESENT"—1

Hatch

NOT VOTING—6

Biden
Clinton
Dodd
Feinstein
McCain
Obama

The motion was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

EXECUTIVE SESSION

NOMINATION OF JOHN DANIEL TINDER, OF INDIANA, TO BE A UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to executive session to consider Executive Calendar No. 373, the nomination of John Daniel Tinder, to be United States Circuit Judge.

The PRESIDING OFFICER. Without objection, it is so ordered.

The legislative clerk read the nomination of John Daniel Tinder, of Indiana, to be United States Circuit Judge for the Seventh Circuit.

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate on the nomination, equally divided.

Mr. LEAHY. Mr. President, we end the 2007 legislative session as we began it, by making significant progress confirming the President's nominations for lifetime appointments to the Federal bench. At the Judiciary Committee's first business meeting of the year, held less than 2 weeks after the Republican caucus agreed to the resolutions organizing the Senate, I included on our agenda five judicial nominations. On January 30, the Senate confirmed the first two judicial nominations of the session. Today's confirmation of John Daniel Tinder to the Court of Appeals for the Seventh Circuit will be the 40th, including 6 of this President's nominations to powerful circuit courts.

I thank the members of the Judiciary Committee for their hard work all year in considering these important nominations. I thank especially those Senators who have given generously of their time to chair confirmation hearings throughout the year.

Given the work of the Senators serving on the Judiciary Committee, we will have exceeded the yearly total in each of the last 3 years when a Republican majority managed the Senate and the consideration of this Republican President's nominations. Indeed, with the confirmation today of Judge Tinder to replace Judge Daniel A. Manion, like that of Reed O'Connor who was confirmed last month to the Northern District, we are proceeding to fill vacancies before they even arise.

The progress we have made this year in considering and confirming judicial nominations is sometimes lost amid the partisan sniping over a handful of controversial nominations and attempts to appeal to some on the far right wing. When we confirm the nomination we consider today, the Senate will have confirmed 40 nominations for lifetime appointments to the Federal bench this session alone. That is more than the total number of judicial nominations that a Republican-led Senate confirmed in all of 1996, 1997, 1999, 2000, 2004, 2005 or 2006. It is 23 more confirmations than were achieved during the entire 1996 session, more than double that session's total of 17, when Republicans stalled consideration of President Clinton's nominations. It is seven more than the confirmations in the second to last year of President Clinton's final term.

We continue to make progress on circuit court nominations. We began the year by resolving an unnecessary controversy over Judge Norman Randy Smith's nomination to one of California's seats on the Ninth Circuit. That nomination could easily have been confirmed—and a judicial emergency addressed—in the last Congress had the Bush administration chosen the commonsense approach of nominating Judge Smith, who is from Idaho, to Idaho's seat on the Ninth Circuit. After many months of urging by me and others, President Bush finally did the right thing at the beginning of this Congress by pulling the controversial

Myers nomination to Idaho's Ninth Circuit seat and nominating Judge Smith, instead. He was confirmed in February. We could make even more progress if the President would make a California nomination to fill the long-vacant California Ninth Circuit seat left open by Judge Stephen Trott's retirement.

We continued through the year to consider and confirm district and circuit court judges. In October, the Senate confirmed the nominations of Judges Jennifer Walker Elrod and Judge Leslie Southwick, who became the fourth and fifth circuit court nominees confirmed this year.

After this confirmation today, the Senate will have confirmed six circuit court nominees, matching the total circuit court confirmations for all of 2001. We will also have exceeded the circuit court totals achieved in all of 2004 when a Republican-led Senate was considering this President's circuit nominees; all of 1989; all of 1983, when a Republican-led Senate was considering President Reagan's nominees; all of 1993 when a Democratic-led Senate was considering President Clinton's nominees; and, of course, the entire 1996 session during which a Republican-led Senate did not confirm a single one of President Clinton's circuit nominees the entire session.

The treatment of President Clinton's nominees contrasts harshly with the treatment Democrats gave the circuit court nominees of Presidents Reagan and Bush in the Presidential election years of 1988 and 1992. In those two election years, the Democratic-controlled Senate averaged nine circuit court confirmations. Regrettably, the Republican Senate reversed that course in the treatment of President Clinton's circuit court nominations, confirming an average of only four in the Presidential election years of 1996 and 2000, and none in the entire 1996 session.

At the end of the 106th Congress, the last 2 years of the Clinton administration, the Republican-led Senate returned to the President without action 17 of his appellate court nominees. I have not duplicated that record and I do not intend to, any more than I intend to see the Senate pocket filibuster more than 60 of President Bush's judicial nominees, as Republicans did with President Clinton's.

It is a little known fact that during the Bush Presidency, more circuit judges, more district judges—more total judges—were confirmed in the first 24 months that I served as Judiciary chairman than during the 2-year tenures of either of the two Republican chairmen working with Republican Senate majorities.

I continue to try to find ways to make progress. Last month, I sent the President a letter urging him to work with me, Senator SPECTER, and home State Senators to send us more well-qualified, consensus nominations. Now is the time for him to send us more nominations that could be considered and confirmed as his Presidency approaches its last year, before the Thurmond Rule kicks in.

As I noted in that letter, I have been concerned that several recent nominations seem to be part of an effort to pick political fights rather than judges to fill vacancies. For example, President Bush nominated Duncan Getchell to one of Virginia's Fourth Circuit vacancies over the objections of Senators WARNER and WEBB, one a Republican and one a Democrat.

They had submitted a list of five recommended nominations, and specifically warned the White House not to nominate Mr. Getchell. As a result, this nomination that is opposed by Democratic and Republican home-state Senators is one that cannot move.

The Administrative Office of the U.S. Courts will list 43 judicial vacancies and 14 circuit court vacancies after today's confirmations. Compare that to the numbers at the end of the 109th Congress, when the total vacancies under a Republican controlled Judiciary Committee were 51 judicial vacancies and 15 circuit court vacancies. That means that despite the additional 5 vacancies that arose at the beginning of the 110th Congress, the current vacancy totals under my chairmanship of the Judiciary Committee are below where they were under a Republican led-Judiciary Committee.

The President has sent us 27 nominations for these remaining vacancies. Sixteen of these vacancies—more than one third—have no nominee. Of the 17 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for 7, nearly half of them. If the President would decide to work with the Senators from Michigan, Rhode Island, Maryland, California, New Jersey, and Virginia, we could be in position to make even more progress.

Of the 16 vacancies without any nominee, the President has violated the timeline he set for himself at least 11 times—11 have been vacant without so much as a nominee for more than 180 days. The number of violations may in fact be much higher since the President said he would nominate within 180 days of receiving notice that there would be a vacancy or intended retirement rather than from the vacancy itself. We conservatively estimate that he also violated his own rule 15 times in connection with the nominations he has made. That would mean that with respect to the 43 vacancies, the President is out of compliance with his own rule more than half of the time.

We have succeeded in dramatically lowering vacancies and, in particular, circuit court vacancies. We have helped cut the circuit vacancies from a high water mark of 32 in the early days of this administration to as low as 13 this year. Contrast that with the Republican-led Senate's lack of action on President Clinton's moderate and qualified nominees that resulted in increasing circuit vacancies during the Clinton years from 17 when he was inaugurated to 26 at the end of his term. During those years, the Republican-led Senate engaged in strenuous and successful efforts under the radar to keep circuit judgeships vacant in anticipation of a Republican President. More than 60 percent of current circuit court judges were appointed by Republican Presidents, with the current President having appointed more than 30 percent of the active circuit judges already.

The American people expect the Federal courts to be fair forums where justice is dispensed without favor to the right or the left. I have set out since the beginning of this Congress to do all that I can to ensure that the Federal judiciary remains independent and able to provide justice to all Americans. These are the only lifetime appointments in our entire government, and they matter. I will continue in the 2008 session to work with Senators from both sides of the aisle as I have in the 2007 session.

John Daniel Tinder has a decade of service as a District Court Judge for the Southern District of Indiana. Before his tenure on the bench, he worked for 7 years at the Justice Department as U.S. Attorney and Assistant U.S. Attorney for the Southern District of Indiana. He has worked in private practice and has experience as a county prosecutor and county public defender. His nomination has the support of both home State Senators. I acknowledge the support of Senators LUGAR and BAYH, and want to thank Senator DURBIN for chairing the hearing on this nomination.

While I support Judge Tinder's confirmation, I am concerned about his answer to a question I sent him on the legal significance of Presidential signing statements. I asked Judge Tinder if an alleged violation of the law prohibiting cruel, inhuman, and degrading conduct by American personnel were to come before a court, would it be appropriate for that court to consider the President's signing statement as legislative history, in addition to the text of law itself. I am troubled by Judge Tinder's answer that he is open to looking at signing statements as a tool for determining the meaning of a statute.

Throughout the country's history, Presidents used signing statements for limited purposes, such as explaining to the public the likely effects of legislation or providing direction to administrative agencies within the Executive Branch. It has long been considered out of bounds for any President to use signing statements—which are at most post-passage remarks—for the more expansive and controversial purpose of creating legislative history that our courts would be expected to follow. Legislative history is created within the Congress, which is charged by the Constitution with considering and passing laws. The President may veto legislation, but the constitutional system of checks and balances does not allow the President to speak for Congress.

The Nation stands at a pivotal moment in history, where Americans are faced with a President who makes sweeping claims for almost unchecked Executive power. This President has used signing statements to challenge laws banning torture, laws on affirmative action, and laws that prohibit the censorship of scientific data. When the President uses signing statements to unilaterally rewrite laws enacted by Congress, he undermines the rule of law and our constitutional checks and balances. It is incumbent upon the Federal judiciary, to safeguard and protect the constitutional balance when necessary.

I hope that Judge Tinder will fulfill his oath and be an independent buffer against constitutional overreaching. I congratulate the nominee and his family on his confirmation today.

Mr. LUGAR. Mr. President, I appreciate this opportunity to support the President's nomination of Judge John Daniel Tinder to serve as a United States Circuit Judge for the Seventh Circuit.

I would first like to thank Senate Judiciary Chairman PAT LEAHY, Ranking Member ARLEN SPECTER, the respective Leaders, and Senator BAYH for their important work to facilitate timely consideration of this nomination.

Late last year, Circuit Judge Dan Manion informed me of his decision to assume senior status after a distinguished career of public service. Given this upcoming vacancy and the need for continued strong leadership, I was pleased to join with my colleague EVAN BAYH in commending John Tinder to President Bush. This selection was a product of a bipartisan process and reflective of the importance of finding highly qualified Federal judges to carry forward the tradition of fair, principled, and collegial leadership.

As the Founders observed when our Constitution was drafted, few persons "will have sufficient skill in the laws to qualify them for the stations of judges," and "the number must be still smaller of those who unite the requisite integrity with the requisite knowledge." Judge Tinder embodies the rare combination that the Framers envisioned.

I have known John for many years and I have always been impressed with his high energy, resolute integrity, and remarkable dedication to public service.

John graduated with honors from Indiana University while earning his Bachelor's degree and then later graduated from Indiana University School of Law in Bloomington.

John served in a variety of critical legal roles early in his career which helped to shape his strong litigation background and experience. Among many legal positions, he has served as an assistant United States Attorney, a public defender, chief trial deputy in the county prosecutor's office and as a partner in private practice.

Given his broad experience and great abilities, John was a natural selection to serve as United States Attorney for the Southern District. After 3 years of active and distinguished service, John was then tapped again by President Reagan to serve as United States District Court Judge for Southern Indiana where he has served since 1987. In 20 years on the bench, he has presided over more than 200 jury trials in this district. His decisions are well known to be clear, well-reasoned, and thorough while applying appropriate precedents to the facts in each case. He is fully aware of the importance of appellate court decisions and their impact on the trial courts.

Throughout John's career, his reputation for personal courtesy, fairness, decency and integrity was equally well-earned and widespread among colleagues and opposing counsel alike and on both sides of the political aisle. The Senate has already unanimously confirmed him twice, and it is not surprising that news of his Circuit Court nomination has been well received by stakeholders in the legal community and the public.

I am also pleased that John's experience and professionalism were recognized by the American Bar Association which bestowed their highest rating of "well qualified" for his nomination.

I would again like to thank Chairman LEAHY and Ranking Member SPECTER for their important work on this nomination. I believe that Judge Tinder will demonstrate remarkable leadership and will appropriately uphold and defend our laws under the Constitution.

Mr. BAYH. Mr. President, this past spring, Senator LUGAR and I made a joint recommendation to President Bush to nominate Judge John Tinder for a seat on the U.S. Court of Appeals for the Seventh Circuit, the second highest court in the land. President Bush followed our advice, the Judiciary Committee unanimously approved his nomination, and today I am pleased to announce that the Senate will vote on Judge Tinder's nomination.

I take very seriously the Senate's constitutional duty to provide advice and consent for all judicial nominees. The Senate shares a responsibility with the President to ensure that the judiciary is staffed with men and women who possess outstanding legal skills, suitable temperament, and the highest ethical standing.

I regret, however, that the process for confirming judicial nominees has become too partisan in recent years and has produced too many controversial nominees.

I have worked hard with my friend and colleague, Senator LUGAR, to restore civility in Washington and to end the politics of personal destruction. We have worked closely together to build consensus and move forward in a responsible way to address the challenges that face the American people.

John Tinder is the embodiment of good judicial temperament, intellect and evenhandedness. He has been praised from both sides of the political spectrum for his service in the Southern District of Indiana, and I am confident he will receive those kinds of reviews, as well, on the Seventh Circuit.

I have known John for 20 years. Judge Tinder was born in Indiana, went to law school in Indiana, and has spent his entire legal career in Indiana, where he and his wife Jan currently reside. Judge Tinder is a Hoosier through and through.

At only 57, Judge Tinder has had a distinguished legal career that would make most lawyers envious. Judge Tinder has served as a Federal district court judge, Federal and local prosecutor, public defender, adjunct professor, and private practitioner. In 1984, at 34 years of age, he was nominated by President Reagan to become the U.S. attorney for the Southern District of Indiana. Three years later, Reagan nominated him to become a Federal judge. With over 30 years of experience, Judge Tinder has already practiced on both sides of the bench in the Seventh Circuit, arguing cases before it as an assistant U.S. attorney and presiding by designation in 12 cases. Overall, he has presided over 750 trials and has published over 700 opinions.

By all accounts, Judge Tinder is a good, smart, honest judge, who is highly experienced and capable. Judge Tinder has received the highest possible rating from the ABA.

If we had more nominees like John Tinder, we would have less fighting around this place. He is a good judge, he is a good lawyer, he is thoughtful, and he is nonpartisan. I hope that going forward, perhaps, others of a similar mold will come before us so that we can do our duty with less acrimony.

Judge Tinder enjoys my whole-support, and I ask my Senate colleagues to confirm Judge Tinder to the Seventh Circuit Court of Appeals.

Mr. LEAHY. Mr. President, with this nomination, I note we have confirmed more in this session of the Senate—of President Bush's judges—than the total number of judicial nominations the Republicans confirmed in all of 1996, 1997, 1999, 2000, 2004, 2005, and 2006. I thought I would mention that.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I simply ask unanimous consent that the record of John Daniel Tinder be printed in the CONGRESSIONAL RECORD, and I urge my colleagues to support him for confirmation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOHN DANIEL TINDER

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Birth: 1950, Indianapolis, Indiana.

Legal Residence: Indiana.

Education: B.S., with honors, Indiana University School of Business, 1972; Hoosier Scholar and Dean's List, 1968–1972; Beta Gamma Sigma (national business honorary fraternity), 1971 and Business School Honor Society.

J.D., Indiana University School of Law—Bloomington, 1975.

Employment: Associate, Tinder & O'Donnell, 1975; Assistant U.S. Attorney, U.S. Attorney's Office, Southern District of Indiana, 1975–1977; Partner, Tinder & Tinder, 1977–1982; Public Defender, Marion County Criminal Court, 1977–1982; Deputy Prosecutor (Chief Trial Deputy), Marion County Prosecutor's Office, 1979–1983; Associate, Harrison and Moberly, 1982–1984; Adjunct Professor, Indiana University School of Law, 1980–1987 and United States Attorney, Southern District of Indiana, 1984–1987 and United States District Judge, Southern District of Indiana, 1987–Present.

Selected Activities: Academy of Law Alumni Fellow, Indiana University School of Law, 2007; Volunteer of the Year, Wheeler Boys and Girls Club, Indianapolis, 1988; Member, Indianapolis Bar Association, 1975–Present; Current Vice President and Member Pro Bono Standing Committee, 2002–2004.

Bloomington Board of Visitors, Indiana University School of Law, 1985–1996; Chair, 1994 and Dean Search Committees, 1990, 2003.

Member, Indiana Supreme Court.

Member, U.S. Attorney General's Advisory Committee of U.S. Attorneys, 1985–1987 and Vice Chairman, 1986–1987.

Member, Judicial Conference of the United States; Member, Committee on Automation and Technology, 1994–1997 and Member, Committee on Court and Judicial Security, 1990–1992.

ABA Rating: Unanimous well-qualified.

The PRESIDING OFFICER. If there is no further debate, the question is, Shall the Senate advise and consent to the nomination of John Daniel Tinder, of Indiana, to be United States Circuit Judge for the Seventh Circuit?

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. DODD), the Senator from California (Mrs. FEINSTEIN), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from New Mexico (Mr. DOMENICI) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 442 Ex.]

YEAS—93

Akaka
Alexander
Allard
Barrasso
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Dorgan
Durbin
Ensign
Enzi
Feingold
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—7

Biden
Clinton
Dodd
Domenici
Feinstein
McCain
Obama

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the President will be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

50TH ANNIVERSARY OF THE ORVIS SCHOOL OF NURSING

Mr. REID. Mr. President, as the Senate finishes its business for the year, it is my privilege to rise today in recognition of the 50th anniversary of the Orvis School of Nursing at the University of Nevada, an important part of Nevada's health care community.

The beginnings of the Orvis School are humble. During a brief hospitalization in Reno, Arthur Orvis, a stockbroker and Nevada resident, noticed the lack of student nurses and began to wonder about the educational opportunities for health care providers in Nevada. On December 15, 1955, in a letter to University President Minard W. Stout, Orvis wrote, " I desire to give $100,000 to the University of Nevada for the establishment of a department to be known as the 'Orvis School of Nursing.' This is a free will offering with no strings attached."

As a result of this generosity, the Orvis School of Nursing was founded by Arthur and Mae Orvis at the University of Nevada in 1957. When the Orvis School opened its doors in the fall of that year, there were 12 students and 5 faculty members. Unusual for the time period, the Orvis School's first class was very diverse, including one African-American student, one male student, one Asian-American student, and nine white female students.

The Orvis School of Nursing has come a long way from that first class of 12 students. Today, a wide group of students attend a world-class institution that offers the highest quality of nursing education. While traditional nursing programs focus only on hospital nursing, the Orvis School is distinctive in that it offers a bachelor's of science degree in nursing, emphasizing nursing leadership, community health, and nursing research. I confidently believe that this unique focus will lead to greater innovations and ideas for the future of health care.

In closing, I extend my most sincere gratitude to the Orvis School of Nursing, its alumni, and greater community. Nevadans are fortunate to have such a talented and skilled institution in our State.

GLOBAL HIV/AIDS

Mr. REID. Mr. President, I rise in recognition of World AIDS Day, which millions around the globe commemorated on December 1. Although this event will be a recent memory as the new year begins, it is my hope that its purpose will be reflected in our thoughts and actions throughout 2008 and beyond.

World AIDS Day is a solemn opportunity to remember that HIV/AIDS continues to wreak havoc on individuals, families, and communities around the globe. Although the new estimates on HIV prevalence is good news, we cannot forget that AIDS is still a leading cause of death. More than 5,700 lives are taken by this disease every day, many just at a time when they are attending school, raising children, or contributing to society as productive adults. At the same time, nearly 7,000 people become infected every day, meaning that as 2.5 million more people—about as many people in my home state of Nevada—will face the start of the new year with HIV/AIDS. More than 30 million globally are already living with HIV/AIDS today.

In Nevada, the number of HIV and AIDS cases diagnosed each year since 2000 is on the upward trend, and AIDS rates continue to disproportionately impact ethnic and racial minorities. Our State also ranks 14th in the Nation for the rate of adolescents and adults living with AIDS. As a Nevadan, as well as a Member of Congress, I know that more must be done to tackle the epidemic at home and abroad.

In Congress, we must continue to support international AIDS relief programs like PEPFAR and the Global Fund to Fight AIDS, Tuberculosis, and Malaria. It should be a priority to fund vital programs that fight HIV/AIDS domestically as well, especially the Ryan White Care Act and the National Family Planning Program, which works to prevent the spread of HIV/AIDS and other diseases. Medicaid in particular is a lifeline for vulnerable HIV/AIDS patients who would otherwise have no other means of receiving the care they need.

In giving recognition to the human toll of the HIV/AIDS global epidemic, let us also heed the resulting call to action. From supporting prevention to treatment, individual remembrance to public awareness, let us all keep working together to ensure that the goals of World AIDS Day will soon become reality.

DARFUR

Mr. DURBIN. Mr. President, I have repeatedly come to the floor to speak about one of the worst human tragedies in recent memory—the crisis in Darfur.

For 4 long years the world has watched as thousands of innocent victims have been murdered, tortured, and raped—their villages burned, their livelihoods stolen. More than 2 million people have been chased from their homes—many trapped in dangerous refugee camps for almost 5 years.

Many of us on both sides of the aisle and in the international community have repeatedly called for greater U.S. and global action. President Bush has rightly called the situation in Darfur genocide. British Prime Minister Gordon Brown has said, "Darfur is the greatest humanitarian crisis the world faces today."

And U.N. Secretary General Ban Ki-moon has made ending the crisis one of his top priorities.

His efforts and those of many others led to 2 promising breakthroughs earlier this year.

First, the various parties agreed to start peace talks. With more and more rebel groups involved in the violence, a long-term political settlement will be vital in bringing stability to the region.

Second, the U.N. Security Council voted to deploy a 26,000-member peacekeeping force to bring the ongoing carnage to an end and help create an atmosphere for such negotiations.

Under pressure from the international community, the Sudanese government—notorious for its delays, denials, and obstruction—grudgingly accepted this new force.

Despite these assurances, we had many reasons to be skeptical of the regime's true intentions.

For example, Sudan has appointed its own former minister of interior, Mr. Ahmed Harun, to lead a committee to investigate human rights abuses and also to help oversee the deployment of the peacekeeping force.

Mr. Harun is wanted by the International Criminal Court for war crimes.

As interior minister, Mr. Harun helped fund, recruit, and arm the Janjaweed militia which was directly involved in perpetuating the genocide in Darfur.

Mr. Harun's place in on trial in The Hague, not investigating violence he helped perpetuate.

Equally troubling are the continued attacks on international aid workers, fissures in the peace agreement between North and South Sudan, and continued violence in Darfur.

While the Khartoum government thumbs its nose at the international community, thousands of innocent victims remain trapped in sprawling refugee camps—their lives horribly uprooted, their families traumatized with fear and dislocation.

And now, tragically, it appears that the Sudanese government was never serious about the U.N. peacekeeping force. With only 3 weeks until the deployment is scheduled to begin the Sudanese government is back to its old tricks.

A few weeks ago, the U.N.'s top peacekeeping official, Jean-Marie Guéhenno, told the Security Council that obstacles created by the Sudanese Government were jeopardizing the deployment of the new peacekeeping force.

In particular, Sudan is now objecting to the deployment of non-African peacekeepers.

Sudan's obstruction is madness and must not be tolerated.

In fact, 13 former world leaders and current activists, including former President Jimmy Carter, former U.N. Secretary General Kofi Annan, Bangladeshi microfinance champion Muhammed Yunus, and Archbishop Desmond Tutu have called for the immediate deployment of the peacekeeping force.

This group of "Elders" noted in a recent report that the residents of Darfur, as well as Sudanese elsewhere, are desperate for the peacekeepers to arrive.

The stakes are too high and the humanitarian crisis has dragged on too long to allow any further backsliding by the Sudanese Government.

That is why I believe it is time to increase the pressure on the Sudanese Government.

Earlier this year I introduced 2 versions of legislation that would increase economic pressure on the Sudanese regime. Each of those bills supported state and local divestment efforts, and therefore would allow each of us to do our part to end the madness in Darfur by selling off any investments in companies that support the Sudanese regime.

I am pleased that Senator DODD, as chairman of the Banking Committee, adopted ideas from these bills into the Sudan Accountability and Divestment Act of 2007—a bill the Senate passed last week and the House just moments ago passed by a unanimous vote of 411 to 0.

I thank him, as well as Ranking Member SHELBY and others who have worked on this bill—especially Senators CORNYN and BROWNBACK, who joined me as lead sponsors of the legislation I originally introduced.

I hope Congress's support for this bill sends the Government of Sudan an important message—that its brazen delays and obstruction of an internationally sanctioned peacekeeping force in Darfur can no longer be tolerated.

CONGRATULATING OLIVET NAZARENE UNIVERSITY

Mr. DURBIN. Mr. President, I rise today to congratulate Olivet Nazarene University on its 100th-year anniversary.

Olivet Nazarene University was founded by a group of families led by Edward Richards and Orla Nesbitt in 1907, first as a grade school and later as a liberal arts college. From humble beginnings, the university has endured bankruptcy, fire, a change of location to Bourbonnais, and tornado devastation to become the fine institution of higher learning that it is today. Olivet Nazarene University has grown as a liberal arts institution, with additional locations now throughout the greater Chicago area and in Hong Kong.

The university also has the distinction of serving as the summer home of the Chicago Bears. Olivet has hosted the NFL team for its training camp since 2002.

Currently, 4,400 undergraduate and postgraduate students attend the university. Olivet Nazarene offers these students 100 undergraduate fields of study, nearly 20 master's degrees, nontraditional adult degree completion programs, and a doctor of education in ethical leadership.

Olivet Nazarene University has graduated many notable alumni who have given back to the university, the State of Illinois, and this country in significant ways. An estimated 30,000 Olivet Nazarene University alumni live and work around the world, including Georgia Southwestern State University president Kendall A. Blanchard and Ticketmaster cofounder Cecil Crawford.

Olivet Nazarene University sets a standard of affordable excellence, with a cost below average for private colleges nationwide. Approximately 96 percent of traditional undergraduates receive a total of $24.9 million in scholarships and grants.

I congratulate Olivet Nazarene University, its president, Dr. John C. Bowling, and all the staff on 100 years of service to their students and alumni, the State of Illinois, and our Nation.

FARM BILL CONFERENCE

Mr. GRASSLEY. Mr. President, I want to speak about an issue that may come up during the negotiations between the House and the Senate to reconcile the farm bill.

The bill we passed last week in the Senate included a sense-of-the-Senate resolution addressing trade in sweeteners between parties to the North American Free Trade Agreement, also known as NAFTA.

Apparently, some view this language as just a placeholder for new language that will be inserted in conference.

Even more troubling, the new language that is being contemplated would call for managed trade in sweeteners between the United States and Mexico.

The issue of trade in sweeteners between the United States and Mexico has a long history.

For years, Mexico put up barrier after barrier to our exports of high fructose corn syrup.

It started in 1998. That year, Mexico imposed an antidumping duty order on imports of high fructose corn syrup from the United States.

We challenged that order, and we won. In 2001, a dispute resolution panel determined that Mexico was out of compliance with its obligations under NAFTA.

The appellate body of the World Trade Organization reached a similar conclusion.

The antidumping duty order on our high fructose corn syrup was inconsistent with Mexico's obligations under the WTO.

Mexico finally lifted its antidumping duties in 2002. But that same year, Mexico imposed a 20 percent tax on soft drinks flavored with high fructose corn syrup.

This soda tax was designed specifically to discriminate against high fructose corn syrup imported from the United States.

As a result of this unfair discrimination, our exports of high fructose corn syrup to Mexico fell dramatically.

We challenged Mexico's discriminatory tax at the World Trade Organization.

In 2006, the appellate body determined that this tax was inconsistent with Mexico's obligations under the WTO.

Mexico complied with the WTO decision earlier this year by repealing its discriminatory soda tax.

Now, after years of pressuring Mexico to drop its unfair barriers to our exports of high fructose syrup, we're finally at a good spot.

Mexico has eliminated both its antidumping duty order and its discriminatory tax.

We are on the verge of seeing high fructose corn syrup start to flow freely across our border.

Starting January 1, 2008, Mexico is obligated to provide duty-free access to our exports of high fructose corn syrup under NAFTA.

That is why I am so concerned. This new language being contemplated for the farm bill could disrupt our legitimate expectations of free trade in high fructose corn syrup next year.

If instead of free trade we end up with managed trade, it could significantly impede our exports of high fructose corn syrup to Mexico.

Under a managed trade regime, we would presumably limit the amount of sugar that we import from Mexico.

And in response, Mexico would presumably limit imports of high fructose corn syrup from the United States.

Simply put, managed trade could reverse all the gains we have made over the years to get Mexico to take our high fructose corn syrup.

Corn farmers and high fructose corn syrup producers in Iowa and other States would, of course, be harmed by any import restrictions imposed by Mexico as a result of managed trade.

And managed trade could well result in Mexico further violating its obligations under NAFTA.

Many of my colleagues complain, legitimately, when our trading partners fail to comply with their international trade obligations.

The last thing we should do is give Mexico an excuse to violate its NAFTA obligations, particularly when it would harm U.S. agricultural producers.

The current language in the Senate-passed bill does not call for managed trade.

The current language would not likely induce Mexico to impose further restrictions on our exports of high fructose corn syrup.

As a Senator from Iowa, as well as the ranking member of the Senate Finance Committee and a member of the Committee on Agriculture, I have worked hard over the years to get a fair deal for agriculture when it comes to international trade.

In particular, I have put considerable effort into opening foreign markets to our exports of agricultural products.

Too often our trading partners have imposed barriers to U.S. farm exports. And too often those barriers are in violation of international trade obligations.

Those barriers harm American farmers and agricultural producers.

Whether it is unfair restrictions on U.S. beef exports to Japan and Korea, or under restrictions on U.S. corn exports to Europe, it is imperative that we focus our efforts to remove barriers to trade.

With effort, we have been successful in getting our trading partners to remove such barriers.

That is the case with Mexico's treatment of high fructose corn syrup, as I have described.

We can't go backwards.

Our corn farmers and our producers of high fructose corn syrup are counting on us.

I will be working hard to see that the current language on trade in sweeteners is retained without change in the conference report to the farm bill.

Free trade in high fructose corn syrup with Mexico is long overdue.

I yield the floor.

FURTHER CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 207(c) of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to adjust the section 207(b) discretionary spending limits and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974 for legislation reported by the Senate Appropriations Committee that provides a certain level of funding for fiscal year 2008 for four program integrity initiatives. The initiatives are continuing disability reviews and supplemental security income redeterminations, Internal Revenue Service tax enforcement, health care fraud and abuse control, and unemployment insurance improper payment reviews.

On July 23, 2007, I revised both the discretionary spending limits and the allocation to the Senate Appropriations Committee for discretionary budget authority and outlays to reflect that the committee had reported legislation that met the conditions of 207(c) for the four program integrity initiatives. The total amount of that adjustment was an additional $1,042 million in budget authority and $699 million in outlays for fiscal year 2008.

The level of funding provided for each of the program integrity initiatives in H.R. 2764, the Consolidated Appropriations Act, 2008, however, is lower than the levels mandated by section 207(c). Consequently, I am reversing the adjustments made on July 23, 2007, to both the discretionary spending limits and the allocation to the Senate Appropriations Committee for discretionary budget authority and outlays.

I ask unanimous consent to have the following revisions to S. Con. Res. 21 printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008—S. CON. RES. 21; FURTHER REVISIONS TO THE CONFERENCE AGREEMENT PURSUANT TO SECTION 207(c) TO THE ALLOCATION OF BUDGET AUTHORITY AND OUTLAYS TO THE SENATE APPROPRIATIONS COMMITTEE AND THE SECTION 207(b) SENATE DISCRETIONARY SPENDING LIMITS

In Millions of Dollars	Current Allocation/Limit	Adjustment	Revised Allocation/Limit
FY 2008 Discretionary Budget Authority	954,095	−1,042	953,053
FY 2008 Outlays	1,029,097	−699	1,028,398

CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 301(a) of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation that reauthorizes the State Children's Health Insurance Program, SCHIP. Section 301 authorizes the revisions provided that certain conditions are met, including that such legislation maintains coverage for those currently enrolled in SCHIP and that it not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

In addition, section 304(b)(2) of S. Con. Res. 21 permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation that both increases the reimbursement rate for physician services under section 1848(d) of the Social Security Act and includes financial incentives for physicians to improve the quality and efficiency of items and services furnished to Medicare beneficiaries through the use of consensus-based quality measures. Section 304(b)(2) authorizes the revisions provided that such legislation not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

Further, section 320(a) of S. Con. Res. 21 permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation that provides for a delay in the implementation of the proposed rule published on January 18, 2007, on pages 2236 through 2248 of volume 72, Federal Register, or any other rule that would affect the Medicaid program or SCHIP in a similar manner, or place restrictions on coverage of or payment for graduate medical education, rehabilitation services, or school-based administration, transportation, or medical services under title XIX of the Social Security Act. The adjustment is contingent on such legislation not worsening the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

Finally, section 320(c) of S. Con. Res. 21 permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other appropriate levels for legislation that extends the Transitional Medical Assistance program, provided that such legislation not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

Mr. President, I find that the Medicare, Medicaid, and SCHIP Extension Act of 2007, which was introduced today by Senators BAUCUS and GRASSLEY, satisfies the conditions of the four deficit-neutral reserve funds mentioned above. Therefore, pursuant to sections 301(a), 304(b)(2), 320(a), and 320(c) of S. Con. Res. 21, I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Finance Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Revisions to the Conference Agreement Pursuant to Section 301(a) Deficit-Neutral Reserve Fund for SCHIP Legislation, Section 304(b)(2) Deficit-Neutral Reserve Fund, for Physician Payments, Section 320(a) Deficit-Neutral Reserve Fund for Delay of Rule, and Section 320(c) Deficit-Neutral Reserve Fund for Transitional Medical Assistance

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,025.853
FY 2009	2,121.872
FY 2010	2,175.881
FY 2011	2,357.045
FY 2012	2,499.046
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−24.943
FY 2009	14.946
FY 2010	12.160
FY 2011	−37.505
FY 2012	−98.050
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,512.349
FY 2009	2,526.893
FY 2010	2,580.802
FY 2011	2,695.912
FY 2012	2,735.561
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,476.144
FY 2009	2,573.701
FY 2010	2,608.687
FY 2011	2,701.268
FY 2012	2,714.335

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Revisions to the Conference Agreement Pursuant to Section 301(a) Deficit-Neutral Reserve Fund for SCHIP Legislation, Section 304(b)(2) Deficit-Neutral Reserve Fund for Physician Payments, Section 320(a) Deficit-Neutral Reserve Fund for Delay of Rule, and Section 320(c) Deficit-Neutral Reserve Fund for Transitional Medical Assistance

[In millions of dollars]

Current Allocation to Senate Finance Committee	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,088,237
FY 2008 Outlays	1,082,300
FY 2008–2012 Budget Authority	6,067,090
FY 2008–2012 Outlays	6,057,094
Adjustments	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	3,465
FY 2008 Outlays	4,644
FY 2008–2012 Budget Authority	−71
FY 2008–2012 Outlays	−80
Revised Allocation to Senate Finance Committee	
FY 2007 Budget Authority	1,011,527
FY 2007 Outlays	1,017,808
FY 2008 Budget Authority	1,091,702
FY 2008 Outlays	1,086,944
FY 2008–2012 Budget Authority	6,067,019
FY 2008–2012 Outlays	6,057,014

CHANGES TO S. CON. RES. 21

Mr. CONRAD. Mr. President, section 310 of S. Con. Res. 21, the 2008 budget resolution, permits the chairman of the Senate Budget Committee to revise the allocations, aggregates, and other levels for legislation that reauthorizes terrorism risk insurance, provided that such legislation does not worsen the deficit over the period of the total of fiscal years 2007 through 2012 or the period of the total of fiscal years 2007 through 2017.

I find that H.R. 2761, the Terrorism Risk Insurance Program Reauthorization Act of 2007, which cleared the House of Representatives today, satisfies the conditions of the deficit-neutral reserve fund for terrorism risk insurance reauthorization. Therefore, pursuant to section 310, I am adjusting the aggregates in the 2008 budget resolution, as well as the allocation provided to the Senate Banking, Housing, and Urban Affairs Committee.

I ask unanimous consent that the following revisions to S. Con. Res. 21 be printed in the RECORD.

There being no objection, the matrial was ordered to be printed in the RECORD, as follows:

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Revisions to the Conference Agreement Pursuant to Section 310 Deficit-neutral Reserve Fund for Terrorism Risk Insurance Reauthorization

[In billions of dollars]

Section 101	
(1)(A) Federal Revenues:	
FY 2007	1,900.340
FY 2008	2,025.853
FY 2009	2,122.272
FY 2010	2,176.581
FY 2011	2,357.845
FY 2012	2,500.246
(1)(B) Change in Federal Revenues:	
FY 2007	−4.366
FY 2008	−24.943
FY 2009	15.346
FY 2010	12.860
FY 2011	−36.705
FY 2012	−96.850
(2) New Budget Authority:	
FY 2007	2,371.470
FY 2008	2,512.549
FY 2009	2,527.393
FY 2010	2,581.502
FY 2011	2,696.712
FY 2012	2,736.461
(3) Budget Outlays:	
FY 2007	2,294.862
FY 2008	2,476.344
FY 2009	2,574.201
FY 2010	2,609.387
FY 2011	2,702.068
FY 2012	2,715.235

Concurrent Resolution on the Budget for Fiscal Year 2008—S. Con. Res. 21; Revisions to the Conference Agreement Pursuant to Section 310 Deficit-neutral Reserve Fund for Terrorism Risk Insurance Reauthorization

[In millions of dollars]

Current Allocation to Senate Banking, Housing, and Urban Affairs Committee	
FY 2007 Budget Authority	11,641
FY 2007 Outlays	−1,788
FY 2008 Budget Authority	13,296
FY 2008 Outlays	−1,878
FY 2008–2012 Budget Authority	64,093
FY 2008–2012 Outlays	−18,543
Adjustments	
FY 2007 Budget Authority	0
FY 2007 Outlays	0
FY 2008 Budget Authority	200
FY 2008 Outlays	200
FY 2008–2012 Budget Authority	3,100
FY 2008–2012 Outlays	3,100
Revised Allocation to Senate Banking, Housing, and Urban Affairs Committee	
FY 2007 Budget Authority	11,641
FY 2007 Outlays	−1,788
FY 2008 Budget Authority	13,496
FY 2008 Outlays	−1,678
FY 2008–2012 Budget Authority	67,193
FY 2008–2012 Outlays	−15,443

DOCTOR'S PAYMENT FIX

Mr. MARTINEZ. Mr. President, I wish to address the issue of what is commonly referred to as the Medicare "doctor fix." Unless Congress acts, there will be a 10-percent reduction to Medicare reimbursement rates in the coming year; putting good doctors further at odds with Medicare payments for their service.

This is a problem that not only affects patients with Medicare but also our military veterans, many of whom rely on Medicare as their primary health care provider.

Delaying the issue will put our veterans relying—on Tricare until the age of 65 and Medicare after retirement—at increased risk of additional health problems if their ability to see a doctor remains in question.

If not addressed, millions of Americans could be denied immediate access to treatment when they need it most. It would also put an even greater strain on doctors, who are already forced to be selective in determining which Medicare patients they can treat.

This is a choice no doctor should have to make, and our seniors and doctors deserve better. We have the opportunity to act before we leave in the coming days, and I urge my colleagues to consider the consequences that would result from an additional cut to the program.

In my home State of Florida, the dilemma has reached a critical mass, with an increasing number of doctors leaving the program—refusing to continue treating a very vulnerable population. All because the bureaucracy is too much and reimbursement is too low.

These are doctors that play important roles in treating seniors in their communities. These are doctors like Dr. Troy Tippett, a neurosurgeon in Pensacola, who is often faced with the choice of continuing to treat Medicare patients at a loss or refuse them because of declining reimbursements from Medicare.

Dr. Tippett was so worried about the threat of further cuts to the Medicare reimbursements he receives, he recently called to let me know the detrimental impact the declining reimbursement rate would have on his ability to continue treating Medicare patients.

I hope for the sake of good doctors like Dr. Tippett we can develop a comprehensive, long-term solution that fixes this problem once and for all.

This is a problem, I believe, that we must fix soon, rather than kicking the can down the road and hoping the next Congress will provide an answer to the more than 40-million Medicare patients. But today, we can do our part by opposing a cut to the broken payment system that penalizes our doctors for treating Medicare patients.

We owe it to the people who have worked so hard in life and need quality care now more than ever. We also owe it to the doctors who treat them on a regular basis.

I urge my colleagues to support fixing the reimbursement rate that so many doctors in my State—and around the country—depend on, especially in the face of rising medical costs and skyrocketing medical malpractice insurance premiums.

It is my understanding that we are very close to coming to agreement on a doctor fix and that floor action could occur very soon. I am hopeful we will have the opportunity to approve that fix. We must act because our physicians and their patients are counting on us.

And while I am pleased we are about to address the problem—let's not make the mistake of leaving it as a short-term fix. The American people deserve a long-term solution. I look forward to coming back next year and working on a permanent "doctor fix."

RENEWABLE CONSUMER AND ENERGY EFFICIENCY ACT

Mr. INOUYE. Mr. President, today, I am pleased that the Congress is sending energy legislation to the President. For too long, the United States has taken a back seat in the fight against global warming. This bill is a good first step in moving our Nation's energy policy in the right direction.

Without the support of a number of Senators, this legislation, and title I in particular, would not have been possible. I wish to extend particular thanks to Senators FEINSTEIN, STEVENS, LEVIN, SNOWE, KERRY, DORGAN, LOTT, CARPER, BOXER, DURBIN, ALEXANDER, CORKER, and CANTWELL for their work in increasing automobile fuel economy standards.

In addition, the tireless efforts of groups dedicated to conservation and improving national security were vital to enacting this legislation. Of special note is the support of a nonpartisan group of business executives and retired senior military leaders concerned about global energy security, known as Securing America's Future Energy, SAFE. I am grateful for the support and hard work of its leaders, Frederick

W. Smith and General P.X. Kelley, as well as Robbie Diamond, who served as their liaison. The Union of Concerned Scientists—David Friedman in particular—provided significant technical support and advocacy for the Ten-in-Ten Fuel Economy Act.

The White House says that the President will sign the bill tomorrow. I thank him for taking swift action on this landmark legislation.

NEW CENTURY FARM PROGRAMS

Mr. HARKIN. Mr. President, I certify that neither I nor any of my family members have a pecuniary interest in the New Century Farm Programs for which I requested congressionally directed spending via floor action on Harkin amendment No. 3500, a substitute to H.R. 2419.

NATIONAL DEFENSE AUTHORIZATION ACT

Mrs. MCCASKILL. Mr. President, this chamber approved the fiscal year 2008 National Defense Authorization Act. I am particularly pleased with the inclusion of an important provision contained in section 846 of the legislation to modernize the whistleblower protections afforded to defense contractor employees. At a time when reports of fraud, waste, and abuse in defense contracts are rampant, it is absolutely vital that we have in place the types of whistleblower protections for contractor employees that I will empower them in reporting such abuse and therefore will protect those who wish to protect American I taxpayer dollars.

I would like to thank Senator COLLINS for working with me on this important provision and further thank Senators LEVIN and MCCAIN for their leadership and stewardship of this provision through the Senate and conference-considerations of the Defense Authorization Act.

I come to the floor, however, to make one explanatory clarification as to the final language of this amendment because I think it critical that the record be clear as to the intent of the Congress. Last year in Garcetti v. Ceballos, the Supreme Court canceled constitutional protection for speech made within the normal course of an employee's execution of his or her job duties, specifically because those disclosures are covered by other whistleblower statutes. There should be absolutely no confusion that the Congress believes that the logic and holding of Garcetti is inapplicable to the defense contractor whistleblower protection statute, 10 U.S.C. 2409, as amended by section 846 of this act.

Disclosures taken to carry out job responsibilities, within the normal course of an employee's duties, are protected by this provision for three core reasons. First, they are essential preliminary steps for a responsible disclosure to the government. Second, often they in fact are indirect disclosures to Government inspectors, auditors, and investigators who must study associated internal corporate records to engage in informed oversight. Third, the purpose of whistleblower statutes is to reduce waste. But waste would be maximized if employees had to avoid their own organizations and go straight to the Government in order to avoid waiving their whistleblower rights. The law's goal is maximized by employees being empowered to safely work within their employment structure, as a first step, so contractors can clean their own houses. Any reading that would exclude disclosures within an employee's internal chain or command would simply be an illogical, exceedingly narrow reading of the statute. Congress fully intends the employee protections, as amended, to be interpreted to include disclosures within the employee's company.

I thank my fellow Senators for joining Senator COLLINS and me in our efforts to protect whistleblowers and provide greater contractor accountability and oversight.

LOOP FUNDING

Ms. MIKULSKI. Mr. President, as chairwoman of the Appropriations Subcommittee on Commerce, Justice, Science, and related agencies, I rise today to clarify for the U.S. Senate the sponsorship of a congressionally designated project included in the Joint Explanatory Statement to accompany the consolidated appropriations amendment to H.R. 2764. Specifically: Senator LEVIN should be listed as having requested funding for city of Grand Rapids, MI, for LOOP funded through the Department of Justice.

INTERNET GAMBLING

Mr. KYL. Mr. President, I would like my colleagues to be aware of an important letter signed by 45 State attorneys general expressing "grave concerns" about Representative BARNEY FRANK's Internet Gambling Regulation and Enforcement Act, H.R. 2046.

The State attorneys general note that the recently enacted Unlawful Internet Gambling Enforcement Act of 2006 has "effectively driven many illicit gambling operators from the American marketplace." The Frank bill "proposes to do the opposite, by replacing state regulations with a federal licensing program that would permit Internet gambling companies to do business with U.S. customers." The letter continues:

> A federal license would supersede any state enforcement action, because § 5387 in H.R. 2046 would grant an affirmative defense against any prosecution or enforcement action under any Federal or State law to any person who possesses a valid license and complies with the requirements of H.R. 2046. This divestment of state gambling enforcement power is sweeping and unprecedented.

One final but very important point from the letter is the impact of the so-called "opt-out" provisions. Specifically, the letter reads:

> [T]he opt-outs may prove illusory. They will likely be challenged before the World Trade Organization. The World Trade Organization has already shown itself to be hostile to U.S. restrictions on Internet gambling. If it strikes down state opt-outs as unduly restrictive of trade, the way will be open to the greatest expansion of legalized gambling in American history and near total preemption of State laws restricting Internet gambling.

The Frank bill is unacceptable to the State attorneys general and it ought to be unacceptable to Members of Congress as well. I urge my colleagues to oppose the Frank bill or any similar proposals that would create a permissive Federal licensing scheme for Internet gambling.

I ask unanimous consent to have printed in the RECORD the letter from the National Association of Attorneys General.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF
ATTORNEYS GENERAL,
Washington, DC, November 30, 2007.

Hon. NANCY PELOSI,
Speaker,
House of Representatives.
Hon. HARRY REID,
Majority Leader,
U.S. Senate.
Hon. JOHN BOEHNER,
Minority Leader,
House of Representatives.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate.

TO THE LEADERSHIP OF THE U.S. HOUSE OF REPRESENTATIVES AND SENATE:

We, the Attorneys General of our respective States, have grave concerns about H.R. 2046, the "Internet Gambling Regulation and Enforcement Act of 2007." We believe that the bill would undermine States' traditional powers to make and enforce their own gambling laws.

On March 21, 2006, 49 NAAG members wrote to the leadership of Congress:

"We encourage the United States Congress to help combat the skirting of state gambling regulations by enacting legislation which would address Internet gambling, while at the same time ensuring that the authority to set overall gambling regulations and policy remains where it has traditionally been most effective: at the state level."

Congress responded by enacting the Unlawful Internet Gambling Enforcement Act of 2006 (UIGEA), which has effectively driven many illicit gambling operators from the American marketplace.

But now, less than a year later, H.R. 2046 proposes to do the opposite, by replacing state regulations with a federal licensing program that would permit Internet gambling companies to do business with U.S. customers. The Department of the Treasury would alone decide who would receive federal licenses and whether the licensees were complying with their terms. This would represent the first time in history that the federal government would be responsible for issuing gambling licenses.

A federal license would supersede any state enforcement action, because §5387 in H.R. 2046 would grant an affirmative defense against any prosecution or enforcement action under any Federal or State law to any person who possesses a valid license and complies with the requirements of H.R. 2046. This divestment of state gambling enforcement power is sweeping and unprecedented.

The bill would legalize Internet gambling in each State, unless the Governor clearly specifies existing state restrictions barring Internet gambling in whole or in part. On that basis, a State may "opt out" of legalization for all Internet gambling or certain types of gambling. However, the opt-out for types of gambling does not clearly preserve the right of States to place conditions on legal types of gambling. Thus, for example, if the State permits poker in licensed card rooms, but only between 10 a.m. and midnight, and the amount wagered cannot exceed $100 per day and the participants must be 21 or older, the federal law might nevertheless allow 18-year-olds in that State to wager much larger amounts on poker around the clock.

Furthermore, the opt-outs may prove illusory. They will likely be challenged before the World Trade Organization. The World Trade Organization has already shown itself to be hostile to U.S. restrictions on Internet gambling. If it strikes down state opt-outs as unduly restrictive of trade, the way will be open to the greatest expansion of legalized gambling in American history and near total preemption of State laws restricting Internet gambling.

H.R. 2046 effectively nationalizes America's gambling laws on the Internet, "harmonizing" the law for the benefit of foreign gambling operations that were defying our laws for years, at least until UIGEA was enacted. We therefore oppose this proposal, and any other proposal that hinders the right of States to prohibit or regulate gambling by their residents.

Sincerely,

John Suthers, Attorney General of Colorado; Bill McCollum, Attorney General of Florida; Douglas Gansler, Attorney General of Maryland; Troy King, Attorney General of Alabama; Talis J. Colberg, Attorney General of Alaska; Terry Goddard, Attorney General of Arizona; Dustin McDaniel, Attorney General of Arkansas; Edmund G. Brown, Jr., Attorney General of California; Richard Blumenthal, Attorney General of Connecticut; Joseph R. (Beau) Biden III, Attorney General of Delaware; Linda Singer, Attorney General of District of Columbia; Thurbert E. Baker, Attorney General of Georgia; Alicia G. Limtiaco, Attorney General of Guam; Mark J. Bennett, Attorney General of Hawaii; Lawrence Wasden, Attorney General of Idaho; Lisa Madigan, Attorney General of Illinois; Stephen Carter, Attorney General of Indiana ; Paul Morrison, Attorney General of Kansas; Charles C. Foti, Jr., Attorney General of Louisiana; G. Steven Rowe, Attorney General of Maine; Lori Swanson, Attorney General of Minnesota; Jim Hood, Attorney General of Mississippi; Jeremiah W. (Jay) Nixon, Attorney General of Missouri; Mike McGrath, Attorney General of Montana; Kelly A. Ayotte, Attorney General of New Hampshire; Anne Milgram, Attorney General of New Jersey; Gary King, Attorney General of New Mexico; Roy Cooper, Attorney General of North Carolina; Wayne Stenehjem, Attorney General of North Dakota; Marc Dann, Attorney General of Ohio; W.A. Drew Edmondson, Attorney General of Oklahoma; Hardy Myers, Attorney General of Oregon; Tom Corbett, Attorney General of Pennsylvania; Patrick C. Lynch, Attorney General of Rhode Island; Henry McMaster, Attorney General of South Carolina; Larry Long, Attorney General of South Dakota; Robert E. Cooper, Jr., Attorney General of Tennessee; Greg Abbott, Attorney General of Texas; Mark Shurtleff, Attorney General of Utah; William H. Sorrell, Attorney General of Vermont; Robert McDonnell, Attorney General of Virginia; Rob McKenna, Attorney General of Washington; Darrell V. McGraw, Jr., Attorney General of West Virginia; J.B. Van Hollen, Attorney General of Wisconsin; Bruce A. Salzburg, Attorney General of Wyoming.

PATENT REFORM ACT

FURTHER IMPROVEMENTS

Mr. LEAHY. Mr. President, I would like to take a moment, along with the distinguished Senator from Utah, a longstanding member of the Judiciary Committee and a consistent partner of mine on intellectual property issues, to discuss S. 1145, the Patent Reform Act of 2007.

Mr. HATCH. I would be happy to discuss this important issue with my good friend from Vermont.

Mr. LEAHY. First, I want to express my appreciation for my colleague's efforts in working to ensure that our patent laws are modernized. We first cosponsored patent reform last Congress. We again jointly introduced comprehensive patent reform this Congress in the form of S. 1145 in April of this year. Both bills had their foundations in numerous hearings with the testimony of dozens of witnesses and in innumerable meetings with the myriad of interested participants in the patent system. The message we heard repeatedly was of the urgent need to modernize our patent laws. The leaders of the House Judiciary Committee also heeded that call to legislate, and working with them, we introduced identical, bipartisan bills. H.R. 1908 was introduced the very same day that we introduced the Senate bill.

In July, after several extensive and substantive markup sessions, the Senate Judiciary Committee reported S. 1145 favorably and on a clear and strong bipartisan vote. In the course of our committee deliberations, a great many changes were made to improve and perfect the bill. These improvements included changes on the key issues of enhancing patent quality, clarifying rules on infringement and compensation of inventors, and improving the ability of the Patent and Trademark Office to do its job well.

Mr. HATCH. I am proud to be a leading cosponsor of patent reform. The inventiveness of our citizens is the core strength of our economy. Our Founding Fathers recognized the critically important role of patents by mandating in article 1, section 8, of the Constitution that Congress was to enact a patent law. The Congress has periodically seen fit to update the law to ensure it meets the changing needs of both science and our economy. But the current law has not seen a major revision since 1952. Much has changed since then. The courts have struggled valiantly to interpret the law in ways that make sense in light of change. but that piecemeal process has left many areas unclear and some areas of the law out of balance. So action by the Congress is needed, and needed urgently.

Mr. LEAHY. I agree with my distinguished colleague that now is the time to enact patent reform, and we are in good company in that belief. Our leadership has committed to taking up S. 1145 as early in the new year as possible, and we commend that commitment. I fully recognize that when the bill was reported by the Judiciary Committee, a number of members expressed a strong view that the bill should be further perfected before it comes to a vote on the floor of the Senate. I made a commitment to the members of the Judiciary Committee at the markup that I would work closely with each of them, and other Members of the Senate, to make further improvements in the bill. I reaffirm that commitment.

Mr. HATCH. Thank you. I was among the members of the committee who expressed the view that while I believed we were reporting a very sound bill, further improvements should be considered. I very much appreciate your willingness to work with me and other Senators and very much appreciate your commitment.

Mr. LEAHY. As you and I have discussed, successful enactment of patent reform requires the input of all Senators. Over the past months, since the committee reported the bill, I have had numerous meetings with both members and affected interests. I know you have too. My staff has had literally hundreds of meetings and discussions about this legislation. In the course of those meetings, it has become clear to me that several issues are on the minds of most people: ensuring compensation for infringement is fair and adequate; clarifying rules on venue; and improving the ability of parties to challenge the validity of granted patents through administrative processes.

Mr. HATCH. I agree with my colleague, further improvements should be considered to key provisions of the bill, including damages, postgrant review, inequitable conduct defense, and venue.

Let me just say a few words about the need to make further reforms to the inequitable conduct defense. I commend Senator LEAHY for working to develop an effective solution to the problem of the inequitable conduct defense during committee deliberation in July. No doubt he has done a good job in initiating this process. We certainly share many perspectives on how to reform this area of the law, but I believe more must be done to change the use of this defense as an unfair litigation tactic.

I know some have opposed any meaningful changes in this area because of how it would affect the generic pharmaceutical industry. As a coauthor of the Drug Price Competition and Patent Restoration Act, informally known as the Hatch-Waxman Act, I certainly understand the generic drug industry, but S. 1145 is an innovator's bill. Unless we promote and protect a structure that fosters a strong and vibrant environment for innovators, there will be fewer and fewer drugs for the generics to manufacture—and all, including patients, will suffer.

Much like Senator LEAHY, my staff and I have met with many interested stakeholders and individuals about these provisions, and they have stated that further refinements to these four key provisions would garner even greater support of S. 1145. I firmly believe that compromise on each of these provisions is achievable, and I know that my good friend from Vermont would agree.

Mr. LEAHY. Over the course of early January, I invite you and our colleagues to work with me to find viable solutions. It is my intention to seek and hear the views of any and all parties and to include all interested staff and Senators. This will continue to be an open and deliberative process, with the goal of favorable Senate action as early as the floor schedule permits. I am committed to a strong and effective balanced bill. I know there are some out there who would rather see us do nothing and leave the systems now in place or merely codify current jurisprudence. I believe that following this course would be shirking our responsibility to ensuring the economic strength of our country that is built on inventiveness.

Mr. HATCH. I agree with your intentions and applaud your plan. I stand ready to work with you and each of our colleagues. I also agree that this should not become an excuse for further delay or for doing nothing. Unfortunately, some would like to play political football with this bill to pursue other agenda items. Make no mistake: this bill is far too important and should not fall prey to such partisan tactics from either side. The Senate has a tremendous opportunity and responsibility to further strengthen our Nation's competitiveness through meaningful patent reform.

HONORING REPRESENTATIVE JULIA CARSON

Mr. BAYH. Mr. President, in remembrance of Congresswoman JULIA CARSON, who died on December 15, 2007, I have printed in the RECORD a column written by former Representative Andy Jacobs Jr. of Indiana.

There being no objection, the material was ordered to be printed in the RECORD as follows:

REMEMBERING CONGRESS'S JEWEL NAMED JULIA

"Look where he came from and look where he went; and wasn't he a kind of tough struggler all his life right up to the finish?" The words are those of Carl Sandburg in praise of Abraham Lincoln. The same praise could and should be said of our sister, the late Rep. Julia Carson (D–Ind.), who has passed beyond the sound of our voices into the sunset of her temporal life and into a dawn of history.

Where did she come from? Same place as Lincoln—Kentucky. And like him, she was born both to physical poverty and spiritual wealth, and moved to Indiana.

Another similarity: Julia also had an "angel mother," Velma Porter, who put a lot of physical, mental and spiritual nutrients into the little flowerpot of her only child.

Fast-forward to a month after my first and improbable election to Congress. I was told by mutual friends that at the Chrysler UAW office, I could find a remarkable woman to join me as a co-worker in my Washington Congressional office. Remarkable? Understatement. Thus began my 47-year friendship and, eventually, virtual sibling-ship with the already honorable Julia Carson, one of the most intelligent, ethical, industrious and compassionate people I have ever known.

Check out her first Congressional brainstorm. It started a national trend. Why make constituents in need of Congressional assistance with bureaucratic problems travel all the way to D.C. to get it? Why not take that part of the office to them? So we adopted her suggestion and did our "case work" in Indianapolis with Julia at the helm. It set an example that has been followed by other Congressional offices all over the country ever since. OK, there was one other factor. She had two little kids she preferred to rear in Indianapolis, doing well by her kids by doing good for her country.

Later, my refusal to bring home a particularly pernicious piece of political pork earned me a severe gerrymander that, together with the Nixon landslide, ejected me from Congress. Nothing is all bad; the beneficiary of the gerrymander was my much-admired friend, Bill Hudnut (R). That was the year I had to talk Julia into running for the state House of Representatives. She thought it would be disloyal to our friendship because it would take her away from my campaign, which was a campaign of futility that year.

She was elected to the state House, where she served with distinction and, in time, she became a state Senator, again gaining friends and admirers on both sides of the aisle.

Still later, she became the Center Township trustee and produced real "welfare reform," not with ignorant histrionic speeches and braggadocio, but with hard, quiet and meticulous work. It was reform that broke no poor child's heart, nor sent such a child to bed hungry. She not only ferreted out welfare cheats, but also sued them and got the money back for the taxpayers. Her reform wiped out a long-standing multimillion-dollar debt, moving the then-Marion County Republican auditor to say, "She wrestled the monster to the ground."

Julia was unique in tnat she was the only human being ever to be named Woman of the Year by The Indianapolis Star on two different occasions.

It was common parlance to say, "Congresswoman Carson's people," a reference to poor black constituents. Rubbish. The 7th district is about 70 percent nonblack and "her people" were all the people of the 7th, regardless of physical or economic description. Millionaires can be treated unjustly by the federal government just as middle- and low-income citizens can. And wherever there was injustice, this Lincoln-like lady was there to redress it. Her political philosophy was a plank from the Sermon on the Mount: "Blessed are they who thirst for justice."

There's another one: "Blessed are the peacemakers." She cast our vote against the conspicuously unconstitutional resolution that gave the Cheney gang a fig leaf to order our innocent military to the fraudulent and internationally illegal blood-soaked blunder in Iraq.

Julia called me just before she cast that vote and said that, in view of the dishonesty, panic and jingoism of the moment, she expected to lose the next election. "Courage," my mother said, "is fear that has said its prayers."

Our Julia, who art in Heaven.

TRIBUTE TO FORMER GEORGIA HOUSE LEADER TOM MURPHY

Mr. CHAMBLISS. Mr. President, I want to associate the following comments with my distinguished colleague and friend, Senator ISAKSON, to honor the late former Georgia House Leader Tom Murphy, who passed away last night.

Tom, known by his friends as Speaker and others as "Mr. Speaker," was once the longest serving State House speaker in the nation, serving Georgia from 1974 to 2002. In describing the life's work of Tom Murphy, one of our veteran reporters in Atlanta quoted an old 1960's western film and wrote, "When the legend becomes fact, print the legend." The reporter goes on to say, "There will be no such confusion over Tom Murphy, the tough-talking master politician whose gruff exterior concealed a heart that ached for the poor and helpless and in the Speaker's case, they were one and the same."

He was a true champion for our great State, and all Georgians, from Rabun Gap to Tybee Light, will reap the benefits of Tom's work legacy for generations to come.

During the time Tom served our State, Georgia became one of the leading States to attract international business, our ports were expanded, the Quick Start program was created and expanded to help companies train new workers, and teachers salaries were given higher priority.

The expressway system in Georgia was completed during his tenure, and if you live in the vicinity of Atlanta, you have Tom to thank for the widening of the connector in Atlanta; additional runways at Hartsfield-Jackson International Airport; and the World Congress Center that was built and expanded to allow Georgia to compete for conventions and trade shows.

He was always supportive of rural Georgia and agribusiness, and he was part of a transformation of our state into a State that has a significantly more diversified and stronger economic base than ever before.

One of our former colleagues, former Senator and Governor, Zell Miller, one of our greatest Governors, describes his working relationship with Tom as one that was tumultuous, but mutually beneficial. They worked together for many years in the State legislature, and it is no secret that the two often dueled over many issues, but they always had Georgia's best interest in mind. Zell has stated, "If there had not been a Tom Murphy, I guess I would have created one, and if there had not been a Zell Miller, I guess he would have had to create one. Because that's the way we rallied our troops." Both recognized that they could not survive without the other.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Mr. President, I ask unanimous consent to have printed in the RECORD Zell's interview.

Tom's integrity and fairness were his trademarks, and he will always be remembered for his longstanding commitment to Georgia values.

When we depart from this world, we all hope to leave it a better place. Tom Murphy left Georgia better than he found it.

"HE WAS A ONE-OF-A-KIND" INDIVIDUAL

(By Dick Pettys)

Make no mistake: there was real respect and, yes, even affection between Tom Murphy and Zell Miller, though you would never have known it from the way Murphy introduced Miller on occasion as the "extinguished" lieutenant governor, or the way Miller referred to Murphy's House as the "mausoleum" for his legislative initiatives.

Murphy, who died Monday, and Miller came to the Georgia Legislature in the same year—1961—and their careers were forever entangled after Murphy became Speaker and Miller became lieutenant governor and later governor.

"I've often thought this as I looked back on (our) careers—we worked off each other to benefit what we were trying to get done," Miller said in a telephone interview Tuesday. "If there had not been a Tom Murphy, I guess I would have created one, and if there had not been a Zell Miller, I guess he would have had to create one. Because that's the way we rallied our troops."

At such times, it often took a woman's touch to keep them from doing each other a bodily harm, and Shirley Miller filled that role, Murphy used to say.

There was sadness in Miller's voice as he spoke of Murphy's legacy.

"He was a one-of-a-kind individual, and for four decades whatever happened in Georgia, he was right in the middle of it," Miller said. "We will never see, I don't think, ever again one Georgia leader have the power that he had for as many years as he had it. It's really remarkable and I don't think the way politics is today that you'll ever see that again."

Miller, who taught college history at an earlier point in his career, said Murphy came along at an historic time in the state's history.

"We were all the same. We were white male Democrats, mostly from rural Georgia. And then suddenly that all changed with the court rulings and the county unit system, reapportionment and all of that. And it became a very, very volatile time to be in politics.

And the fact that he could hold that House together like he did for so many years, it's really historic.

"Loyalty is the most important ingredient in legislative politics and he enjoyed that from his House like no one ever has before or will again," he said.

Why?

"They knew it was a two-way street; that he would look after them and he would be as loyal to them as they were to him. He, of course, very wisely would place people in various positions which would be of benefit to him later . . . Next to his real family, the House was his family."

"The night I was elected (November, 1990), he was one of the first to come up to where we were, and I appreciated that. The next day, I went up to the third floor, sat down and told him I might could get elected without him, but I sure couldn't govern without him. That was the truth.

"We worked together and fought together for so many years, it's hard to believe what a long period of time it really was. I give him a lot of credit for the fiscal soundness of the sound and bringing along rural legislators on things like the World Congress Center, which was not an easy job. So many things. It's a shame he didn't get that reservoir, which was looked upon as sort of pork at the time. It would have helped today if we had had it."

For both men and for the state, that remarkable period of time was quite a ride. "I feel very, very fortunate to have been part of it," he said.

COMMENDING CINDY CHANG

Mr. GREGG. Mr. President, I want to take a moment to recognize the hard work of Ms. Cindy Chang, Senior Adviser for Budget and Appropriations at the State Department's Bureau of Legislative Affairs.

Cindy has worked closely with the State, Foreign Operations, and Related Programs Appropriations Subcommittee for the past several years and has been an invaluable asset to the Congress. Cindy understands the appropriations and budget processes. She understands foreign policy, whether the complexities associated with the Middle East or the nuances of Southeast Asia. Cindy is also extremely responsive to the subcommittee's many and frequent requests for information.

Secretary of State Condoleezza Rice should understand that in the opinion of the Appropriations Committee, Cindy Chang is among the brightest stars at the State Department. As the year draws to a close, my staff joins me in recognizing and thanking Cindy for her outstanding support of the subcommittee in 2007.

SPECIAL THANKS TO WALLY RUSTAD

Mr. CONRAD. Mr. President, today I want to pay tribute to an outstanding friend and advisor, Wally Rustad, who will be concluding his time as chief of staff on January 10, 2008.

In July 2007, when my longtime chief of staff announced his intention to retire, Wally agreed to come out of retirement to serve as interim chief of staff during the transition period. Wally was no stranger to my office. Following a long career working for the National Rural Electric Cooperatives, he served as my state liaison for 6 years. In fact, Wally and I have a history of working together that spans back over 40 years when I was an intern in the office of Congressman Rolland Redlin and he was serving as the young chief of staff for the Congressman. Wally and I have been working together in one form or another ever since.

Wally came on board as my interim chief of staff and immediately provided the steady leadership that is crucial during times of change. During his tenure in my office, Wally has done an outstanding job of seeing my staff through personnel changes and legislative challenges, and has provided me the steady advice of a seasoned veteran. His work has been outstanding.

Finally, and most importantly, Wally Rustad is an outstanding person. He has never forgotten the small-town values he learned growing up Grenora, ND. He has worked quietly and tirelessly behind the scenes to make things happen and was always happy to divert credit to others. He has been tremendously loyal, dedicated, and a passionate advocate for the people of my State. He has never forgotten that he is working for the American taxpayer. And he has been a good friend and a mentor to others on staff.

With extraordinary gratitude for his time serving as my chief of staff, I wish Wally well as he returns home to his lovely wife Marlys. I have been blessed to have Wally as a trusted advisor and confidante but most importantly he has been a great friend. I wish him all the best as he returns to retirement and look forward to continuing our association for many years to come.

CONSTITUENT VIEWS

Mr. SPECTER. Mr. President, I ask unanimous consent that a letter from Mr. Richard Morgan from Shavertown, PA, be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 7, 2007.

Re: Congressional members

Hon. ARLEN SPECTER,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR SPECTER: My name is Richard H. Morgan. I reside at 145 Woodbine Road, Shavertown, PA. I am retired at 72 years of age and a military veteran of the U.S. Navy and U.S. Coast Guard. I have been a Republican since 21 years of age.

On November 20, 2007 at 11 a.m., you returned my phone call. During our conversation I agreed to write a letter stating my views of the job the Senate has done. You agreed to read this letter on the Senate floor. I told you I would really like to stand and talk in front of the Senate.

I am part of the great generation of people who lived, worked, and died for this country. I often wonder to myself where we as a society let our country go so wrong. We are not safe in our own country. I am not afraid of terrorists from other countries; I have greater fear from my own government. I would like to list a few examples.

First, congressional personnel do not live their lives as the working average middle class nor our lower class society. They think of us as uneducated. They may be right since we placed our trust in their hands and believed they would do the job right. I question too what has happened to the oath of office they took as a serious promise to us and God. The majority of Congress lacks integrity and humility. They are definitely not role models for our society. I know our country's business can be conducted better. I have no special interest groups to benefit by my vote.

Second, I have a problem concerning social security and how the word entitlements is used. It makes me feel like they are giving me personally a handout. The social security trust fund is completely funded by the citizens of the United States through payroll tax deductions and collected by the Internal Revenue Service. I must add that they are elected by citizens to manage these funds for us and not to fund other programs. So, I feel the word of entitlements should have reference to congressional perks, which are completely funded by tax paying citizens.

Finally, my third area of concern is the marriage of congressional members and corporate business. I am not sure if it's illegal, but I do know it's unethical. This has caused so much damage to my country. I have done the research on many programs such as the Bureau of Public Debt, Federal Accounting, and the U.S. Office of Personnel Management.

The answer to this whole problem is for all elected congressional members to gain a conscience or to resign from office.

Respectively,

RICHARD H. MORGAN.

RESTORING JUSTICE FOR BOOKER TOWNSELL

Mr. FEINGOLD. Mr. President, today I want to take a moment to recognize a victory for the cause of justice, albeit one that is long overdue. In 1944, Booker Townsell, a private in the U.S. Army, was convicted of a crime in an unfair and racially biased trial, 63 years ago to this day. I join Booker Townsell's family in heralding the recent decision by the Army Board for Correction of Military Records to overturn this conviction and restore all rights lost as a result of the conviction. Although Booker Townsell is no longer with us, and no ruling can change the injustice that Booker Townsell suffered when he was wrongly convicted by the Army in 1944, I am pleased to see that the Army is rejecting the original decision handed down 63 years ago.

Despite the injustice he suffered, Booker Townsell displayed tremendous strength, and went on to lead a full life in Wisconsin, including raising a wonderful family. I am glad to see the tremendous weight of this conviction lifted from his family. It is due to their valiant effort that this decision was finally overturned. I also thank Congressmen JIM MCDERMOTT and DUNCAN HUNTER for putting vital pressure on the Army to review the 1944 decision. While it has taken far too long, 63 years later, justice has finally been restored to Booker Townsell and his family.

HONORING DENIS O'DONOVAN

Mr. KENNEDY. Mr. President, I ask unanimous consent that the following resolution from the HELP Committee to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows.

Resolution commending Denis O'Donovan with deepest sincerity for his dedicated and skillful work to improve the health and well-being of the American people.

Whereas Denis O'Donovan has served with distinction and skill for 10 years as Chief Clerk of the Committee on Health, Education, Labor and Pensions of the Senate;

Whereas Denis O'Donovan exemplifies the best traditions of selfless public service, having devoted 40 years to improving the lives of all Americans through service to the Senate;

Whereas Denis O'Donovan has met every Member of the Committee and their staffs with cheerfulness and consideration;

Whereas the faultless competence of Denis O'Donovan has enabled the Committee to function effectively under Chairmen of both parties;

Whereas Denis O'Donovan will begin a well-earned retirement next month; and

Whereas Denis O'Donovan may be gone as of this date, but he will never be forgotten by those who had the fortune to work with him: Now, therefore, be it

Resolved, That the Committee on Health, Education, Labor and Pensions of the Senate—

(1) commends Denis O'Donovan with deepest sincerity for his dedicated and skillful work to improve the health and well-being of the American people; and

(2) wishes Denis O'Donovan all happiness and fulfillment in retirement.

RETIREMENT OF PATRICIA KNIGHT

Mr. KENNEDY. Mr. President, I rise to acknowledge the retirement from the Senate of a person of great skill and accomplishment, Patricia Knight. She will be greatly missed.

Trish has devoted more than a quarter century of her life to public service, the last nine years as chief of staff to my good friend and colleague, Senator ORRIN HATCH. Her leadership on so many issues over that time has improved the lives of millions of Americans in so many ways.

Over the years, Trish has brought her skills and energy to bear on a range of important issues from energy policy to foreign policy and so much more. She served in the Reagan administration and the first Bush administration as a key adviser on health legislation. She has been an aide on the Appropriations Committee covering bills as vast as funding for the Commerce Department and our foreign aid programs.

In no area has her able hand been more evident than health care. Before her appointment as chief of staff, Trish served as chief health adviser to Senator HATCH. In that capacity, she was his lead staffer in the creation of the Children's Health Insurance Program which today provides health coverage to more than 6 million poor children. She was a leader, too, in improving the work of the Food and Drug Administration in enhancing the safety and efficacy of prescription drugs and food. The Public Health Service is a stronger agency because of Trish's able work.

Most of all, she has been a trusted adviser and friend to so many of us. It was always clear where Trish stood on a question, and she always had clear reasons for her views. Everyone who worked with her respected her for her wisdom, judgment and determination to succeed. Her subtle humor and great spirit got us through many very difficult negotiations.

Trish, we love you and we will miss you and wish you well in the next adventure.

TRIBUTE TO RETA LAFORD

Mr. CRAPO. Mr. President, I am proud to announce the recent appointment of my legislative fellow for 2007, Ms. Reta LaFord, to the position of Deputy Forest Supervisor on the Coronado National Forest in New Mexico and Arizona. Reta has been invaluable in my office throughout this past year, specializing in Native-American and natural-resource issues. Her 20 years of experience working for the Forest Service in Montana and other parts of the West provided me with greater expertise related to how the Federal Government can successfully work with the tribes and other stakeholder groups on critical land management issues. She has particular sensitivity to the cultural concerns of the tribes in the West, and the USDA Forest Service will indeed gain from her knowledge and understanding as the Federal Government works with tribal governments in the Coronado National Forest to resolve important resource management challenges. Reta's diligence and thoroughness for the projects she manages will bring her tremendous success in this next chapter of her career.

I wish her the very best and thank her for her devoted service to the great state of Idaho during 2007. She will be missed in my office.

THE EAGLES

Mr. LEAHY. Mr. President, I have had the privilege of attending performances by the Eagles, and I have enjoyed a long friendship with Don Henley and the members of the band.

I talked with Don recently about their new double-disc set "Long Road Out of Eden" and how they came about making it. We also talked about the last impromptu performance of the Eagles I attended, which was at Camp David at a farewell party for President Bill Clinton, who was leaving office within 48 hours. As always, they were superb.

I have listened so many times to their music while traveling, at my home in Vermont, and in my office, and I thought my colleagues may benefit from the transcript of an interview Don Henley recently had with CNN. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NASHVILLE, TENNESSEE (CNN).—It may have been 28 years since the last Eagles studio album—yes, "The Long Run" came out in 1979—but, in terms of sales, it's as if the famed band has never left.

The group's new CD, the double-disc set "Long Road Out of Eden," debuted at No. 1 on the Billboard album charts with more than 700,000 copies sold in its first week. This—despite its being available only at Wal-Mart.

That relationship with America's biggest merchant has also raised eyebrows. Wal-Mart's reputation does not seem to dovetail with the interests of the Eagles, particularly the band's Don Henley, an outspoken environmentalist.

In a rare interview, Henley addressed those concerns, along with the idea of patriotism, the changing music business, and why "Long Road" may be the group's last album.

CNN's Denise Quan spoke to Henley at the Country Music Association awards last week, and said that Henley was a "true Southern gentleman," ending the interview by sending the crew on its way with plates of mashed potatoes, corn and biscuits.

CNN. Don Henley, congratulations on the first-week sales of this album. I think it exceeded everyone's expectations.

HENLEY. More than 700,000 in this country. And I'm told it has sold 3 million worldwide. So we're delighted.

CNN. Somewhere, Kanye West is quaking in his boots, I would imagine.

HENLEY. I doubt it. (Laughs)

CNN. You made us wait 28 years for this new CD.

HENLEY. Yeah. Well, we don't like to rush into things.

CNN. I was surprised when it was announced you had gone with a Wal-Mart deal exclusively. Why did you do that?

HENLEY. Our deal with the major label expired several years ago, and we just decided we wanted to try something new. . . . Everybody's been calling for a new paradigm in the record industry. Some people have gone to the Internet and haven't had a lot of success with that.

Some people have decided to go with the indie labels, who are mostly distributed by the major labels. Some people have signed with major coffee companies with varying degrees of success.

So Wal-Mart came to us, and they made us a really good offer. And they told us about their green initiative, and how they're trying to make their company more ecologically responsible. And we were impressed by their programs in that regard, and what they're trying to do. And a lot of our fans are customers of Wal-Mart, so we thought it was a good fit.

CNN. There are two discs in "Long Road Out of Eden." One disc is full of romantic ballads with those harmonies the Eagles are known for, and the other disc is full of satirical, witty, kind of biting—

HENLEY. (Interrupts) Thank you. Thank you for not using the word "cynical." (Laugh) Which has become a real cliche.

Protest songs are an old tradition that seems to be coming back now. People writing about government has been going on since the Middle Ages. . . . But to hear some journalists tell it, this is like it's never been done before, and it's outrageous!

If people don't agree with us, they can hit the skip button. We are ticked off about some things, but we also do some of it with humor. People seem to miss our humor. A lot. It seems to go (brushes side of his head with his hand).

CNN. The Eagles have long been associated with the country sound—only you brought the rock element to it when you first appeared on the scene.

HENLEY. Yeah, yeah.

CNN. But your politics are different than a lot of people in Nashville, who are more conservative than I would say you are.

HENLEY. Yeah. Well, Nashville is changing. Nashville is not nearly as conservative as it used to be.

CNN. People just don't talk about it, perhaps.

HENLEY. It's just like you don't talk about religion and politics. This country was founded on rebellion. We believe that we are patriotic. We believe that everyone has the right to speak out. In fact, we believe that it's unpatriotic not to speak out.

Lord knows, we've been criticized enough during our career. When we were younger, (adopts Bugs Bunny voice) it hurt our widdle feewings. But now we have no feelings! We had them removed. Surgically. This is probably the last Eagles album that we'll ever make. So we decided to just say whatever we felt like saying. And let the chips fall where they may.

CNN. But doesn't the success of this album spur you to make more music? Obviously, people want to hear it.

HENLEY. I can't sit here and tell you for certain that there will never be another Eagles album, but we got 20 songs on this album. You know, we got a lot of things off our chest, so to speak.

I don't know if everybody's going to want to do another one. If we do a world tour, that'll take at least two years. We're all pushing 60. Well, some of us are 60. . . .

Anyway, we'll see. But we all have some solo plans still. I still have a contract with a major label for a couple of solo albums. I think parenting is one of the highest things on our agenda right now. We all have young children. So making another album is not our first priority right now.

CNN. It seems like you've mellowed quite a bit. Is it fatherhood that's changed you, or perhaps just turning 60?

HENLEY. I think we've all mellowed in this group. I think having children was really good for all of us. And you supposedly get mellower with age. However, as some of the songs will indicate, we're not too mellow. (Pauses)

CNN. What are you thinking?

HENLEY. I hate that word "mellow," actually. We've been saddled with that word since the very beginning of our career, you know. It has something to do with Southern California. I wish they would find a new word. We're either "mellow" or we're "cynical." They can't make up their minds. It's sort of a contradiction.

CNN. But I think you've been sort of a contradiction. Certainly an enigma to a lot of people.

HENLEY. Well, good! (Laughs) Yeah, well, this band is a contradiction. This album is. But life is a contradiction, isn't it? There are good things, and there are bad things going on in the world simultaneously. There's love and hate. There's war and peace. There are all kinds of things happening at the same time. And so that's reflected on this album, I think.

CNN. So how are you guys all getting along these days?

HENLEY. The same. (Laughs)

CNN. For better or worse?

HENLEY. All that stuff has been exaggerated. You ask any band if they get along all the time, and they will tell you, "Of course not." But we get along, I'd say, as well as any band does.

There's something we've created called the Eagles that's more important than any one of us individually. And we serve that. You know, we call it "The Mothership." We can all do this, that and the other, but we always come back to the Mothership. It's something that we all built together.

And all this stuff about fighting in the band, and brawling, and fistfights and all that stuff has been grossly exaggerated. When it gets reprinted, and our publicist says, "Well, where'd you get that information," they invariably say, "I read it on the Internet"—as if the Internet were some source of truth! The Internet is no more accurate than the New York Post, you know.

(Looks straight into the camera lens) Put that in! (Laughs)

ADDITIONAL STATEMENTS

CARROLL COLLEGE FIGHTING SAINTS FOOTBALL TEAM

● Mr. BAUCUS. Mr. President, I wish to recognize a group of hard working student athletes from my hometown who continue to make history.

This past Saturday, on a mud soaked field in Savannah, TN, the Carroll College Fighting Saints football team claimed their fifth National Association of Intercollegiate Athletics championship in the past six seasons. The Fighting Saints overcame the weather and a tough squad from the University of Sioux Falls in South Dakota to prevail with a 17 to 9 victory.

Carroll College is a private, Catholic college in my hometown of Helena, MT. Carroll boasts an enrollment of about 1,500 students and is known around the country for its award-winning academic and preprofessional programs. Carroll is particularly strong in premedical, engineering, and nursing programs.

The Saints enjoy great support from the community of Helena and from folks all across Big Sky country. Fans pack Nelson Stadium on the Carroll campus each Saturday when there is a home game. Rain, snow, sub-zero temperatures—nothing will stop the Carroll faithful from coming out to cheer on their beloved Saints. I always look forward to being a part of the crowd whenever I can. The student cheering section known as the "Carroll Crazies" joins with parents and community members to create an atmosphere that is so energetic on game day you would think you were at a much larger school.

Like hard working folks all across Montana I value my money, but I was so confident that Carroll would be victorious in the title game that I made a little wager with my good friend from South Dakota, Senator Tim Johnson. The winner gets some delicious buffalo steaks my staff and I look forward to enjoying them. A special thanks to Senator JOHNSON for being such a good sport.

In the title game the Saints were led by running back Gabe Le, who slogged through the mud to pick up 116 hard-fought yards and scored Carroll's only two touchdowns on the day. For his efforts Le, a sophomore from Hayden, ID, was named the offensive player of the game. Le started the season as a backup but found his way into the starting lineup and rushed for over 100 yards in each of Carroll's four victories in the playoffs. The Carroll defense rose to the occasion and slowed down Sioux Falls' high-flying offense. Hard hitting linebacker Owen Koeppen, a junior from Florence, MT, took the honors as defensive player of the game. Koeppen has also been named to the 2007 American Football Coaches Association NAIA All-America Team.

The 2007 edition of the Fighting Saints was particularly dominant. They finished the season a perfect 15–0, running their record over the past 6 years to an astounding 79 to 6. The squad didn't surrender a touchdown until the eighth game of the season and gave up an average of less than five points per game. Carroll outscored their opponents by a combined total of 370 to 72.

Head football coach Mike Van Diest, a native of East Helena, came home in 1999 to coach the Saints. In addition to the five national titles, the Saints have won eight straight Frontier Conference championships and made it to the semifinal round of the NAIA playoffs seven times under his direction. Van Diest is not only a fantastic coach who has built a winning football program; he is an even better person, husband, and father. Mike has taught his players many life lessons along the way. He preaches the importance of getting a quality education, the value of teamwork, and the need to give back to the community. This embodies the service mission of Carroll College and the school's motto, "Not for school but for life." Coach Van Diest has a lifetime of respect and appreciation for the Carroll standard and tradition of excellence and the college is truly blessed to have him.

All of Carroll's athletic programs have enjoyed great success as of late. This fall the women's soccer team won the first ever Frontier Conference Championship and claimed their first ever victory at the NAIA national tournament. The men's and women's basketball team and the volleyball team have also won numerous conference championships in recent years and have represented the school proudly in regional and national tournaments. This record of excellence can be attributed to the fine student athletes that come to Carroll from towns small and large all across Montana and the Northwest. These individuals put it all on the line not only on the playing fields and courts but also in the classroom. I appreciate and admire this tradition of excellence in both athletics and academics. Many athletes achieve honor roll status and go on to experience success in their respective fields of study. The dedicated coaches and their staff have nurtured and helped these athletes to grow by putting in countless hours throughout the year to prepare for their respective seasons. Athletic director Bruce Parker also deserves recognition as he has helped to build and oversee the success of Carroll athletics.

Finally, I would like to congratulate the president of Carroll College, Dr. Tom Trebon, whose leadership and dedication have made Carroll the highly regarded institution that it is. I look forward to cheering on the Saints again in 2008 as they begin their quest for an unprecedented sixth national title. I know they will make Montana proud.•

TRIBUTE TO FORT CAMPBELL HIGH SCHOOL

• Mr. BUNNING. Mr. President, I wish to pay tribute to the Fort Campbell Varsity football team from Fort Campbell, KY. On December 8, 2007, the Fort Campbell High School Varsity football team won the Class 2–A State Championship in Louisville, KY.

For the young men on this team, this is not just a trophy; it is an affirmation that with hard work and determination, anything is possible. To accomplish this goal the members not only have to juggle long practices and games, but they continue to achieve academic excellence. Not only are these young men excellent athletes and students, but they pride themselves in giving back to their community for all the support they have received by doing community service, fundraising, and school public relations.

Fort Campbell, KY, is proud to be home to the 101st Airborne Division and 160th Special Operations Airborne Division. Many of the players on the Fort Campbell Falcons have loved ones currently serving our Nation abroad. I am confident that these loved ones would be proud of what the Falcons have accomplished this season.

The citizens of Fort Campbell, KY, are fortunate to have the 2007 Class 2–A State Champions and families living and learning in their community. Their example of hard work and determination should be followed by all in the Commonwealth.

I am very proud of the accomplishments these young men have made. I would like to congratulate the members of the Fort Campbell High School Varsity football team for their success. But, also, I want to congratulate their peers, coaches, teachers, administrators, and dedicated parents for the support and sacrifices they have made to help the Fort Campbell High School football team make their dreams a reality.•

VALDOSTA STATE NATIONAL CHAMPIONS

• Mr. CHAMBLISS. Mr. President, today I wish to congratulate the Valdosta State University Blazers football team for winning the 2007 NCAA Division II National Championship.

The Blazers celebrated their second national championship in 4 years on December 15, 2007, in Florence, AL, and completed their season with a final record of 13 to 1. Valdosta State's playoff run included victories over Catawba University, University of North Alabama, and the University of California-Pennsylvania en route to defeating Northwest Missouri State 25 to 20 in the championship game.

I am extremely proud of these talented men for all of their hard work and dedication that contributed to this victory. I congratulate all of the team members, particularly the senior class. Their leadership and talents will surely be missed. In addition, sophomore wide receiver Cedric Jones and junior safety Sherard Reynolds were both named First-Team All-Americans. The Blazers also had seven players named to the Gulf South Conference All-Conference Team, including Cedric Jones, Gerald Davis, William Montford, Sherard Reynolds, Maurice Leggett, Michael Terry, and Travis Harrison. Furthermore, I would like to extend my appreciation to all the families and fans for their continual support of the Blazers throughout the season.

The success of the team could not have been achieved without the exceptional coaching staff, led by head coach David Dean. Coach Dean is in his first season as head coach of the Blazers, having been the team's offensive coordinator for the past 7 years. He is only the second first-year coach in history to lead his team to a Division II title.

Valdosta, a city long known for its tradition in high school football, can now boast about the success of Valdosta State University, which has won 2 Division II National Championships in 4 years. It is my hope that the winning tradition at Valdosta State will continue for many years to come.

Congratulations again to all of these young men and to all associated with the Valdosta State Blazers football program for their great accomplishments and hard work.•

BEST HIGH SCHOOLS IN NEW MEXICO

• Mr. DOMENICI. Mr. President, today I applaud the top public high schools in my home State of New Mexico. I was pleased to learn that in U.S. News and World Report's first ranking of America's best high schools, 16 high schools in New Mexico were awarded with silver and bronze medals for their outstanding performance on standardized tests and in providing college-level coursework.

The students come from many different backgrounds, but they are successful because of the mind-set that says every student can succeed. These schools and the communities around them have embraced the differences in their student body and demonstrated that every single student, regardless of background, can and will learn. It takes the dedicated leadership of a good principal, a talented teaching corps and engaged parents to achieve this level.

The teachers and staff of these high schools have demonstrated their commitment to excellence through quality education. I have always been very proud to call New Mexico my home because of the countless opportunities it provides. This is a well deserved recognition for the excellent work being done by these high schools, and I would like to congratulate them on their great success.

The following schools were commended with awards: Academy for Technology and the Classics in Santa Fe, NM; Bloomfield High School in Bloomfield, NM; Clayton High School in Clayton, NM; Cliff High School in Cliff, NM; Eldorado High School in Albuquerque, NM; East Mountain Charter High School in Sandia Park, NM; Hagerman High School in Hagerman, NM; La Cueva High School in Albuquerque, NM; Lake Arthur High School in Lake Arthur, NM; Logan High School in Logan, NM; Los Alamos High School in Los Alamos, NM; Magdalena High School in Magdalena, NM; Sandia High School in Albuquerque, NM; Springer High School in Springer, NM; Tatum High School in Tatum, NM; and Texico High School in Texico, NM.

Again, I commend these fine high schools on a job well done, and I hope that these awards will inspire high schools in my home State and around the country to strive for the best.•

TRIBUTE TO THE HONORABLE STEPHEN LOW

• Mr. LUGAR. Mr. President, I rise today to congratulate a distinguished former member of the Foreign Service, the Honorable Stephen Low, on the occasion of his recent 80th birthday on December 2, 2007. He has rendered many years of service to our Nation, and I am honored to celebrate this milestone and his achievements.

Upon receiving his doctorate from the Fletcher School of Law and Diplomacy in 1956, the future Ambassador joined the Department of State as an Intelligence Research Officer in what was then the Bureau of Far Eastern Affairs. In the years that followed, Ambassador Low served as the Economic-Labor Officer in Kampala, Uganda; the Chief of Political Section, Dakar, Senegal; the Special Assistant to the Deputy Under Secretary of State for Political Affairs; and the Counselor for Political Affairs in Brasilia, Brazil. He then returned to Washington where he was named the Director of Brazil Affairs in the early 1970s.

During the Ford administration, Stephen Low advised our Nation's policymakers on the National Security Council as the senior staff member for Latin America. He then returned to service abroad, as the U.S. Ambassador to Nigeria. Three years later he served as Ambassador to Zambia. Ambassador Low performed these duties admirably, receiving the Department of State Distinguished Honor Award and two Presidential Meritorious Service Awards.

In 1982 Ambassador Low became the Director of the State Department's Foreign Service Institute, the Federal Government's primary training institution for officers and support personnel of the U.S. foreign affairs community. His commitment to education has been steadfast ever since. In addition to teaching and administrative posts at the Johns Hopkins University and other schools, Ambassador Low was named President of the Association of Diplomatic Studies and Teaching, an office he held until 1997.

Today the Ambassador continues his active career. As President and Founder of the Foreign Affairs Museum Council, Ambassador Low worked with members of Congress and all living former Secretaries of State to improve public understanding of the role of diplomacy and the Foreign Service. As he has stated:

> Many Americans have little idea what an embassy is, or what an ambassador does. Nor are they aware that our diplomats and other Foreign Service personnel work 24/7 around the world in the interest of the American people.

His subsequent advocacy and leadership in the planning of a National Museum of American Diplomacy at the Department of State has helped to ensure that our Nation honors the past achievements and ongoing service of our country's diplomats.

I congratulate Ambassador Low on his 80th birthday and his lifetime of achievement. I wish him many more years of good health and active service to our country.

I ask that the attached resolution be printed in the RECORD.

The material follows.

Congratulating Hon. Stephen Low on a lifetime of service to the cause and promotion of American diplomacy, and on the recent passing of his 80th birthday on December 2, 2007;

Whereas throughout his years as a career Foreign Service Officer, Ambassador Low served as the U.S. Ambassador to Nigeria and the U.S. Ambassador to Zambia;

Whereas while advising the National Security Council, Ambassador Low served as a senior staff member for Latin America;

Whereas Ambassador Low has received the Department of State Distinguished Honor Award and two Presidential Meritorious Service Awards;

Whereas in his commitment to education, Ambassador Low has served as the Director of the State Department's Foreign Service Institute, President of the Association for Diplomatic Studies and Training, and several teaching posts in the United States and abroad;

Whereas Ambassador Low continues to be active in the creation of a museum and center for the study of American diplomacy at the Department of State: Now, therefore, be it

Resolved, That the Committee on Foreign Relations expresses to Ambassador Low deep appreciation for his service to the Department of State and the United States of America.•

SERGEANT AARON HENEHAN

• Ms. MURKOWSKI. Mr. President, During this holiday season, I would like to recognize the soldiers and veterans from Alaska who have given so much and continue to give so much. I would like them to know that their sacrifices in Afghanistan and Iraq have not gone unnoticed by their fellow Alaskans. When I was in Iraq I had the pleasure of meeting soldiers and National Guardsmen from Anchorage, Fairbanks, Seward, Soldotna, Eagle River, Slana, and Wasilla. Hearing their stories and commitment made me incredibly proud to be an Alaskan.

Every day, Alaskans write my office praising the service men and women who have returned and those still in combat. Sometimes it is just a short message conveying their support, while other times is a long heartfelt letter praising our heroes and expressing solidarity with them for the sacrifices they have made. I truly believe that the fact that Alaska has the largest number of veterans per capita says a lot about our State's character.

Alaskan veterans are some of the most exemplary in the Armed Forces. The 172nd Stryker Brigade in particular had their tour in Iraq extended to 16 months, but when their country asked them for more they remained strong and proud. Just last week I received an e-mail from the commander of the 172nd. He informed me that on December 12 Sgt. Gregory Williams from the 172nd was presented the Distinguished Service Cross, the second highest award for valor, for his actions in combat while in Baghdad. Despite being injured himself when their vehicle was struck by a bomb, Sergeant Williams was able to return fire and help a wounded comrade to safety. To date, there have been only eight Distinguished Service Crosses awarded since the war began in 2001.

We Alaskans often enjoy doing things our own way. In Iraq, one Alaskan marine discovered he had hidden talents he never imagined when his innovative approach to searching out insurgents earned him the Navy and Marine Corps Commendation Medal. SGT Aaron A. Henehan led his squad to search out and detain 18 "blacklist" or high-value insurgents while on his third tour in Iraq.

An adventurous young man, Sergeant Henehan was barely out of high school and anxious to see the world when he first thought of signing up to serve his country. September 11 and the outbreak of war did not cause his decision to waiver an inch.

Sergeant Henehan deployed in April of 2003 and spent his first tour in the town of Babylon in Najaf Province. He served his country well, like many who fought alongside him, and began to learn the undercurrents and inner workings of Iraqi society. He returned for a second tour to Husaybah, near Iraq's border with Syria in August 2004. At the time Husaybah was a dangerous town.

Sergeant Henehan served his second tour in Iraq with distinction again but still felt he needed to do more. Before deploying for his third and final tour in February of 2006 he told friends and family back home that he yearned to make a difference in Iraq, a sentiment many American soldiers and guardsmen share with him. He spent a lot of time between his second and third tours thinking about what he could do differently, how he could learn from his experience and achieve a better result.

Combining his marine training with information he learned from a retired LAPD officer deployed to Iraq to teach our troops urban tactics, Sergeant Henehan approached his third tour with what he referred to as a "beat cop mentality." He wanted to approach the problem of rounding up insurgents as if he were a native of the area. He spent his free time studying the tribal history and geography of Husaybah for hours at a time.

The ability to put his plan in motion, Sergeant Henehan says, was made possible in part by Operation Steel Curtain, which had cleared Husaybah block by block, and set up outposts called "firm bases" throughout the city. Upon returning for his third tour, Sergeant Henehan immediately noticed that after this push, while not always willing to openly support the coalition forces, many Iraqis felt safe enough to give him tips on where the insurgents were hiding. This change in mentality, coupled with Sergeant Henehan's knowledge of family and tribal connections, allowed him to determine which people to ask about each of the 18 high value insurgents he located. He knew exactly who would be willing to tip him off about a social rival or historic foe.

Traveling with an interpreter, Sergeant Henehan had a talent for remembering names and personal details. He took every opportunity he could to talk with the locals and learn about the town's social organization and tribal boundaries, often returning several times to talk with the same families to gain their trust. Bringing with him candy, doctors, and his good humor, he would knock on doors and politely ask to chat. Entire families opened up to him. Sometimes it would start with a toy given to a child; sometimes it was a heartfelt conversation with a shopkeeper. The response he got astonished everyone, including the insurgents hiding out in the town.

The 12 marines in his squad called him a fair, but tough leader who they felt very safe with. His intense and proactive preparation for the more than 80 combat missions which he led and his personal attention to each of his 12 soldiers' well-being gave them a sense of security. They too noted how his relaxed Alaskan exterior quickly helped earn him the respect of the townspeople.

Even more remarkably, Sergeant Henehan's reputation for being fair and caring allowed him to detain all 18 high-value insurgents without any real violence. These 18 also led him to their associates, significantly disrupting insurgent operations in that part of Al Anbar Province. Sergeant Henehan remained behind after his unit returned to the States to train new troops about how he learned to wage urban warfare while gaining the trust of the townspeople. The downturn in violence in Al Anbar can be linked, in part, to his efforts and efforts of those like him.

Sergeant Henehan is currently attending a California community college and plans to transfer to a larger State school after completing his distribution credits. He wants to major in computer programs and even talks of one day creating video games that more accurately portray what war in the modern era is like. He has already begun organizing photographs from his three tours to use as backdrops. Clearly his talent for careful planning and his desire to share his knowledge and experiences with others did not leave with his donning of civilian clothes. I wish him the best in all his future endeavors, just as I wish the best for all of our Alaskan veterans and those now serving.●

TRIBUTE TO DR. DOUGLAS C. PATTERSON

● Mr. SESSIONS. Mr. President, today I commend a distinguished resident of the State of Alabama, Dr. Douglas C. Patterson on the occasion of his retirement from Troy University. Upon receiving his bachelor's degree from Alabama College in 1967, Patterson was commissioned a lieutenant in the U.S. Marine Corps and served as a platoon commander for a Combat Engineer Platoon and as an intelligence officer for the First Engineer Battalion of the First Marine Division in the Republic of Vietnam.

Upon returning from Vietnam, Patterson received his masters from the University of Montevallo and his doctorate from the University of Alabama. Dr. Patterson's experience includes serving as a high school counselor, director of Counseling and Career Services at Jefferson State Junior College, vice president for instruction at the Alabama Institute for the Deaf and Blind and currently, he serves as the senior vice chancellor for administration for Troy University.

Dr. Patterson has served Troy University with great honor and distinction as a senior administrator since 1989 and has provided exemplary service to the university and to the citizens of the State of Alabama. During his tenure as senior vice chancellor for administration, Dr. Patterson directed the institution's finance and budgeting, information technology, institutional effectiveness, television and radio, strategic planning, athletics, and day-to-day operations. Under his leadership, the University has enjoyed an unprecedented era of growth, doubling worldwide student enrollment to almost 30,000 students. Dr. Patterson has been instrumental in Troy University's glowing record of stewardship and financial stability, garnering praise and awards from the National Association of College and University Business Officers and earning TROY recognition as a "Best Value" university from such publications as MONEY Magazine and The Princeton Review. Dr. Patterson played a key role in the university's decision to move Troy University athletics to the highest level of NCAA competition, bringing national recognition to the university and fostering pride among its students, alumni, and friends. Dr. Patterson was recently honored by Troy University as the Honorary Alumnus of the Year for 2007.

I commend Dr. Douglas C. Patterson, on the occasion of his retirement from Troy University, for his leadership in Alabama higher education and for his outstanding service to Alabama and our country.●

HONORING SIMPLY DIVINE BROWNIES

● Ms. SNOWE. Mr. President, with the holiday season upon us, I rise today to recognize a Maine small business that operates with a philosophy of giving back to those in need. Simply Divine Brownies of Brunswick is a baker and distributor of gourmet brownies and assorted gift packages that recently received well-deserved attention for finishing second in Forbes magazine's Boost Your Business contest.

Founded in November 2004 as a home business by Trina Beaulier, Simply Divine Brownies is a true treat for the taste buds. In just 3 years, the company has grown to 20 employees, including Trina's daughter Meggen, and now operates in Brunswick's historic Fort Andross Mill. Its gourmet brownies range from the chocolate and nut-filled brownies to the more eclectic cappuccino or peppermint frosted brownies. Seizing the opportunity to bring a creative twist to the epicurean world, Simply Divine produces brownies with a unique Maine accent. The Need'him is a chocolate and coconut brownie based on the needham, a traditional Maine cookie. And the Singin' the Blues consists of a chocolate brownie that is covered with blueberry buttercream frosting and topped with wild Maine blueberries. Simply Divine's brownies also come in a variety of shapes, such as Christmas trees, wedding cakes, and lobsters and even palm trees for those seeking a different climate. Remarkably, Simply Divine is also able to offer Reflection Brownies imprinted with a digital image of the client's choosing, as novel remembrances for special occasions.

What makes the company so special—aside from its delicious baked goods—is what Trina and Meggen do to help the less fortunate. Seeking to use their skills to help others, they developed the Divine Intervention Brownie Collection. These specialty brownies come in the shape of hearts and stars, and after each purchase of one of these sets, Simply Divine donates a portion of the proceeds to Volunteers for America, a national nonprofit group that assists people of all ages in rebuilding their lives. Whether it be helping the homeless find safe and affordable housing, or aiding at-risk teens and those with mental illnesses, Volunteers for America helps over 2 million people in over 400 communities, a task that it has successfully performed since 1896. Volunteers for America's philanthropic acts of kindness and compassion are admirable, and at this time of year, we can be particularly thankful for the work that Simply Divine Brownies and other businesses like it do to make these programs a reality.

For all their hard work and success, the Beauliers have been celebrated in various capacities over the past several years. Their brownies have been cited as the Snack of the Day on the "Rachel Ray Show" and have also been featured on NBC's "Today's Show." Most recently, and perhaps most prominently, Simply Divine came in second in online voting for a Forbes magazine contest to receive a financial assistance package to grow its business. They beat out nearly 1,000 other small companies to place in the final round. Having to create a forward-looking business plan for the contest has been of tremendous benefit to the Beauliers, who say that their newfound knowledge, combined with increased sales and peaked interest in the company, has allowed them to forge ahead with their planned expansion.

In the past 3 years, Simply Divine Brownies has made a name for itself. As a family-owned small business that has flourished and continues to receive accolades of the highest accord, Simply Divine's growth certainly has not gone unnoticed. Yet, through it all, the Beauliers and the employees at Simply Divine have found the will and desire to make a difference, and they are to be commended for their insatiable appetite to brighten the lives of others. I wish Trina and Meggen Beaulier and everyone at Simply Divine Brownies a happy holiday season, and continued success in the years to come.●

TRIBUTE TO FLOYD RED CROW WESTERMAN

● Mr. THUNE. Mr. President, today I recognize Floyd Red Crow Westerman. Mr. Westerman passed away early in the morning on Thursday, December 13, 2007, at the age of 71.

Floyd was born on the Lake Traverse Reservation in Northeast South Dakota on August 17, 1936. When he was just 5 years old, he was removed from his family to attend Wahpeton Indian School. He later transferred to Flandreau Indian School where he finished out his high school education. After high school, Floyd went on to graduate from Northern State University majoring in art, speech, and theatre.

Mr. Westerman was a very intelligent and talented individual. He was a man of many trades including acting, singing, and songwriting. His acting career was especially extensive. He performed in more than 50 movies and television shows. Some of his more popular acting works included, "Dances with Wolves," "Hidalgo," "The X-Files," and "Walker, Texas Ranger."

His music career was also a successful one. Mr. Westerman performed with many talented musicians including Johnny Cash, Willie Nelson, Bonnie Raitt, Harry Belafonte, Jackson Browne, Kris Kristofferson, and Don Henley.

Floyd Red Crow Westerman was a thoughtful, kind, and inspiring man. Although many will miss him, I know his spirit will never be forgotten.●

MESSAGES FROM THE HOUSE

At 11:10 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills and joint resolution, without amendment:

S. 2174. An act to designate the facility of the United States Postal Service located at 175 South Monroe Street in Tiffin, Ohio, as the "Paul E. Gillmor Post Office Building".

S. 2484. An act to rename the National Institute of Child Health and Human Development as the Eunice Kennedy Shriver National Institute of Child Health and Human Development.

S.J. Res. 13. Joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

At 2:20 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the amendments of the House to the amendments of the Senate to the bill (H.R. 6) to reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending in September 30, 2008, and for other purposes, with amendments, in which it requests the concurrence of the Senate.

The message further announced that the House has agreed to the following resolution:

H. Res. 880. Resolution relative to the death of the Honorable Julia Carson, a Representative from the State of Indiana.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1374. An act to amend the Florida National Forest Land Management Act of 2003 to authorize the conveyance of an additional tract of National Forest System land under that Act, and for other purposes.

H.R. 3179. An act to amend title 40, United States Code, to authorize the use of Federal supply schedules for the acquisition of law enforcement, security, and certain other related items by State and local governments.

H.R. 3454. An act to provide for the conveyance of a small parcel of National Forest System land in the George Washington National Forest in Alleghany County, Virginia, that contains the cemetery of the Central Advent Christian Church and an adjoining tract of land located between the cemetery and road boundaries.

H.R. 3911. An act to designate the facility of the United States Postal Service located at 95 Church Street in Jessup, Pennsylvania, as the "Lance Corporal Dennis James Veater Post Office".

H.R. 4210. An act to designate the facility of the United States Postal Service located at 401 Washington Avenue in Weldon, North Carolina, as the "Dock M. Brown Post Office Building".

H.R. 4220. An act to encourage the donation of excess food to nonprofit organizations that provide assistance to food-insecure people in the United States in contracts entered into by executive agencies for the provision, service, or sale of food.

H.R. 4286. An act to award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma.

H.R. 4342. An act to designate the facility of the United States Postal Service located at 824 Manatee Avenue West in Bradenton, Florida, as the "Dan Miller Post Office Building".

H. J. Res. 15. Joint resolution recognizing the contributions of the Christmas tree industry to the United States economy.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. 246. Concurrent resolution honoring the United States Marine Corps for serving and defending the United States on the anniversary of its founding on November 10, 1775.

H. Con. Res. 254. Concurrent resolution recognizing and celebrating the centennial of Oklahoma statehood.

H. Con. Res. 270. Concurrent resolution to make corrections in the enrollment of the bill H.R. 1593.

ENROLLED BILL SIGNED

At 4:11 p.m., a message from the House of Representatives, delivered by Ms. Brandon, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 6. An act to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers, to increase the efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

At 4:35 p.m., a message from the House of Representatives, delivered by Ms. Brandon announced that the House agrees to the amendment of the Senate to the bill (H.R. 2761) to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes.

At 6:47 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 2271. An act to authorize State and local governments to divest assets in companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes.

S. 2488. An act to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3648) to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principal residences from gross income, and for other purposes.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 3690) to provide for the transfer of the Library of Congress police to the United States Capitol Police, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the title of the bill (H.R. 3997) to amend the Internal Revenue Code of 1986 to provide earnings assistance and tax relief to members of the uniformed services, volunteer firefighters, and Peace Corps volunteers, and for other purposes.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 3997) to amend the Internal Revenue Code of 1986 to provide earnings assistance and tax relief to members of the uniformed services, volunteer firefighters, and Peace Corps volunteers, and for other purposes, with an amendment, in which it requests the concurrence of the Senate.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

At 8:40 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 597. An act to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

S. 2174. An act to designate the facility of the United States Postal Service located at 175 South Monroe Street in Tiffin, Ohio, as the "Paul E. Gillmor Post Office Building".

S. 2484. An act to rename the National Institute of Child Health and Human Development as the Eunice Kennedy Shriver National Institute of Child Health and Human Development.

H.R. 797. An act to amend title 38, United States Code, to improve low-vision benefits matters, matters relating to burial and memorial affairs, and other matters under the laws administered by the Secretary of Veterans Affairs, and for other purposes.

H.R. 2408. An act to designate the Department of Veterans Affairs outpatient clinic in Green Bay, Wisconsin, as the "Milo C. Huempfner Department of Veterans Affairs Outpatient Clinic".

H.R. 2671. An act to designate the United States Courthouse located at 301 North Miami Avenue, Miami, Florida, as the "C. Clyde Atkins United States Courthouse".

H.R. 3703. An act to amend section 5112(p)(1)(A) of title 31, United States Code, to allow an exception from the $1 coin dispensing capability requirement for certain vending machines.

H.R. 3739. An act to amend the Arizona Water Settlements Act to modify the requirements for the statement of findings.

S.J. Res. 13. Joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

The enrolled bills and joint resolution were subsequently signed by the President pro tempore (Mr. BYRD).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4386. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, the report of a violation of the Antideficiency Act by personnel at the Naval Surface Warfare Center; to the Committee on Appropriations.

EC-4387. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a multiyear procurement that is being sought for UH/HH-60M and MH-60S aircraft for fiscal year 2007 through fiscal year 2011; to the Committee on Armed Services.

EC-4388. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Receiving Reports for Shipments" (DFARS Case 2006-D024) received on December 18, 2007; to the Committee on Armed Services.

EC-4389. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Ship Critical Safety Items" (DFARS Case 2007-D016) received on December 18, 2007; to the Committee on Armed Services.

EC-4390. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Information Assurance Contractor Training and Certification" (DFARS Case 2006-D023) received on December 18, 2007; to the Committee on Armed Services.

EC-4391. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Functions Exempt from Private Sector Performance" (DFARS Case 2007-D019) received on December 18, 2007; to the Committee on Armed Services.

EC–4392. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "DoD Representations and Certifications in the Online Representations and Certifications Application" (DFARS Case 2006–D032) received on December 18, 2007; to the Committee on Armed Services.

EC–4393. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Lieutenant General John M. Brown III, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–4394. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, a report on the approved retirement of Vice Admiral Terrance T. Etnyre, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–4395. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Belarus that was declared in Executive Order 13405 of June 16, 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–4396. A communication from the Chairman, National Transportation Safety Board, transmitting, pursuant to law, a report relative to the actions taken to ensure that audits are conducted of its programs and operations for fiscal year 2007; to the Committee on Commerce, Science, and Transportation.

EC–4397. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Special Regulations; Yellowstone and Grand Teton National Parks and the John D. Rockefeller, Jr. Memorial Parkway—Winter Use" (RIN1024–AD29) received on December 12, 2007; to the Committee on Energy and Natural Resources.

EC–4398. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Authentic Native Handicrafts" (RIN1024–AD20) received on December 12, 2007; to the Committee on Energy and Natural Resources.

EC–4399. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Special Regulations—National Capital Region—Parking" (RIN1024–AD40) received on December 12, 2007; to the Committee on Energy and Natural Resources.

EC–4400. A communication from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Indian Oil Valuation" (RIN1010–AD00) received on December 17, 2007; to the Committee on Energy and Natural Resources.

EC–4401. A communication from the Under Secretary for Science, Department of Energy, transmitting, pursuant to law, a report relative to energy and water supplies; to the Committee on Energy and Natural Resources.

EC–4402. A communication from the Office Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Occupational Dose Records, Labeling Containers, and the Total Effective Dose Equivalent" (RIN3150–AH40) received on December 18, 2007; to the Committee on Environment and Public Works.

EC–4403. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Clean Air Interstate Rule" (FRL No. 8506–4) received on December 13, 2007; to the Committee on Environment and Public Works.

EC–4404. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Missouri; Clean Air Interstate Rule" (FRL No. 8506-8) received on December 13, 2007; to the Committee on Environment and Public Works.

EC–4405. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Nebraska; Interstate Transport of Pollution" (FRL No. 8507–1) received on December 13, 2007; to the Committee on Environment and Public Works.

EC–4406. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Implementation Plans of Michigan: Clean Air Interstate Rule" (FRL No. 8508–1) received on December 13, 2007; to the Committee on Environment and Public Works.

EC–4407. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Extension of Tolerances for Emergency Exemptions (Multiple Chemicals)" (FRL No. 8339–2) received on December 13, 2007; to the Committee on Environment and Public Works.

EC–4408. A communication from the Acting Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Privacy and Disclosure of Official Records and Information" (RIN0960–AG14) received on December 12, 2007; to the Committee on Finance.

EC–4409. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treatment of Certain Foreign Currency Transactions" (Revenue Ruling 2008–1) received on December 10, 2007; to the Committee on Finance.

EC–4410. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Timing, Character, Source and Other Issues Respecting Prepaid Forward Contracts and Similar Arrangements" (Notice 2008–2) received on December 10, 2007; to the Committee on Finance.

EC–4411. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Fast Track Loan Modifications" (Rev. Proc. 2007–72) received on December 10, 2007; to the Committee on Finance.

EC–4412. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Creditability of Mexican Single Rate Business Tax" (Notice 2008–3) received on December 11, 2007; to the Committee on Finance.

EC–4413. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Diagnostic Medical Procedures" (Revenue Ruling 2007–72) received on December 11, 2007; to the Committee on Finance.

EC–4414. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Partnership Audit Techniques Guide—Chapters 3, 4, 5, 6 and 9" (Docket No. LMSB–04–1107–076) received on December 17, 2007; to the Committee on Finance.

EC–4415. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law , a report relative to the status of consular training with respect to travel and identity documents; to the Committee on Foreign Relations.

EC–4416. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law , a report relative to the six-month suspension of the limitation on the obligation of the State Department under the Jerusalem Embassy Act of 1995; to the Committee on Foreign Relations.

EC–4417. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–212 , "Child Abuse and Neglect Investigation Record Access Temporary Amendment Act of 2007" received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4418. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–213 , "School Proximity Traffic Calming Temporary Amendment Act of 2007" received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4419. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-214 , "Lower Income Homeownership Cooperative Housing Association Re-Clarification Temporary Act of 2007" received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4420. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-215 , "Department of Small and Local Business Development Subcontracting Clarification, Benefit Expansion, and Grantmaking Authority Temporary Amendment Act of 2007" received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4421. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-216 , "School Modernization Use of Funds Requirements Temporary Amendment Act of 2007" received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4422. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-210 , "Health Services Planning Program Re-establishment Temporary Amendment Act of 2007" received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4423. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-208 , "Mortgage Disclosure Amendment Act of 2007" received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4424. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-206 , "Heurich House Foundation Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2007" received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4425. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-207 , "Southeast Water and Sewer Improvement Special Assessment Authorization Act of 2007" received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4426. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-205 , "Home Equity Protection Act of 2007" received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4427. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-198 , "Closing of a Public Alley in Square N-515, S.O. 07-6534, Act of 2007" received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4428. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-197 , "Closing of a Portion of a Public Alley in Square 234, S.O. 07-7717, Act of 2007" received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4429. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-195 , "Omnibus Sports Consolidation Amendment Act of 2007" received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4430. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17-194 , "Closing of a Public Alley in Square 347, S.O. 06-5596, Act of 2007" received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4431. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–178, "Advisory Neighborhood Commission Clarification Amendment Act of 2007" received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4432. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–191 , "Retail Service Station Amendment Act of 2007" received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4433. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–193, "District of Columbia Regional Airports Authority Clarification Amendment Act of 2007" received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4434. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–192, "Neighborhood Investment Amendment Act of 2007" received on December 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4435. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to a proposed personnel management demonstration project; to the Committee on Homeland Security and Governmental Affairs.

EC–4436. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office's Annual Report relative to its competitive sourcing accomplishments for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4437. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, a report relative to a personnel management demonstration project at the National Nuclear Security Administration; to the Committee on Homeland Security and Governmental Affairs.

EC–4438. A communication from the Chairman, Broadcasting Board of Governors, transmitting, pursuant to law, the Semiannual Report of the Board's Inspector General for the period from April 1, 2007, to September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4439. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report entitled "Fiscal Year 2007 Financial Report of the U.S. Government"; to the Committee on Homeland Security and Governmental Affairs.

EC–4440. A communication from the Archivist of the United States, transmitting, pursuant to law, the Administration's inventory of commercial and inherently governmental activities for fiscal year 2006 and fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4441. A communication from the Chairman, Office of General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Electioneering Communications" (Notice 2007-26) received on December 17, 2007; to the Committee on Rules and Administration.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BYRD, from the Committee on Appropriations:

Special Report entitled "Further Revised Allocation to Subcommittees of Budget Totals From the Concurrent Resolution, Fiscal Year 2008" (Rept. No. 110–250).

By Mr. SCHUMER, from the Joint Economic Committee:

Special Report entitled "The 2007 Joint Economic Report" (Rept. No. 110–251).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 3571. A bill to amend the Congressional Accountability Act of 1995 to permit individuals who have served as employees of the Office of Compliance to serve as Executive Director, Deputy Executive Director, or General Counsel of the Office, and to permit individuals appointed to such positions to serve one additional term.

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute and an amendment to the title:

S. 901. A bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 1551. A bill to amend the Public Health Service Act with respect to making progress toward the goal of eliminating tuberculosis, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*James Shinn, of New Jersey, to be an Assistant Secretary of Defense.

*Mary Beth Long, of Virginia, to be an Assistant Secretary of Defense.

*John H. Gibson, of Texas, to be an Assistant Secretary of the Air Force.

*Craig W. Duehring, of Minnesota, to be an Assistant Secretary of the Air Force.

Air Force nomination of Lt. Gen. Roger A. Brady, 6581, to be General.

Air Force nomination of Maj. Gen. Richard Y. Newton III, 8008, to be Lieutenant General.

Air Force nomination of Col. Walter D. Givhan, 4773, to be Brigadier General.

Air Force nomination of Maj. Gen. William L. Shelton, 0678, to be Lieutenant General.

Air Force nomination of Col. Allyson R. Solomon, 1378, to be Brigadier General.

Air Force nominations beginning with Col. Christopher F. Burne and ending with Col. Dwight D. Creasy, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2007.

Army nominations beginning with Colonel Robert B. Abrams and ending with Colonel Larry D. Wyche, which nominations were received by the Senate and appeared in the Congressional Record on June 18, 2007. (minus 1 nominee: Colonel David A. Teeples)

Army nomination of Lt. Gen. R. Steven Whitcomb, 7058, to be Lieutenant General.

Army nomination of Brig. Gen. John A. Macdonald, 0573, to be Major General.

Army nomination of Col. Dana K. Chipman, 5098, to be Brigadier General.

Army nomination of Brig. Gen. Dennis L. Celletti, 9486, to be Major General.

Army nomination of Lt. Gen. David P. Valcourt, 6455, to be Lieutenant General.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive

Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nomination of Joseph V. Treanor III, 1454, to be Colonel.

Air Force nomination of Pamala L. Browngrayson, 7980, to be Major.

Air Force nomination of Alicia J. Edwards, 1872, to be Major.

Air Force nominations beginning with Theresa D. Browndoonquah and ending with Cheryl A. Johnson, which nominations were received by the Senate and appeared in the Congressional Record on December 6, 2007.

Air Force nominations beginning with Jeffrey J. Hoffmann and ending with Gerald B. Whisler III, which nominations were received by the Senate and appeared in the Congressional Record on December 6, 2007.

Air Force nominations beginning with Kelley A. Brown and ending with Mark A. Nielsen, which nominations were received by the Senate and appeared in the Congressional Record on December 6, 2007.

Air Force nominations beginning with John R. Shaw and ending with Natalie L. Restivo, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2007.

Army nominations beginning with William E. Ackerman and ending with Mark A. Vaitkus, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2007.

Army nominations beginning with Rachel A. Armstrong and ending with Veronica A. Thurmond, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2007.

Army nominations beginning with Vivian T. Hutson and ending with Laurie E. Sweet, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2007.

Army nominations beginning with Gary D. Coleman and ending with Paul E. Whippo, which nominations were received by the Senate and appeared in the Congressional Record on November 15, 2007.

Army nomination of Lillian L. Landrigan, 7903, to be Lieutenant Colonel.

Army nominations beginning with Sarah B. Goldman and ending with Micheal B. Moore, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2007.

Army nominations beginning with Ricky A. Thomas and ending with Joseph Puskar, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2007.

Army nomination of Tarnjit S. Saini, 7873, to be Lieutenant Colonel.

Army nomination of Bockarie Sesay, 1511, to be Major.

Army nomination of Deborah Minnickshearin, 3875, to be Major.

Army nomination of Stephen L. Franco, 5820, to be Major.

Army nomination of George Quiroa, 9747, to be Lieutenant Colonel.

Army nominations beginning with David N. Gereski and ending with Clint E. Walker, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2007.

Army nomination of Kimberly K. Johnson, 4357, to be Major.

Army nominations beginning with Alan Jones and ending with Chantay P. White, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2007.

Army nominations beginning with Marian Amrein and ending with D060583, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2007.

Army nomination of Daniel J. Judge, 1126, to be Lieutenant Colonel.

Army nominations beginning with Richard Harrison and ending with Gregory W. Walter, which nominations were received by the Senate and appeared in the Congressional Record on December 6, 2007.

Army nominations beginning with Joe R. Wardlaw and ending with Nickolas Karajohn, which nominations were received by the Senate and appeared in the Congressional Record on December 6, 2007.

Army nominations beginning with Vanessa M. Meyer and ending with James E. Adams, which nominations were received by the Senate and appeared in the Congressional Record on December 6, 2007.

Army nomination of Quindola M. Crowley, 9098, to be Lieutenant Colonel.

Army nominations beginning with Paul A. Mabry and ending with Robert Perito, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2007.

Army nominations beginning with Joseph M. Adams and ending with D060256, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2007.

Army nominations beginning with Anthony J. Abati and ending with D060260, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2007.

Army nominations beginning with David P. Acevedo and ending with X1408, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2007.

Navy nomination of Horace E. Gilchrist, 8910, to be Lieutenant Commander.

Navy nominations beginning with Richard W. Sisk and ending with John T. Schofield, which nominations were received by the Senate and appeared in the Congressional Record on December 3, 2007.

Navy nominations beginning with Stephen W. Aldridge and ending with Kristofer J. Westphal, which nominations were received by the Senate and appeared in the Congressional Record on December 11, 2007.

By Mr. INOUYE for the Committee on Commerce, Science, and Transportation.

*Thomas C. Carper, of Illinois, to be a Member of the Reform Board (Amtrak) for a term of five years.

*Nancy A. Naples, of New York, to be a Member of the Reform Board (Amtrak) for a term of five years.

*Denver Stutler, Jr., of Florida, to be a Member of the Reform Board (Amtrak) for a term of five years.

*Francis Mulvey, of Maryland, to be a Member of the Surface Transportation Board for a term expiring December 31, 2012.

*Carl T. Johnson, of Virginia, to be Administrator of the Pipeline and Hazardous Materials Safety Administration, Department of Transportation.

*Coast Guard nomination of Rear Adm. (lh) Michael R. Seward, 2642, to be Rear Admiral.

*Coast Guard nominations beginning with Capt. Joseph R. Castillo and ending with Capt. Charles W. Ray, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2007.

*Coast Guard nominations beginning with Rear Adm. (lh) William D. Baumgartner and ending with Rear Adm. (lh) Cynthia A. Coogan, which nominations were received by the Senate and appeared in the Congressional Record on November 1, 2007.

Mr. INOUYE. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

*Coast Guard nomination of Robert A. Stohlman, 0118, to be Captain.

*Coast Guard nomination of Raymond S. Kingsley, 9696, to be Lieutenant.

By Mr. BINGAMAN for the Committee on Energy and Natural Resources.

*Jon Wellinghoff, of Nevada, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2013.

By Mrs. BOXER for the Committee on Environment and Public Works.

*Kristine L. Svinicki, of Virginia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2012.

*Gregory B. Jaczko, of the District of Columbia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2013.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for Mr. BIDEN (for himself, Mr. SPECTER, Mr. GRAHAM, and Mr. CARDIN)):

S. 2495. A bill to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures; to the Committee on the Judiciary.

By Mr. BINGAMAN:

S. 2496. A bill to amend title II of the Elementary and Secondary Education Act of 1965 to enhance teaching standards and provide for license portability; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR:

S. 2497. A bill to ensure that families of members of the National Guard and Reserve have full access to mental health care during the mobilization, deployment, and demobilization of such members, and for other purposes; to the Committee on Armed Services.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2498. A bill to authorize the minting of a coin to commemorate the 400th anniversary of the founding of Santa Fe, New Mexico, to occur in 2010; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BAUCUS (for himself and Mr. GRASSLEY):

S. 2499. A bill to amend titles XVIII, XIX, and XXI of the Social Security Act to extend provisions under the Medicare, Medicaid, and SCHIP programs, and for other purposes; considered and passed.

By Mr. LEAHY (for himself, Mr. HATCH, Mrs. FEINSTEIN, and Mr. CORKER):

S. 2500. A bill to provide fair compensation to artists for use of their sound recordings; to the Committee on the Judiciary.

By Mr. JOHNSON (for himself, Mrs. BOXER, Mr. REED, Ms. MIKULSKI, Mr. SALAZAR, Mr. ROCKEFELLER, Mr. LEAHY, Mr. INOUYE, and Mrs. MURRAY):

S. 2501. A bill to amend the Social Security Act to protect Social Security cost-of-living adjustments (COLA); to the Committee on Finance.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 2502. A bill to provide for the establishment of a memorial within Kalaupapa National Historical Park located on the island of Molokai, in the State of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. NELSON of Florida:

S. 2503. A bill to exclude from admission to the United States aliens who have directly and significantly contributed to the ability of Cuba to develop its petroleum resources, and for other purposes; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself, Mr. LEAHY, Mr. HAGEL, Mr. CORKER, Mr. AKAKA, Mrs. CLINTON, Mr. INOUYE, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mrs. LINCOLN, Mr. MENENDEZ, Ms. MIKULSKI, Mr. OBAMA, and Mr. TESTER):

S. 2504. A bill to amend title 36, United States Code, to grant a Federal charter to the Military Officers Association of America, and for other purposes; to the Committee on the Judiciary.

By Ms. CANTWELL:

S. 2505. A bill to allow employees of a commercial passenger airline carrier who receive payments in a bankruptcy proceeding to roll over such payments into an individual retirement plan, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself and Mr. DODD):

S. 2506. A bill to amend the Energy Policy and Conservation Act to modify a provision relating to the Northeast Home Heating Oil Reserve Account; to the Committee on Energy and Natural Resources.

By Mrs. HUTCHISON (for herself and Mrs. BOXER):

S. 2507. A bill to address the digital television transition in border states; to the Committee on Commerce, Science, and Transportation.

By Mr. SALAZAR:

S. 2508. A bill to provide for a study of options for protecting the open space characteristics of certain lands in and adjacent to the Arapaho and Roosevelt National Forests in Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INHOFE (for himself, Mr. NELSON of Nebraska, and Mr. HAGEL):

S. 2509. A bill to amend the Safe Drinking Water Act to prevent the enforcement of certain national primary drinking water regulations unless sufficient funding is available or variance technology has been identified; to the Committee on Environment and Public Works.

By Ms. LANDRIEU (for herself and Mr. ISAKSON):

S. 2510. A bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mrs. CLINTON, Mr. SHELBY, Ms. MIKULSKI, and Ms. LANDRIEU):

S. 2511. A bill to amend the grant program for law enforcement armor vests to provide for a waiver of or reduction in the matching funds requirement in the case of fiscal hardship; to the Committee on the Judiciary.

By Mr. COCHRAN:

S. 2512. A bill to establish the Mississippi Delta National Heritage Area in the State of Mississippi, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY (for himself and Mr. KERRY):

S. 2513. A bill to modify the boundary of the Minute Man National Historical Park, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. REID (for Mrs. CLINTON):

S. 2514. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage and to ensure that increases in the Federal minimum wage keep pace with any pay adjustments for Members of Congress; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REID (for Mrs. CLINTON):

S. 2515. A bill to amend the Public Health Service Act to establish a comprehensive national system for skilled construction workers to assist first responders in disasters; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MIKULSKI (for herself and Mr. KENNEDY):

S. 2516. A bill to assist members of the Armed Forces in obtaining United States citizenship, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH (for himself, Mr. KERRY, and Mr. COLEMAN):

S. 2517. A bill to amend the Internal Revenue Code of 1986 to provide that the proceeds of qualified mortgage bonds may be used to provide refinancing for subprime loans, to provide a temporary increase in the volume cap for qualified mortgage bonds, and for other purposes; to the Committee on Finance.

By Mr. BROWNBACK:

S. 2518. A bill to amend the Internal Revenue Code of 1986 to simplify the individual income tax by providing an election for eligible individuals to only be subject to a simple, low-rate tax system on gross income with an individual tax credit, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL (for himself, Mr. REID, Mr. COCHRAN, Mr. DURBIN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN):

S. Res. 409. A resolution commending the service of the Honorable Trent Lott, a Senator from the State of Mississippi; considered and agreed to.

By Mr. NELSON of Florida (for himself, Mr. MARTINEZ, and Mr. SANDERS):

S. Res. 410. A resolution designating February 17, 2008, as "Race Day in America" and highlighting the 50th running of the Daytona 500; considered and agreed to.

By Mr. CORNYN (for himself and Mrs. HUTCHISON):

S. Res. 411. A resolution honoring the life and recognizing the accomplishments of Texas civil rights pioneer Dr. Hector P. Garcia; considered and agreed to.

By Mr. BURR (for himself and Mrs. DOLE):

S. Res. 412. A resolution commending the Appalachian State University Mountaineers of Boone, North Carolina, for winning the 2007 National Collegiate Athletic Association Division 1 Football Championship Subdivision (formerly Division 1-AA) Championship; considered and agreed to.

By Mr. BURR (for himself and Mrs. DOLE):

S. Res. 413. A resolution commending the Wake Forest University Demon Deacons of Winston-Salem, North Carolina, for winning the 2007 National Collegiate Athletic Association Men's Soccer National Championship; considered and agreed to.

By Mr. BIDEN (for himself and Ms. COLLINS):

S. Res. 414. A resolution designating January 2008 as "National Stalking Awareness Month"; considered and agreed to.

By Mr. BROWN (for himself, Mr. VOINOVICH, Mr. OBAMA, Mr. COCHRAN, Mrs. BOXER, Ms. STABENOW, Mr. LEVIN, Mr. MENENDEZ, Mr. STEVENS, Mr. ENZI, Mr. ROBERTS, Mr. SCHUMER, and Mr. LAUTENBERG):

S. Res. 415. A resolution honoring the life and recognizing the accomplishments of William Karnet "Bill" Willis, pioneer and Hall of Fame football player for both Ohio State University and the Cleveland Browns; considered and agreed to.

By Mr. NELSON of Nebraska (for himself, Mr. BINGAMAN, Mr. BROWNBACK, Ms. COLLINS, Mr. CRAPO, Mr. DOMENICI, Mr. DORGAN, Mr. ENZI, Mr. GRAHAM, Mrs. LINCOLN, Mr. SALAZAR, Mr. TESTER, Mr. ROBERTS, and Mr. ALLARD):

S. Res. 416. A resolution recognizing the 60th anniversary of the United States Air Force as an independent military service; considered and agreed to.

By Mr. AKAKA:

S. Con. Res. 59. A concurrent resolution expressing the sense of the Congress that joint custody laws for fit parents should be passed by each State, so that more children are raised with the benefits of having a father and a mother in their lives; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS (for himself and Mr. KYL):

S. Con. Res. 60. A concurrent resolution expressing the sense of Congress relating to negotiating a free trade agreement between the United States and Taiwan; to the Committee on Finance.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Con. Res. 61. A concurrent resolution providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives; considered and agreed to.

By Mr. LEAHY (for himself, Mr. SPECTER, and Mr. KYL):

S. Con. Res. 62. A resolution to correct the enrollment of H.R. 660; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 65

At the request of Mr. INHOFE, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 211

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services. volunteer services, and for other purposes.

S. 218

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 218, a bill to amend the Internal Revenue Code of 1986 to modify the income threshold used to calculate the refundable portion of the child tax credit.

S. 311

At the request of Ms. LANDRIEU, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 311, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 316

At the request of Mr. KOHL, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 316, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

S. 382

At the request of Ms. COLLINS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 382, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 432

At the request of Mrs. LINCOLN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 432, a bill to amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the Medicare program, and for other purposes.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 513

At the request of Mr. LEAHY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 513, a bill to amend title 10, United States Code, to revive previous authority on the use of the Armed Forces and the militia to address interference with State or Federal law, and for other purposes.

S. 561

At the request of Mr. BUNNING, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 561, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 661

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 790

At the request of Mr. LUGAR, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 790, a bill to amend the Richard B. Russell National School Lunch Act to permit the simplified summer food programs to be carried out in all States and by all service institutions.

S. 807

At the request of Mrs. LINCOLN, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 807, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. 932

At the request of Mrs. LINCOLN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 932, a bill to amend title XVIII of the Social Security Act to authorize physical therapists to evaluate and treat Medicare beneficiaries without a requirement for a physician referral, and for other purposes.

S. 937

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 999

At the request of Mr. COCHRAN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1011

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 1011, a bill to change the name of the National Institute on Drug Abuse to the National Institute on Diseases of Addiction and to change the name of the National Institute on Alcohol Abuse and Alcoholism to the National Institute on Alcohol Disorders and Health.

S. 1270

At the request of Mr. AKAKA, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1270, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 1515

At the request of Mr. BIDEN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1515, a bill to establish a domestic violence volunteer attorney network to represent domestic violence victims.

S. 1577

At the request of Mr. KOHL, the name of the Senator from Minnesota (Ms.

KLOBUCHAR) was added as a cosponsor of S. 1577, a bill to amend titles XVIII and XIX of the Social Security Act to require screening, including national criminal history background checks, of direct patient access employees of skilled nursing facilities, nursing facilities, and other long-term care facilities and providers, and to provide for nationwide expansion of the pilot program for national and State background checks on direct patient access employees of long-term care facilities or providers.

S. 1661

At the request of Mr. DORGAN, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1842

At the request of Mr. KENNEDY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1842, a bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the Medicare Program.

S. 1843

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1843, a bill to amend title VII of the Civil Rights Act of 1964 and the Age Discrimination in Employment Act of 1967 to clarify that an unlawful practice occurs each time compensation is paid pursuant to a discriminatory compensation decision or other practice, and for other purposes.

S. 1858

At the request of Mr. DODD, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1858, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 1951

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1951, a bill to amend title XIX of the Social Security Act to ensure that individuals eligible for medical assistance under the Medicaid program continue to have access to prescription drugs, and for other purposes.

S. 2069

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2069, a bill to increase the United States financial and programmatic contributions to promote economic opportunities for women in developing countries.

S. 2102

At the request of Mr. BINGAMAN, the names of the Senator from Rhode Island (Mr. REED), the Senator from South Dakota (Mr. JOHNSON) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 2102, a bill to amend title II of the Social Security Act to phase out the 24-month waiting period for disabled individuals to become eligible for Medicare benefits, to eliminate the waiting period for individuals with life-threatening conditions, and for other purposes.

S. 2119

At the request of Mr. JOHNSON, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2159

At the request of Mr. NELSON of Florida, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2159, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration.

S. 2166

At the request of Mr. CASEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2166, a bill to provide for greater responsibility in lending and expanded cancellation of debts owed to the United States and the international financial institutions by low-income countries, and for other purposes.

S. 2188

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2188, a bill to amend title XVIII of the Social Security Act to establish a prospective payment system instead of the reasonable cost-based reimbursement method for Medicare-covered services provided by Federally qualified health centers and to expand the scope of such covered services to account for expansions in the scope of services provided by Federally qualified health centers since the inclusion of such services for coverage under the Medicare Program.

S. 2289

At the request of Mr. ALEXANDER, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2289, a bill to amend chapter 111 of title 28, United States Code, to limit the duration of Federal consent decrees to which State and local governments are a party, and for other purposes.

S. 2332

At the request of Mr. DORGAN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2332, a bill to promote transparency in the adoption of new media ownership rules by the Federal Communications Commission, and to establish an independent panel to make recommendations on how to increase the representation of women and minorities in broadcast media ownership.

S. 2368

At the request of Mr. PRYOR, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 2368, a bill to provide immigration reform by securing America's borders, clarifying and enforcing existing laws, and enabling a practical employer verification program.

S. 2428

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 2428, a bill to direct the Secretary of Education to establish and maintain a public website through which individuals may find a complete database of available scholarships, fellowships, and other programs of financial assistance in the study of science, technology, engineering, and mathematics.

S. 2453

At the request of Mr. ALEXANDER, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 2453, a bill to amend title VII of the Civil Rights Act of 1964 to clarify requirements relating to nondiscrimination on the basis of national origin.

S. 2468

At the request of Mr. BARRASSO, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2468, a bill to authorize the Secretary of Agriculture (acting through the Chief of the Forest Service) to enter into a cooperative agreement with the State of Wyoming to allow the State of Wyoming to conduct certain forest and watershed restoration services, and for other purposes.

S.J. RES. 27

At the request of Mrs. DOLE, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S.J. Res. 27, a joint resolution proposing an amendment to the Constitution of the United States relative to the line item veto.

S. CON. RES. 53

At the request of Mr. NELSON of Florida, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. Con. Res. 53, a concurrent resolution condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for Mr. BIDEN (for himself, Mr. SPECTER, Mr. GRAHAM and Mr. CARDIN)):

S. 2495. A bill to amend title 18, United States Code, and the Federal Rules of Criminal Procedure with respect to bail bond forfeitures; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I rise on behalf myself, Senators ARLEN SPECTER, LINDSEY GRAHAM, and BEN CARDIN to introduce the Bail Bond Fairness Act of 2007. This bill will ensure that all defendants, not just rich defendants, have access to bail and pre-trial release.

The Bail Reform Act was meant to ensure the defendant's appearance in court. Over the past 2 decades, however, many judges have been forfeiting bonds for behavior outside the predictability or control of a bondsman. If bondsmen are forced to warrant behavior they can't predict or control, they will raise their rates, rendering bonds unavailable to many indigent defendants. These defendants will the go to jail pending trial, swelling our prison population and draining our budget.

This bill mandates that a bail bond may be forfeited only if a defendant fails to appear in court as ordered. Professional bail agents would be able to return to the Federal court system to provide bail for defendants because bail would not be forfeited for violations of conditions that are completely out of their control such as failure to maintain employment.

Let me be clear, this bill does not change a judge's authority to set or restrict bail. We're not talking about putting more criminals back into the community. A judge still has to determine a defendant's flight risk and threat to the community and make a judgment regarding pretrial release in terms of bail amount and conditions. Violent criminals will—and should—be held in custody.

Please join us in ensuring that all defendants, regardless of wealth, have access to pretrial release in the Federal system.

By Mr. BINGAMAN:

S. 2496. A bill to amend title II of the Elementary and Secondary Education Act of 1965 to enhance teaching standards and provide for license portability; to the Committee on Health, Education, Labor, and Pensions.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Enhancing Teaching Standards and License Portability Act of 2007. This bill would encourage the development and implementation of rigorous 21st century teaching standards throughout the U.S.

Since the release of the 1983 report, A Nation at Risk, educators and policymakers have sought to strengthen our Nation's weakening grip on global competitiveness. Despite these efforts, low achievement outcomes for too many students, particularly low income students, remain a threat to our current and future standing in the global economy, and to our children's future security. I am concerned about the continuing struggles of many of our schools.

In order to graduate from high school ready to succeed in postsecondary education and the workforce, students need a world-class 21st century education. Their success depends on access to high quality teachers who have both state-of-the-art content knowledge and excellent teaching skills. Teachers deserve access to the most up-to-date teaching standards if they are to attain these professional criteria. Moreover, assessments of quality teaching must be based on the characteristics that are known to influence student achievement outcomes.

The Enhancing Teaching Standards and License Portability Act provides the commitment and resources needed to help teachers attain these 21st century teaching skills.

In the early 1990s, the Interstate New Teacher Assessment and Support Consortium, INTASC, developed core teaching standards for beginning teachers, standards that have since been used—voluntarily—by individual States to develop teaching and certification requirements. Professional organizations such as the National Council of Teachers of Mathematics also developed subject-area teaching standards. This bill would build upon these efforts to improve teacher quality by supporting the refinement, development, and testing of K–12 teaching standards aligned with demands of the 21st century. These demands reflect content area advances in subject areas such as science and technology; advances in understanding of how students learn; the principle of universal design for learning that advocates flexible teaching to accommodate different learning styles; educators' recognition of the need to foster critical thinking, creativity, and problem-solving skills in addition to subject area knowledge; and demographic changes in student diversity such as the recent dramatic increase in English-language learners and the increased inclusion of students with disabilities in the classroom.

Specifically, this bill would provide a funding mechanism to develop or refine 21st century teaching standards, and to link those standards to performance-based teacher assessments. It would also provide subgrants to states to adopt, pilot, and implement these teaching standards and associated teacher assessments, and align their teacher licensing systems accordingly. In addition, the bill would promote and facilitate reciprocity and portability of teaching licenses across states. I am very pleased that this bill is supported by several education groups devoted to enhancing the quality and coherence of teaching standards, including the Council of Chief State School Officers, the American Association of Colleges for Teacher Education, the National Association of Secondary School Principals, the National Council of Teachers of Mathematics, the International Reading Association, the National Science Teachers Association, and the National Commission on Teaching and America's Future.

I believe it is important to acknowledge that we have made some progress in improving teacher quality. As summarized in the Secretary of Education's Fifth Annual Report on Teacher Quality, the percentage of teachers who lack a full teaching certificate has declined, from 3.3 to 2.5 percent of all classroom teachers. Progress has also been reported in aligning States' K–12 student content standards with teacher certification standards; and the number of new teachers passing required State assessment exams remains high at 95 percent. The minimum examination scores required to pass these exams, however, are generally lower than the national median scores for these assessments. Such low criteria are in conflict with the NCLB definition of a highly qualified teacher as someone with demonstrated competence in content-area subject matter. Current teacher standards fail to demonstrate, much less ensure, this competency.

Researchers have demonstrated the importance of teacher competency for student outcomes, arguing that classroom practices and other aspects of teaching affect student achievement as much as, if not more than, student characteristics. A recent Education Week report revealed that teachers who score higher vs. lower on state licensing exams tend to have students who themselves achieve higher scores, particularly in mathematics, even when other factors linked to high achievement are taken into account. Other studies demonstrate that the more content-specific college coursework a math or science teacher pursues prior to teaching, the higher that teacher's students will score in math or science. Further, a study appearing in Science showed that higher student outcomes are also associated with more positive classroom experiences, and that these classroom experiences can be measured by standardized observations of the instructional and social support teachers provide. Together, these and other studies illustrate that teachers' knowledge and their observable skills in the classroom are significant influences on student achievement.

Although solid grounding in content knowledge is necessary for 21st century learners, it alone is not sufficient. Students today need to develop creativity, critical thinking skills, and problem solving abilities to compete in our global economy. This means that teachers must teach higher-order thinking skills in addition to content information, and create opportunities to learn. Research has shown that students of teachers who can convey higher-order thinking skills and subject knowledge actually outperform students whose teachers teach only subject knowledge.

As you know, Mr. President, students in the 21st century represent diversity. For example, the U.S. Department of Education reports that the rate of English-language learners has increased by 169 percent in the last 20 years, in contrast to an increase of only 12 percent in the overall student population. Nationwide, 10 percent of all students are English-language learners. In my state of New Mexico, the rate is 22 percent, second only to California, where over 25 percent of students are English-language learners. According to the National Academies Report, How People Learn, teachers need to develop an expertise grounded on the theories of learning, including theories that concern how cultural beliefs and personal characteristics of learners influence their learning process. This teaching knowledge promotes learning for all children. In fact, students whose teachers receive professional development in teaching diverse students outperform students of teachers who lack this training.

These are just a few examples of the research linking student outcomes to teacher characteristics. Linking these characteristics to rigorous teaching performance standards is an opportunity to provide world class education to our students in the 21st century. It is time to improve our teaching standards.

Towards this goal, the Enhancing Teaching Standards and License Portability Act has four main objectives.

First, to improve teacher quality by supporting the development of rigorous kindergarten through grade 12 teaching standards that incorporate 21st century teaching and learning skills, and to promote alignment of these standards with performance-based teacher assessments;

Second, to create incentives for States to adopt, pilot, and implement such rigorous kindergarten through grade 12 teaching standards and performance-based teacher assessments through a competitive grants process;

Third, to promote efforts for States to align these teaching standards and performance-based teacher assessments to State licensing requirements; and

Finally, to create incentives for States to develop policies that would facilitate license reciprocity and portability.

Although this bill would not mandate that model teaching standards be adopted by the states, the trends demonstrate that widespread adoption is likely. For instance, after INTASC developed model teaching standards in 1992, 38 States adopted the standards in developing their own statewide standards. Over 20 States are reviewing the NCTM Curriculum Focal Points to develop mathematics curriculum standards. Over 22 States currently rely on the same standardized teaching credentialing test, and another 10 adopt a second widely available test. The availability of model 21st century teaching standards could have a profound influence on K–12 education nationwide, and this bill would provide incentives for States to adopt and test these standards.

An added benefit of available model teaching standards concerns reciprocal teacher certification across States, which could address teacher shortages and curriculum cohesion across states. Nationally, about 20 percent of teachers seek their initial license in a state other than where they completed their teacher training. This bill would improve the capacity of States to collaboratively address teacher shortages through increased teacher certification reciprocity, by promoting alignment of the teaching standards with State licensing systems.

Finally, the availability of widely used model standards would support a platform for horizontal coherence of teaching and curriculum standards. A State's voluntary use of updated rigorous standards would promote core similarities that offer additional benefits for mobile students who suffer setbacks when faced with inconsistent curriculum.

Student mobility, defined as the percentage of students who transfer in or out of a school during a given school year, occurs in both inner-city and suburban school districts. Rates in inner city schools range from 45 to as high as 80 percent. In suburban schools, mobility rates may be as high as 10 to 40 percent. Although overall mobility indices in the U.S. are not rising, the percentage of moves that occur across state lines has increased from approximately 16 to 19 percent since 2000. When children change schools, they often must adapt to a different curriculum; and lack of curriculum cohesion is believed to account for several negative consequences. Children who experience several school changes are more likely to receive below-grade level reading and math achievement scores than their peers who have never changed schools; they are also more prone to grade retention, and have an increased high school dropout rate.

I believe this legislation can go a long way in improving our Nation's educational achievement rates by improving teacher quality and licensing portability. I also believe that this legislation is critical to strengthening our global competitiveness because quality teaching is a route to helping students meet high standards. I hope that this legislation will be included in the reauthorization of the Elementary and Secondary Education Act of 1965, as amended, and I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill and a letter of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2496

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Enhancing Teaching Standards and License Portability Act of 2007".

SEC. 2. TEACHING STANDARDS AND LICENSE PORTABILITY.

Part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) is amended by adding at the end the following:

"Subpart 6—Teaching Standards and License Portability

"SEC. 2371. PURPOSES.

"The purposes of this subpart are the following:

"(1) To support the development of rigorous kindergarten through grade 12 teaching standards that incorporate 21st century learning skills.

"(2) To create incentives for States to adopt, pilot, and implement such rigorous kindergarten through grade 12 teaching standards.

"(3) To create incentives for States to align the States' teacher licensing systems to such rigorous kindergarten through grade 12 teaching standards.

"(4) To create incentives for States to develop policies to facilitate teacher license portability across States in order to improve the capacity of States to collaboratively address teacher shortages.

"SEC. 2372. DEFINITIONS.

"In this subpart:

"(1) CORE TEACHING STANDARDS.—The term 'core teaching standards' means standards that all beginning teachers should know and be able to teach in order to practice responsibly, regardless of the subject matter or grade level being taught.

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means an organization representing administrators of State educational agencies in partnership with 1 or more independent professional organizations with expertise in the following areas:

"(A) Teacher preparation and licensure.

"(B) Assessment of teacher knowledge, skills, and competencies.

"(3) 21ST CENTURY LEARNING SKILLS.—The term '21st century learning skills' means the skills, knowledge, and competencies that students should master to succeed in postsecondary education and the workforce of the 21st century, including creativity and innovation skills, critical thinking and problem-solving skills, communication and collaboration skills, information and technology literacy, civic and health literacy, adaptability, social and cross-cultural skills, and leadership skills.

"SEC. 2373. GRANT PROGRAM AUTHORIZED.

"(a) AUTHORIZATION.—The Secretary is authorized to award a competitive grant to an eligible entity to enable such entity to carry out the following:

"(1) The development or updating of core teaching standards and content-specific kindergarten through grade 12 teaching standards that are rigorous and incorporate 21st century learning skills and recent research and expert knowledge on teaching practices.

"(2) The development of teacher assessments linked to the kindergarten through grade 12 teaching standards that can be used for licensing, are valid and reliable, and are performance-based.

"(3) The awarding of subgrants as described in subsection (b)(2) to State educational agencies.

"(4) The provision of technical assistance to States in the adoption, pilot testing, and implementation of kindergarten through grade 12 teaching standards and teacher assessments as described in paragraph (2).

"(5) The provision of technical assistance to States to facilitate teacher license portability across States through changes in relevant State policies or the creation of new policies for such purpose.

"(b) USES OF FUNDS.—

"(1) DIRECT ACTIVITIES.—

"(A) FIRST AND SECOND YEARS.—An eligible entity that receives a grant under subsection (a) shall use 100 percent of the funds made available through the grant for the first and second fiscal years—

"(i) to develop or update the core teaching standards and content-specific kindergarten through grade 12 teaching standards; and

"(ii) to develop and pilot test teacher performance assessments that can be used to supplement or supplant current State licensing exams.

"(B) THIRD YEAR AND BEYOND.—An eligible entity that receives a grant under subsection (a) shall use not more than 40 percent of the funds made available through the grant for the third fiscal year, not more than 30 percent of the funds made available through the grant for the fourth fiscal year, and not more than 20 percent of the funds made available through the grant for the fifth fiscal year—

"(i) to continue pilot testing and validating the teacher performance assessments;

"(ii) to disseminate the kindergarten through grade 12 teaching standards, assessments, and any other materials that States may need to properly evaluate and adopt such standards, assessments, and materials;

"(iii) to provide technical assistance to States in—

"(I) adopting the kindergarten through grade 12 teaching standards;

"(II) pilot testing the teacher assessments; and

"(III) reliably and accurately administering and interpreting the teacher assessments; and

"(iv) to fund research activities that further the development of kindergarten through grade 12 teaching standards and assessments.

"(2) SUBGRANTS.—An eligible entity that receives a grant under subsection (a) shall use not less than 60 percent of the funds made available through the grant for the third fiscal year, not less than 70 percent of the funds made available through the grant for the fourth fiscal year, and not less than 80 percent of the funds made available through the grant for the fifth fiscal year to award subgrants to State educational agencies to pay the Federal share of the costs of carrying out the following activities in the States:

"(A) To adopt the core teaching standards and content-specific kindergarten through grade 12 teaching standards developed or updated by the eligible entity.

"(B) To align the States' teacher licensing systems to such standards, which may include the pilot testing and use of teacher assessments developed by the eligible entity under paragraph (1)(A)(ii).

"(C) To change relevant policies or introduce new policies to facilitate teacher license portability across the States.

"SEC. 2374. APPLICATIONS.

"(a) GRANT APPLICATION.—

"(1) IN GENERAL.—An eligible entity that desires a grant under this subpart shall submit to the Secretary an application at such time, in such manner, and accompanied by such information as the Secretary may require.

"(2) CONTENTS.—In an application submitted under paragraph (1), an eligible entity shall include, at a minimum, a description of the capability of the entity to carry out section 2373(b).

"(b) SUBGRANT APPLICATION.—

"(1) IN GENERAL.—A State educational agency that desires a subgrant under this subpart shall submit an application to the eligible entity at such time, in such manner, and accompanied by such information as the eligible entity may require.

"(2) CONTENTS.—In an application submitted under paragraph (1), a State educational agency shall include, at a minimum, a description of how the agency plans to carry out the activities described in subparagraphs (A), (B), and (C) of section 2373(b)(2).

"SEC. 2375. FEDERAL SHARE.

"(a) FEDERAL SHARE.—For State educational agencies receiving a subgrant under section 2371(b)(2), the Federal share of the cost of carrying out the activities described in subparagraphs (A), (B), and (C) of section 2371(b)(2) shall be 50 percent.

"(b) PAYMENT OF NON-FEDERAL SHARE.—The non-Federal share may be paid in cash or in kind (fairly evaluated).

"SEC. 2376. REPORTS TO CONGRESS.

"Not later than 2 years after the date funds are first made available to carry out this subpart, and again 2 years thereafter, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report regarding activities assisted under this subpart.

"SEC. 2377. SUPPLEMENT, NOT SUPPLANT.

"Funds made available to carry out this subpart shall be used to supplement, and not supplant, other Federal, State, and local funds available to carry out the [purposes described in section 2371].

"SEC. 2378. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this subpart—

"(1) $4,000,000 for each of fiscal years 2008 and 2009; and

"(2) $10,000,000 for each of fiscal years 2010, 2011, and 2012.".

OCTOBER 12, 2007.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: The undersigned organizations would like to thank you for introducing the Enhancing Teaching Standards and License Portability Act of 2007 and express our support for this critical bill. Our education system can only be successful if every child receives instruction from high-quality teachers with the most up-to-date skills and knowledge. The education community has been working diligently to improve teaching in this country, and this act will continue to move these efforts forward. We believe firmly in the goals of this bill:

Supporting development of rigorous kindergarten through grade 12 teaching standards that incorporate 21st century learning skills.

Creating incentives for states to: adopt, pilot, and, implement rigorous kindergarten through grade 12 teaching standards; align teacher licensing systems to the rigorous kindergarten through grade 12 teaching standards; and, develop policies to facilitate teacher license portability across states in order to improve the capacity of states to collaboratively address teacher shortages.

We support rigorous and relevant teaching standards that provide high expectations for what our teachers should know and be able to do. These standards and the aligned licensing systems will further assist teacher preparation programs in how to most effectively prepare teachers for today's classrooms and ensure that our students are taught only by high-quality teachers. Also, as we work to address teacher shortages and as our society grows increasingly mobile, there is great need for teacher license portability across states. States have been working on teacher license portability measures, and this bill will further build on these initiatives. Overall, this act will help elevate the teaching profession in this country so every child has access to a world-class education.

Thank you for your leadership on this important issue, and we look forward to continuing to work with you on improving teaching in America.

Sincerely,

American Association of Colleges for Teacher Education.
Council of Chief State School Officers.
International Reading Association.
National Association of Secondary School Principals.
National Commission on Teaching and America's Future.
National Council of Teachers of Mathematics.
National Science Teachers Association.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 2498. A bill to authorize the minting of a coin to commemorate the 400th anniversary of the founding of Santa Fe, New Mexico, to occur in 2010; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BINGAMAN. Mr. President, I rise today to introduce a bill to authorize the minting of a commemorative coin in recognition of the 400th anniversary of the Spanish arrival in Santa Fe, NM. This bill has the strong support of the entire New Mexico delegation and is co-sponsored by Senator DOMENICI and a companion bill will be introduced in the House by Representative TOM UDALL.

In 2010, the City of Santa Fe will commemorate the arrival of Spanish settlers and the designation of the City of Santa Fe as the capital city of the Spanish territory now known as New Mexico. On their arrival the Spaniards found a thriving Native American culture. These native American and Spanish cultures served to enrich each other and led to a creation of a vibrant social, cultural, and financial center that made the settlement of the western U.S. possible. Although it was not always a smooth road it is the unique combination of the Spanish, native American, and Anglo cultures in Santa Fe that make it an American treasure. Santa Fe has long been heralded for its thriving arts community, as a world class travel destination, and for its natural beauty. These treasures and its proud history as a cultural meeting place make Santa Fe worthy of the national recognition of a commemorative coin. I urge all Senators to support this bill.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2498

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Santa Fe 400th Anniversary Commemorative Coin Act of 2007".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Santa Fe, New Mexico, the site of native occupation centuries before European incursions, was officially elevated from a plaza established in 1608 to a villa and capital city in 1610. Santa Fe has been the meeting place and home of many cultures.

(2) The Palace of the Governors, built in the early 17th century served as the governor's quarters and the seat of government under 3 flags. It is the oldest continuously used public building in the United States.

(3) La Fiesta de Santa Fe, a cultural, religious, and social celebration, commemorating the resettlement of Santa Fe by General Don Diego de Vargas in 1692 continues today as an attraction for tourists and locals alike.

(4) At the nexus of 3 historically important trails, Santa Fe brought people and goods together over the Santa Fe Trail to and from Missouri, California, and Mexico City.

(5) Commerce on the Santa Fe Trail brought a much needed boost to the economy of the American West during the recession of the early 19th century. Santa Fe was the rendezvous place for traders, mountain men and forty-niners on route to California, and is today home to a multicultural citizenry and world class art market.

(6) The Santa Fe area is a center of market activity for arts and culture year round, culminating in the world renowned Indian Market, Spanish Colonial Art Market, and International Folk Art Market.

(7) New Mexico is the home to the oldest and continuously inhabited indigenous communities in North America. Native communities now residing in New Mexico include—

(A) Acoma Pueblo;
(B) Alamo Navajo Chapter;
(C) Canoncito Navajo Chapter;
(D) Cochiti Pueblo;
(E) Isleta Pueblo;
(F) Jemez Pueblo;
(G) Jicarilla Apache Tribe;
(H) Laguna Pueblo;
(I) Mescalero Apache Tribe;
(J) Nambe Pueblo;
(K) Picuris Pueblo;
(L) Pojoaque Pueblo;
(M) Ramah Navaho Chapter;
(N) San Felipe Pueblo;
(O) San Ildefonso Pueblo;
(P) San Juan Pueblo;
(Q) Sandia Pueblo;
(R) Santa Ana Pueblo;
(S) Santa Clara Pueblo;
(T) Santo Domingo Pueblo;
(U) Taos Pueblo;
(V) Tesuque Pueblo;
(W) Zia Pueblo;
(X) Zuni Pueblo; and
(Y) many others that disappeared or were moved after European contact.

(8) The Pueblo Revolt of 1680 is known to be one of the first "American Revolutions" when the Pueblo people ousted Spanish colonists from New Mexico.

(9) The Santa Fe area has long attracted tourists, artists, and writers. The classic novel Ben Hur was written, in part, by then Governor Lew Wallace, in the Palace of the Governors.

(10) A commemorative coin will help to foster an understanding and appreciation of New Mexico, its history and culture and the importance of Santa Fe and New Mexico to the history of the United States and the world.

SEC. 3. COIN SPECIFICATIONS.

(a) $5 GOLD COINS.—The Secretary of the Treasury (in this Act referred to as the "Secretary") shall issue not more than 100,000 $5 coins, which shall—

(1) weigh 8.359 grams;

(2) have a diameter of 0.850 inches; and

(3) contain 90 percent gold and 10 percent alloy.

(b) $1 SILVER COINS.—The Secretary shall issue not more than 500,000 $1 coins, which shall—

(1) weigh 26.73 grams;

(2) have a diameter of 1.500 inches; and

(3) contain 90 percent silver and 10 percent copper.

(c) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(d) NUMISMATIC ITEMS.—For purposes of section 5132(a)(1) of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

(e) SOURCES OF BULLION.—

(1) GOLD.—The Secretary shall obtain gold for minting coins under this Act from domestic sources, and pursuant to the authority of the Secretary under section 5116 of title 31, United States Code.

(2) SILVER.—The Secretary shall obtain silver for the coins minted under this Act only from stockpiles established under the Strategic and Critical Minerals Stock Piling Act (50 U.S.C. 98 et seq.).

SEC. 4. DESIGN OF COINS.

(a) DESIGN REQUIREMENTS.—

(1) IN GENERAL.—The design of the coins minted under this Act shall be emblematic of the settlement of Santa Fe, New Mexico, the oldest capital city in the United States.

(2) DESIGNATION AND INSCRIPTIONS.—On each coin minted under this Act, there shall be—

(A) a designation of the value of the coin;

(B) an inscription of the year "2010"; and

(C) inscriptions of the words "Liberty", "In God We Trust" (on the face of the coin), "United States of America", and "E Pluribus Unum".

(b) DESIGN SELECTION.—Subject to subsection (a), the design for the coins minted under this Act shall be selected by the Secretary, and shall be reviewed by the Citizens Commemorative Coin Advisory Committee.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) MINT FACILITY.—Only 1 facility of the United States Mint may be used to strike any particular quality of the coins minted under this Act.

(c) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the period beginning on January 1, 2010, and ending on December 31, 2010.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins minted under this Act shall be sold by the Secretary at a price equal to the sum of—

(1) the face value of the coins;

(2) the surcharge provided in subsection (c) with respect to such coins; and

(3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping).

(b) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

(c) BULK SALES.—The Secretary shall make bulk sales of the coins minted under this Act at a reasonable discount.

(d) SURCHARGE.—All sales of coins minted under this Act shall include a surcharge of—

(1) $35 per coin for the $5 coin; and

(2) $10 per coin for the $1 coin.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), no provision of law governing procurement or public contracts shall be applicable to the procurement of goods and services necessary for carrying out the provisions of this Act.

(b) EQUAL EMPLOYMENT OPPORTUNITY.—Subsection (a) shall not relieve any person entering into a contract under the authority of this Act from complying with any law relating to equal employment opportunity.

SEC. 8. DISTRIBUTION OF SURCHARGES.

(a) RECIPIENTS.—

(1) IN GENERAL.—All surcharges received by the Secretary from the sale of coins minted under this Act shall be promptly paid by the Secretary to the recipients listed under paragraphs (2) and (3).

(2) SANTA FE 400TH ANNIVERSARY COMMITTEE.—The Secretary shall distribute 50 percent of the surcharges described under paragraph (1) to the Santa Fe 400th Anniversary Committee, Inc., to support programs to promote the understanding of the legacies of Santa Fe.

(3) OTHER RECIPIENTS.—The Secretary shall distribute 50 percent of the surcharges described under paragraph (1) to the Secretary of the Department of the Interior, for the purposes of—

(A) sustaining the ongoing mission of preserving Santa Fe;

(B) enhancing the national and international educational programs;

(C) improving infrastructure and archaeological research activities; and

(D) conducting other programs to support the commemoration of the 400th anniversary of Santa Fe.

(b) AUDITS.—The Comptroller General of the United States shall have the right to examine such books, records, documents, and other data of the entities specified in subsection (a), as may be related to the expenditure of amounts distributed under subsection (a).

SEC. 9. FINANCIAL ASSURANCES.

(a) NO NET COST TO THE GOVERNMENT.—The Secretary shall take such actions as may be necessary to ensure that minting and issuing coins under this Act will not result in any net cost to the United States Government.

(b) PAYMENT FOR COINS.—A coin shall not be issued under this Act unless the Secretary has received—

(1) full payment for the coin;

(2) security satisfactory to the Secretary to indemnify the United States for full payment; or

(3) a guarantee of full payment satisfactory to the Secretary from a depository institution, the deposits of which are insured by the Federal Deposit Insurance Corporation or the National Credit Union Administration.

By Mr. LEAHY (for himself, Mr. HATCH, Mrs. FEINSTEIN, and Mr. CORKER):

S. 2500. A bill to provide fair compensation to artists for use of their sound recordings; to the Committee on the Judiciary.

Mr. LEAHY. Mr. Presdient, today, Senator HATCH and I are, once again, introducing important intellectual property legislation together. We are introducing the Performance Rights Act of 2007 for a very simple and clear reason: artists should be compensated fairly for the use of their work.

I am an avid music fan. Music entertains, enlightens, and inspires us. Much of the music enjoyed by most Americans, including myself, was first heard on traditional, over-the-air radio. There is no question that radio play promotes artists and their sound recordings; there is also no doubt that radio stations profit directly from playing the artists' recordings.

When radio stations broadcast music, listeners are enjoying the intellectual property of two creative artists the songwriter and the performer. The success, and the artistic quality, of any recorded song depends on both. Radio stations pay songwriters for a license to broadcast the music they have composed. That is proper, and that is fair. The songwriters' work is promoted by the air play, but no one seriously questions that the songwriter should be paid for the use of his or her work.

But the performing artist is not paid by the radio station. The time has come to end this inequity. Its historical justification has been overtaken by technological change; the economics of the radio industry of years past has been superseded by entirely new business models. Webcasters compensate performing artists, satellite radio compensates performing artists, and cable companies compensate performing artists; only terrestrial broadcasters still do not pay for the use of sound recordings. Artists should have the same rights regardless of whether it is a terrestrial broadcaster or a webcaster using and profiting from their work. Radio play may have promotional value to the artist, but there is a property right in the sound recording, and those that create the content should be compensated for its use.

In ensuring artists are compensated, two other principles important to me are reflected in this legislation. First, noncommercial and small commercial radio stations should be nurtured, and not threatened by a change in the law. Second, songwriters, who now are, as they should be, paid for use of their work should not have their rights diminished in any way.

The legislation we introduce today on a bipartisan basis, along with companion bipartisan legislation being introduced today in the House of Representatives, provides that artists will be compensated by broadcasters for the use of their work. Noncommercial stations—from Vermont Public Radio which broadcasts "Saturday Afternoon at the Opera," to the campus radio station at St. Michael's college that plays "Those Monday Blues" and "The Odds and Evens Jazz Show"—have a different mission than commercial stations, and therefore need a different status, one that will subject the stations only to a nominal flat fee for use of sound recordings. Commercial radio stations that have a revenue under $1.25 million, which comprises roughly three-fourths of all music radio stations, will also have a flat fee option.

Traditional, over-the-air radio remains vital to the vibrancy of our music culture, and I want to continue to see it prosper as it transitions to digital. But I also want to ensure that the performing artist the one whose sound recordings drive the success of broadcast radio is fairly compensated.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2500

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Performance Rights Act".

SEC. 2. EQUITABLE TREATMENT FOR TERRESTRIAL BROADCASTS.

(a) PERFORMANCE RIGHT APPLICABLE TO RADIO TRANSMISSIONS GENERALLY.—Section 106(6) of title 17, United States Code, is amended to read as follows:

"(6) in the case of sound recordings, to perform the copyrighted work publicly by means of an audio transmission.".

(b) INCLUSION OF TERRESTRIAL BROADCASTS IN EXISTING PERFORMANCE RIGHT.—Section 114(d)(1) of title 17, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by striking "a digital" and inserting "an"; and

(2) by striking subparagraph (A).

(c) INCLUSION OF TERRESTRIAL BROADCASTS IN EXISTING STATUTORY LICENSE SYSTEM.—Section 114(j)(6) of title 17, United States Code, is amended by striking "digital".

(d) ELIMINATING REGULATORY BURDENS FOR TERRESTRIAL BROADCAST STATIONS.—Section 114(d)(2) is amended in the matter preceding subparagraph (A) by striking "subsection (f) if" and inserting "subsection (f) if, other than for a nonsubscription and noninteractive broadcast transmission,".

SEC. 3. SPECIAL TREATMENT FOR SMALL, NONCOMMERCIAL, EDUCATIONAL, AND RELIGIOUS STATIONS AND CERTAIN USES.

(a) SMALL, NONCOMMERCIAL, EDUCATIONAL, AND RELIGIOUS RADIO STATIONS.—

(1) IN GENERAL.—Section 114(f)(2) of title 17, United States Code, is amended by adding at the end the following:

"(D) Notwithstanding the provisions of subparagraphs (A) through (C), each individual terrestrial broadcast station that has gross revenues in any calendar year of less than $1,250,000 may elect to pay for its over-the-air nonsubscription broadcast transmissions a royalty fee of $5,000 per year, in lieu of the amount such station would otherwise be required to pay under this paragraph. Such royalty fee shall not be taken into account in determining royalty rates in a proceeding under chapter 8, or in any other administrative, judicial, or other Federal Government proceeding.

"(E) Notwithstanding the provisions of subparagraphs (A) through (C), each individual terrestrial broadcast station that is a public broadcasting entity as defined in section 118(f) may elect to pay for its over-the-air nonsubscription broadcast transmissions a royalty fee of $1,000 per year, in lieu of the amount such station would otherwise be required to pay under this paragraph. Such royalty fee shall not be taken into account in determining royalty rates in a proceeding under chapter 8, or in any other administrative, judicial, or other Federal Government proceeding.".

(2) PAYMENT DATE.—A payment under subparagraph (D) or (E) of section 114(f)(2) of title 17, United States Code, as added by paragraph (1), shall not be due until the due date of the first royalty payments for nonsubscription broadcast transmissions that are determined, after the date of the enactment of this Act, under such section 114(f)(2) by reason of the amendment made by section 2(b)(2) of this Act.

(b) TRANSMISSION OF RELIGIOUS SERVICES; INCIDENTAL USES OF MUSIC.—Section 114(d)(1) of title 17, United States Code, as amended by section 2(b), is further amended by inserting the following before subparagraph (B):

"(A) an eligible nonsubscription transmission of—

"(i) services at a place of worship or other religious assembly; and

"(ii) an incidental use of a musical sound recording;".

SEC. 4. AVAILABILITY OF PER PROGRAM LICENSE.

Section 114(f)(2)(B) of title 17, United States Code, is amended by inserting after the second sentence the following new sentence: "Such rates and terms shall include a per program license option for terrestrial broadcast stations that make limited feature uses of sound recordings.".

SEC. 5. NO HARMFUL EFFECTS ON SONGWRITERS.

(a) PRESERVATION OF ROYALTIES ON UNDERLYING WORKS.—Section 114(i) of title 17, United States Code, is amended in the second sentence by striking "It is the intent of Congress that royalties" and inserting "Royalties".

(b) PUBLIC PERFORMANCE RIGHTS AND ROYALTIES.—Nothing in this Act shall adversely affect in any respect the public performance rights of or royalties payable to songwriters or copyright owners of musical works.

Mr. HATCH. Mr. President, I rise today to express my support for the Performance Rights Act of 2007, S. 2500, introduced today by Judiciary Committee chairman PATRICK LEAHY and myself. There is no doubt the subject of performance rights is important and deserves the Senate's attention.

I recognize that there is no easy solution to the performance rights issue because it is a complex area of the law. However, I believe the time has come for Congress to begin the process of balancing the interests of all involved and forging a fair and reasonable compromise.

I have had the opportunity to get to know some of the finest and talented individuals this country has to offer. Some are under the wrong impression that artists in the music industry are making a fortune, but they are not aware that all too often it is a struggle to survive for the overwhelming majority of them in the cut-throat music industry.

By amending sections 106 and 114 of the Copyright Act, the Performance Rights Act of 2007 would apply the performance right in a sound recording to all audio transmissions thereby removing the exemption on paying performance royalties currently in place for over-the-air broadcasters.

The legislation also provides for a blanket license of $5,000 for small commercial broadcasters whose gross revenues do not exceed $1.25 million a year. In addition, noncommercial broadcasters as defined by section 118 of the Copyright Act, such as public, educational and religious stations would have a blanket license of $1,000 per year. No payment would be due until the Copyright Royalty Board determines the rates for large commercial broadcasters. The proposed language provides that sound recordings used only incidentally by a broadcaster and sound recordings used in the transmission of a religious service are exempt.

S. 2500 further includes a per program license option for terrestrial broadcast stations that make limited feature uses of sound recordings. Finally, the legislation strengthens the provision in section 114 that preserves the rights of songwriters and clarifies that nothing in the Performance Rights Act of 2007 shall adversely affect the public performance rights of songwriters or copyright owners of musical works.

I believe in the legislative process and hope that concerns raised by interested parties can be resolved in a fair and equitable manner. I do not have an ax to grind, nor do I want to hurt any industry. To my friends in the broadcasting community, let me say that I am acutely aware of your circumstances and concerns, and I cannot stress enough that my primary goal is to make sure that Congress handles this in the most even-handed way. Let me also stress that I look upon creating a performance right in a sound recording to all audio transmissions as the first step in addressing some of the major issues affecting the music industry. And I look forward to working closely with Chairman LEAHY and my colleagues in carefully considering what additional measures are needed.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 2502. A bill to provide for the establishment of a memorial within Kalaupapa National Historical Park located on the island of Molokai, in the States of Hawaii, to honor and perpetuate the memory of those individuals who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, I rise today to submit legislation that provides for the establishment of a memorial within Kalaupapa National Historical Park, in the State of Hawaii, to honor and perpetuate the memory of those Hansen's disease patients who were forcibly relocated to the Kalaupapa Peninsula from 1866 to 1969.

This tragedy began in 1865 when the Kingdom of Hawai'i instituted a century-long policy of forced segregation of those afflicted with Hansen's disease, also known as leprosy. Land was set aside in order to seclude those who were thought to be capable of spreading the disease. Kalaupapa was chosen due to its' isolated and inaccessible location. To the south, Kalaupapa faces sheer cliffs with over 2,000 feet in height. To the east, north, and west, Kalaupapa is surrounded by an often-temperamental ocean.

During this period of time, over 8,000 people were sent there, of which, only about 1,300 graves have been identified. Most of those who were sent to Kalaupapa before 1900 have no marked graves. Others were buried in places marked with a cross or a bare tombstone, but those markers have seen great deterioration over time. As a result, there are many family members and descendants of these residents who cannot find the graves of their loved ones and are unable to properly honor and pay tribute to them.

This monument is to provide closure and a sense of belonging to these many family members, who have no knowledge of their ancestors' whereabouts. Through this monument, the more than 8,000 Hansen's disease patients will forever be memorialized as having been a part of the history of Kalaupapa. It also allows the world to recognize and learn from the tragedy that took place on Kalaupapa, where mothers were taken from their children, husbands from their wives, and children from their parents.

There are a few remaining patients of Kalaupapa alive today, and time is running short. For them to live to see this monument, and the memory of their friends and those that preceded them honored in this manner, would mean so much. It will help to guarantee that the legacy of Kalaupapa will live on, and continue to be passed from one generation to the next.

By Ms. CANTWELL:

S. 2505. A bill to allow employees of a commercial passenger airline carrier who receive payments in a bankruptcy proceeding to roll over such payments into an individual retirement plan, and for other purposes; to the Committee on Finance.

Ms. CANTWELL. Mr. President, in the wake of the terrorist attacks of September 11, 2001, the air travel industry has suffered tremendous economic hardship. In particular, airline workers have been forced to take cuts in pay and benefits which have dramatically reduced their financial security now and in their retirement years.

Airline pilots and other union airline employees have lost in excess of $30 billion in pay and over $7 billion in defined benefit pension benefits. In addition, many airline workers have lost their jobs. For example, on September 11, 2001, there were 10,500 active Delta pilots. Today, there are 6,700.

Since the attacks, many of our Nation's airlines were forced to file for bankruptcy—and terminate or freeze their defined benefit pension plans. The largest of these airline bankruptcies involved United Airlines, U.S. Airways, Delta Air Lines and Northwest Airlines. In all of these bankruptcies, a huge share of the cost savings was borne by the airline employees, who suffered massive cuts in pay and benefits.

In 2001, Congressional relief focused on the airline carriers, offering loan packages and other economic relief. In 2004 and 2006, Congress provided additional assistance to those airline carriers that were able to avoid termination of their defined benefit plans. However, past Congressional actions will never restore the lost retirement benefits for those airline workers whose defined benefit plans were terminated or frozen.

This is an important point to emphasize. The actions already taken by the Congress to provide economic relief to the airlines and to reduce their future pension contributions for the continuing plans do not restore benefits to those airline workers who lost pension benefits in plans that were terminated or frozen.

Therefore, I rise to introduce the Lost Retirement Savings Act of 2007 to provide for a retirement savings option to those airline workers whose defined benefit plans were terminated or frozen in bankruptcy proceedings.

Under the bill, these airline workers would benefit to the extent that they would individually choose to rollover specified bankruptcy payments into a traditional or Roth individual retirement account. The intent is to provide this retirement savings opportunity only to those airline employees for whom the bankruptcies imposed an economic burden through the substantial loss of wages and retirement benefits.

In closing, I urge my Senate colleagues to take a close look at this bill and join me in passing this legislation.

Mr. President, I ask unanimous consent that the text of the bill and a bill summary be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2505

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ROLLOVER OF AMOUNTS RECEIVED IN AIRLINE CARRIER BANKRUPTCY TO ELIGIBLE RETIREMENT PLANS.

(a) GENERAL RULE.—If—

(1) a qualified airline employee receives any eligible rollover amount, and

(2) the qualified airline employee transfers any portion of such amount to an individual retirement plan (as defined in section 7701(a)(37) of the Internal Revenue Code of 1986) within 180 days of receipt of such amount (or, if later, within 180 days of the date of the enactment of this Act),

then, except as provided in subsection (b), such amount (to the extent so transferred) shall not be includible in gross income for the taxable year in which paid.

(b) TRANSFERS TO ROTH IRAS.—

(1) IN GENERAL.—If a transfer described in subsection (a) is made to a Roth IRA (as defined in section 408A of the Internal Revenue Code of 1986), then—

(A) 50 percent of the portion of any eligible rollover amount so transferred shall be includible in gross income in the first taxable year following the taxable year in which the eligible rollover amount was paid, and

(B) 50 percent of such portion shall be includible in gross income in the second taxable year following the taxable year in which the eligible rollover amount was paid.

(2) ELECTION TO INCLUDE IN INCOME IN YEAR OF PAYMENT.—Notwithstanding paragraph (1), a qualified airline employee may elect to include any portion so transferred in gross income in the taxable year in which the eligible rollover amount was paid.

(3) INCOME LIMITATIONS NOT TO APPLY.—The limitations described in section 408A(c)(3) of the Internal Revenue Code of 1986 shall not apply to a transfer to which paragraph (1) or (2) applies.

(c) TREATMENT OF ELIGIBLE ROLLOVER AMOUNTS AND TRANSFERS.—

(1) TREATMENT OF ELIGIBLE ROLLOVER AMOUNTS FOR EMPLOYMENT TAXES.—For purposes of chapter 21 of the Internal Revenue Code of 1986 and section 209 of the Social Security Act, an eligible rollover amount shall not fail to be treated as a payment of wages by the commercial passenger airline carrier to the qualified airline employee in the taxable year of payment because such amount is not includible in gross income by reason of subsection (a) or is includible in income in a subsequent taxable year by reason of subsection (b).

(2) TREATMENT OF ROLLOVERS.—A transfer under subsection (a) shall be treated as a rollover contribution described in section 408(d)(3) of the Internal Revenue Code of 1986, except that in the case of a transfer to which subsection (b) applies, the transfer shall be treated as a qualified rollover contribution described in section 408A(e) of such Code.

(d) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

(1) ELIGIBLE ROLLOVER AMOUNT.—

(A) IN GENERAL.—The term "eligible rollover amount" means any payment of any money or other property which is payable by a commercial passenger airline carrier to a qualified airline employee—

(i) under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001, and before January 1, 2007, and

(ii) in respect of the qualified airline employee's interest in—

(I) a bankruptcy claim against the carrier,

(II) any note of the carrier (or any amount paid in lieu of a note being issued), or

(III) any other fixed obligation of the carrier to pay a lump sum amount.

(B) EXCEPTION.—An eligible rollover amount shall not include any amount payable on the basis of the carrier's future earnings or profits.

(2) QUALIFIED AIRLINE EMPLOYEE.—The term "qualified airline employee" means an employee or former employee of a commercial passenger airline carrier who was a participant in a defined benefit plan maintained by the carrier which—

(A) is a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code, and

(B) was terminated or became subject to the restrictions contained in paragraphs (2) and (3) of section 402(b) of the Pension Protection Act of 2006.

(3) REPORTING REQUIREMENTS.—If a commercial passenger airline carrier pays 1 or more eligible rollover amounts, the carrier shall, within 90 days of such payment (or, if later, within 90 days of the date of the enactment of this Act), report—

(A) to the Secretary, the names of the qualified airline employees to whom such amounts were paid, and

(B) to the Secretary and to such employees, the years and the amounts of the payments.

Such reports shall be in such form, and contain such additional information, as the Secretary of the Treasury may prescribe.

(e) EFFECTIVE DATE.—This section shall apply to transfers made after the date of the enactment of this Act with respect to eligible rollover amounts paid before, on, or after such date.

SUMMARY OF THE LOST RETIREMENT SAVINGS ACT OF 2007

ROLLOVER OF DISTRIBUTIONS RECEIVED BY AIRLINE EMPLOYEES IN RESPECT OF BANKRUPTCY CLAIMS, NOTES OR FIXED OBLIGATIONS

If a qualified airline employee transfers any portion of an eligible rollover amount to an individual retirement account (IRA), then the eligible rollover amount to the extent so transferred shall not be includible in gross income for the taxable year in which paid to the qualified airline employee. Further, any such transfer to an IRA which is excluded from gross income shall be treated as a rollover contribution.

DEFINITIONS

Qualified airline employee—An employee or former employee of a commercial passenger airline carrier who participated in a qualified defined benefit plan that has been terminated or frozen.

Eligible rollover amount—Money or other property paid by a commercial passenger airline carrier to a qualified airline employee, in respect of the employee's interest in a bankruptcy claim, note or fixed obligation of the carrier. Such payment must be made under the approval of an order of a Federal bankruptcy court in a case filed after September 11, 2001 and before January 1, 2007.

EMPLOYMENT TAXES

Eligible rollover amounts shall be subject to all applicable employment taxes.

ROTH ELECTION

A qualified airline employee may elect to transfer any portion of an eligible rollover amount to a Roth IRA. Such transfer may be made without regard to the qualified airline employee's AGI. Any such transfer to a Roth IRA shall be treated as a qualified rollover contribution. To the extent transferred to a Roth IRA, the eligible rollover amount shall, at the election of the qualified airline employee, be includible in gross income entirely in the year of payment or 50 percent in the year succeeding the year of payment and 50% in the second year succeeding the year of payment.

TRANSFER PERIODS

The transfer of an eligible rollover amount must be made within 180 days after the later of date of payment or date of enactment.

REPORTING REQUIREMENTS

Commercial passenger airline carriers shall report to the Secretary of the Treasury the eligible rollover amounts paid to each qualified airline employee for each year, and shall provide an individual report to each qualified airline employee. Such reports shall be due within 90 days after the later of date of payment or date of enactment.

EFFECTIVE DATE

Transfers made after date of enactment.

By Ms. LANDRIEU (for herself and Mr. ISAKSON):

S. 2510. A bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Ms. LANDRIEU. Mr. President, I am pleased to introduce today with my colleague, Senator JOHNNY ISAKSON, the Cytology Proficiency Improvement Act of 2007. This bipartisan legislation enhances women's health by establishing an annual continuing medical education, CME, proficiency requirement for pathologists and laboratory professionals who read Pap tests to screen for cervical cancer. The legislation would enhance our fight against this disease by giving women confidence in their Pap test results. Women in my State of Louisiana and across the country deserve no less.

Specifically, our legislation would require individuals who examine Pap test slides to participate annually in an outcome-based CME program to evaluate their interpretative skills. This educational testing program would keep pace with cutting edge advances in science and technology. Health professionals would be challenged with complex, difficult cases and would learn through constructive feedback. The bill would also require that laboratory directors utilize the CME testing results to help assess the performance of their laboratory personnel and take corrective action as appropriate. Finally, the bill would require that the CME results be reviewed by accrediting organizations as part of federally mandated inspections of laboratories to evaluate Pap test quality.

In 1988, Congress requested that a cytology, Pap test, proficiency program be established as part of The Clinical Laboratory Improvement Amendments, CLIA. However, the program lay dormant until 2005 when the Centers for Medicare and Medicaid, CMS, finally implemented a program. Unfortunately, the program was implemented using 1992 regulations—now 15 years old—and no longer relevant to real world practice. The bill we are introducing today would modernize and replace the current program so we can help raise the bar of quality in diagnosing cervical cancer. It would compliment the already extensive Federal quality control standards for Pap tests under CLIA.

Without a doubt, regular Pap tests save women's lives. We need to make sure that the Federal Government's efforts to combat cervical cancer are the most effective they can be. This bill helps to do just that. I hope my colleagues will join me in supporting this women's health issue.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2510

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cytology Proficiency Improvement Act of 2007".

SEC. 2. REVISED STANDARDS FOR QUALITY ASSURANCE IN SCREENING AND EVALUATION OF GYNECOLOGIC CYTOLOGY PREPARATIONS.

(a) IN GENERAL.—Section 353(f)(4)(B)(iv) of the Public Health Service Act (42 U.S.C. 263a(f)(4)(B)(iv)) is amended to read as follows:

"(iv) requirements that each clinical laboratory—

"(I) ensure that all individuals involved in screening and interpreting cytological preparations at the laboratory participate annually in a continuing medical education program in gynecologic cytology that—

"(aa) is approved by the Accrediting Council for Continuing Medical Education or the American Academy of Continuing Medical Education; and

"(bb) provides each individual participating in the program with gynecologic cytological preparations (in the form of referenced glass slides or equivalent technologies) designed to improve the locator, recognition, and interpretive skills of the individual;

"(II) maintain a record of the cytology continuing medical education program results for each individual involved in screening and interpreting cytological preparations at the laboratory;

"(III) provide that the laboratory director shall take into account such results and other performance metrics in reviewing the performance of individuals involved in screening and interpreting cytological preparations at the laboratory and, when necessary, identify needs for remedial training or a corrective action plan to improve skills; and

"(IV) submit the continuing education program results for each individual and, if appropriate, plans for corrective action or remedial training in a timely manner to the laboratory's accrediting organization for purposes of review and on-going monitoring by the accrediting organization, including reviews of the continuing medical education program results during on-site inspections of the laboratory.".

(b) EFFECTIVE DATE AND IMPLEMENTATION; TERMINATION OF CURRENT PROGRAM OF INDIVIDUAL PROFICIENCY TESTING.—

(1) EFFECTIVE DATE AND IMPLEMENTATION.—Except as provided in paragraph (2), the amendment made by subsection (a) applies to gynecologic cytology services provided on or after the first day of the calendar year beginning 1 year after the date of the enactment of this Act, and the Secretary of Health and Human Services (hereafter in this subsection referred to as the "Secretary") shall issue final regulations implementing such amendment not later than 270 days after such date of enactment.

(2) TERMINATION OF CURRENT INDIVIDUAL TESTING PROGRAM.—The Secretary shall terminate the individual proficiency testing program established pursuant to section 353(f)(4)(B)(iv) of the Public Health Service Act (42 U.S.C. 263a(f)(4)(B)(iv)), as in effect on the day before the date of enactment of subsection (a), at the end of the calendar year which includes the date of enactment of the amendment made by subsection (a).

By Mr. LEAHY (for himself, Mrs. CLINTON, Mr. SHELBY, Ms. MILKULSKI, and Ms. LANDRIEU):

S. 2511. A bill to amend the grant program for law enforcement armor vests top provide for a waiver of or reduction in the matching funds requirements in the case of fiscal hardship; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce a bill that will help will build upon our efforts to improve the Bulletproof Vest Partnership Grant Act, which has had so much success in protecting the lives of law enforcement officers across the country. The bill introduced today provides a need-based waiver of matching requirements that will aid State and local law enforcement agencies in financial hardship purchase body armor for their officers. I thank Senators CLINTON, MIKULSKI, SHELBY, and LANDRIEU for joining me to introduce this bill to give our law enforcement officers the protection they need.

I was proud to work with Senator Ben Nighthorse Campbell to author the Bulletproof Vest Partnership Grant Act of 1998, which responded to the tragic Carl Drega shootout in 1997 on the Vermont-New Hampshire border when two state troopers who did not have bulletproof vests were killed. The Federal officers who responded to the scenes of the shooting spree were equipped with life-saving body armor, but the State and local law enforcement officers lacked protective vests because of the cost. Since its inception in 1999, I have worked to reauthorize this program three times, most recently in the 2005 Violence Against Women and Department of Justice Reauthorization bill.

Since 1999, the BVP program has provided $173 million to purchase an estimated 500,000 vests in more than 11,500 jurisdictions nationwide. Vermont has received more than $600,000 in bulletproof vest funding under this program, which has been used to purchase 2700 vests statewide.

I want to thank Senators MIKULSKI and SHELBY for continuing to recognize this program as a priority. As Chair and Ranking Member of the Appropriations Subcommittee that finalizes Justice Department spending priorities, they saw fit to include more than $25 million for the Bulletproof Vest Program in the fiscal year 2008 Consolidated Omnibus Appropriations bill.

Bulletproof vests remain one of the foremost defenses for our uniformed officers, but law enforcement agencies nationwide are struggling over how to find the funds necessary to replace either aged vests, which have a life expectancy of roughly 5 years, or purchase new vests for newly hired officers. We want to ensure that our law enforcement officers are outfitted with vests that will actually stop bullets and save lives. Vests cost between $500 and $1,000 each, depending on the style. Officers are being forced to dip into their own pockets to pay for new vests due to local and State agency budget shortfalls, and will continue to do so unless the Federal Government offers more help.

The bill we introduce today will give discretion to the Director of the Bureau of Justice Assistance within the Justice Department to grant waivers or reductions in the match requirements for bulletproof vests awards to State and local law enforcement agencies that can demonstrate fiscal hardship. Our local law enforcement agencies are constantly responding to new challenges, from fighting a recent rise in violent crime to responding to threats of terrorism, and many localities lack the resources to effectively combat these challenges. Waiving the match requirement for life-saving body armor should be available for police agencies like those in New Orleans, on the Gulf Coast, or in other areas that experience disasters or other circumstances that create fiscal hardships.

A tragic event in Tennessee in 2005 highlights the need for this legislation. Wayne "Cotton" Morgan, a Tennessee correctional officer was gunned down on August 9, 2005, outside the Kingston Court House by the wife of an inmate being escorted by Officer Morgan. He was killed, and the prisoner and his wife escaped. Officer Morgan was not wearing a bulletproof vest, although he repeatedly requested one from the warden at Brushy Mountain Prison. The Tennessee Department of Corrections Administrative Policies and Procedures memorandum required that fitted vests be provided to individuals assigned to transportation duties. Despite this requirement and Officer Morgan's repeated requests, he was not issued a vest due to lack of funding. This legislation will help ensure that no officer is left without a bulletproof vest for lack of resources in his or her department.

Our law enforcement officers deserve the fundamental protection that bulletproof vests can provide. Few things mean more to me than when I meet Vermont police officers and they tell me that the protective vests they wear were made possible because of the Bulletproof Vests Partnership Program. This is the least we should do for the officers on the front lines who put themselves in danger for us every day. I want to make sure that every police officer who needs a bulletproof vest gets one.

I look forward to working with the Senate to pass this bipartisan bill to better to protect our law enforcement officers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2511

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MATCHING GRANT PROGRAM FOR LAW ENFORCEMENT ARMOR VESTS.

Section 2501(f) of part Y of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll(f)) is amended by inserting at the end the following:

"(3) WAIVER.—The Director may waive, in whole or in part, the requirement of paragraph (1) in the case of fiscal hardship, as determined by the Director.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 409—COMMENDING THE SERVICE OF THE HONORABLE TRENT LOTT, A SENATOR FROM THE STATE OF MISSISSIPPI

Mr. MCCONNELL (for himself, Mr. REID, Mr. COCHRAN, Mr. DURBIN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BARRASSO, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 409

Whereas Chester Trent Lott, a United States Senator from Mississippi, was born to Chester and Iona Watson Lott on October 9, 1941, in Grenada, Mississippi;

Whereas Trent Lott was raised in Pascagoula, Mississippi, attended public schools, and excelled in baseball, band, theater, and student government;

Whereas after graduating from Pascagoula High School, where he met his future wife during band practice, Trent Lott enrolled in the University of Mississippi in 1959;

Whereas Trent Lott pledged Sigma Nu, rising to become its president; formed a singing quartet known as The Chancellors; and was elected "head cheerleader" of the Ole Miss football team;

Whereas upon graduating college, Trent Lott enrolled in the University of Mississippi Law School in 1963, excelling in moot court and as president of the Phi Alpha Delta legal fraternity;

Whereas upon graduating from law school in 1967, Trent Lott practiced law in Pascagoula, then served as administrative assistant to United States Representative William Colmer until 1972;

Whereas upon Congressman Colmer's retirement, Trent Lott was elected to replace him in November 1972 as a Republican representing Mississippi's Fifth District;

Whereas Trent Lott was reelected by the voters of the Fifth District to seven succeeding terms, rising to the position of minority whip and serving in that role with distinction from 1981 to 1989;

Whereas Trent Lott was elected to the U.S. Senate in 1988 and reelected three times, serving as chairman of the Senate Committee on Rules and Administration from 2003 to 2006;

Whereas Trent Lott was chosen by his Senate Republican colleagues to serve as Majority Whip for the 104th Congress, then chosen to lead his party in the Senate as both Majority Leader and Minority Leader from 1996 to 2003;

Whereas Trent Lott was chosen by his peers to serve as Minority Whip for the 110th Congress;

Whereas Trent Lott's warmth, decency, and devotion to the people of Mississippi and the country have contributed to his legendary skill at working cooperatively with people from all political parties and ideologies;

Whereas, in addition to his many legislative achievements in a congressional career spanning more than three decades, Trent Lott has earned the admiration, respect, and affection of his colleagues and of the American People;

Whereas he has drawn strength and support in a life of high achievement and high responsibility from his faith, his beloved wife Tricia, their children, Tyler and Chet; and their grandchildren: Now, therefore, be it

Resolved, That the Senate—

Notes with deep appreciation the retirement of Chester Trent Lott;

Extends its best wishes to Trent Lott and his family;

Honors the integrity and outstanding work Trent Lott has done in service to his country; and

Directs the Secretary of the Senate to transmit a copy of this resolution to the family of Senator Trent Lott.

SENATE RESOLUTION 410—DESIGNATING FEBRUARY 17, 2008, AS "RACE DAY IN AMERICA" AND HIGHLIGHTING THE 50TH RUNNING OF THE DAYTONA 500

Mr. NELSON of Florida (for himself, Mr. MARTINEZ, and Mr. SANDERS) submitted the following resolution; which was:

S. RES. 410

Whereas the Daytona 500 is the most prestigious stock car race in the United States;

Whereas the Daytona 500 annually kicks off the National Association for Stock Car Auto Racing (NASCAR) Sprint Cup Series, NASCAR's top racing series;

Whereas millions of racing fans have spent the 3rd Sunday of each February since 1959 watching, listening to, or attending the Daytona 500;

Whereas the purse for the Daytona 500 is typically the largest in motor sports;

Whereas winning the prestigious Harley J. Earl Trophy is stock car racing's greatest prize and privilege;

Whereas nearly 1,000,000 men and women in the Armed Forces in nearly 180 countries worldwide listen to the race on the radio via the American Forces Network;

Whereas Daytona International Speedway is the home of "The Great American Race"—the Daytona 500;

Whereas fans from all 50 States and many foreign nations converge on the "World Center of Racing" each year to see the motor sports spectacle;

Whereas Daytona International Speedway becomes one of the largest cities in the State of Florida by population on race day, with more than 200,000 fans in attendance;

Whereas well-known politicians, celebrities, and athletes take part in the festivities surrounding the Daytona 500; and

Whereas, on February 17th, 2008, the Daytona 500 celebrates its historic 50th running: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 50th running of the Daytona 500, "The Great American Race", on February 17, 2008; and

(2) designates February 17, 2008, as "Race Day in America" in honor of the Daytona 500.

SENATE RESOLUTION 411—HONORING THE LIFE AND RECOGNIZING THE ACCOMPLISHMENTS OF TEXAS CIVIL RIGHTS PIONEER DR. HECTOR P. GARCIA

Mr. CORNYN (for himself and Mrs. HUTCHISON) submitted the following resolution; which was:

S. RES. 411

Whereas, Hector P. Garcia was born on January 17, 1914, in Llera, a small town in south central Tamaulipas, Mexico;

Whereas, Hector P. Garcia was brought to Mercedes, Texas, as a small child when his parents fled the Mexican Revolution in 1917;

Whereas, Dr. Hector P. Garcia graduated from the University of Texas Medical School in 1940, and later joined the United States Army;

Whereas, Dr. Hector P. Garcia served as an infantryman, a combat engineer, and a medical doctor during World War II, and earned the Bronze Star medal with six battle stars for his distinguished service;

Whereas, Dr. Hector P. Garcia founded the American GI Forum in 1948 to fight for equal treatment of Mexican-American veterans, including proper medical treatment and educational benefits;

Whereas, in 1949, Dr. Hector P. Garcia secured a burial with full military honors at Arlington National Cemetery for Pvt. Felix Longoria after a Texas funeral home refused to hold a wake for Pvt. Longoria, a U.S. soldier killed during World War II, for the sole reason that he was Hispanic;

Whereas, President Lyndon Johnson made Dr. Hector P. Garcia the first Mexican-American to serve as an ambassador to the United Nations;

Whereas Dr. Hector P. Garcia was the first Hispanic to serve on the U.S. Commission on Civil Rights;

Whereas, in 1984, President Ronald Reagan bestowed upon Dr. Hector P. Garcia the Presidential Medal of Freedom;

Whereas Dr. Hector P. Garcia devoted his life to fighting for civil rights and educational access for Mexican-Americans;

Whereas this nation has benefited from Dr. Hector P. Garcia's legacy of generosity and commitment to equality: Now, therefore, be it

Resolved, That the Senate honors the life of Dr. Hector P. Garcia, a selfless physician, decorated World War II veteran, dedicated family man, and civil rights hero, and joins in the celebration of his birthday, January 17.

SENATE RESOLUTION 412—COMMENDING THE APPALACHIAN STATE UNIVERSITY MOUNTAINEERS OF BOONE, NORTH CAROLINA, FOR WINNING THE 2007 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION 1 FOOTBALL CHAMPIONSHIP SUBDIVISION (FORMERLY DIVISION 1-AA) CHAMPIONSHIP

Mr. BURR (for himself and Mrs. DOLE) submitted the following resolution; which was:

S. RES. 412

Whereas, in 2005, Appalachian State University became the first team from North Carolina to win a National Collegiate Athletic Association (NCAA) football championship with its victory over the University of Northern Iowa;

Whereas, in 2006, Appalachian State University defeated the University of Massachusetts football team to win its 2nd straight championship;

Whereas, in December 2007, the Appalachian State University Mountaineers won their 3rd straight NCAA Division 1 national title by winning the Division 1 Football Championship Subdivision (formerly known as the Division 1-AA Championship), the first Football Championship Subdivision team in history to accomplish this feat, beating the University of Delaware (Delaware) Blue Hens by a score of 49-21;

Whereas, in the 2007 championship game, senior tailback Kevin Richardson opened the scoring with a 19-yard touchdown reception on a screen pass from Armanti Edwards;

Whereas Delaware responded by driving the ball to the Appalachian State 1-foot line, where the Mountaineers stonewalled the Blue Hens with an impressive defensive stand;

Whereas, on the ensuing possession, sophomore Devon Moore extended the lead to 14-0 in a touchdown run that capped a 5-play, 99-yard drive to set an Appalachian State school record for longest scoring drive;

Whereas Appalachian State extended the lead to 21-0 with 10:22 remaining in the 2nd quarter as freshman tight end Daniel Kilgore recovered a fumble in the endzone for the touchdown as the Mountaineers scored on their 1st 3 drives of the game;

Whereas Delaware broke into the scoring column with only 1:10 remaining in the 1st half, in a play that was originally ruled incomplete, but upon official review was ruled a touchdown to cut the Appalachian State lead to 21-7;

Whereas Appalachian State answered the score 26 seconds later as Armanti Edwards threw a 60-yard touchdown pass to senior Dexter Jackson, in his 4th touchdown pass this season to Dexter Jackson for more than 59 yards;

Whereas Appalachian State opened scoring in the 3rd quarter to extend their lead to 35-7;

Whereas Delaware countered to cut the Appalachian State lead to 35-14;

Whereas Kevin Richardson then ran the lead to 42-14 with a 6-yard touchdown for his 2nd score of the game, in which he posted a total of 111 yards rushing and 27 yards receiving with touchdowns both on the ground and by air;

Whereas Kevin Richardson is Appalachian State's all-time leading rusher, closing his college career with 4,797 yards on the ground;

Whereas sophomore quarterback Armanti Edwards had 198 yards passing, 89 yards rushing and 3 passing touchdowns, and finishes the season with 1,948 yards passing and 1,587 yards rushing, falling just short of becoming the 1st player in NCAA history to pass for 2,000 yards and rush for 1,000 yards twice in his career;

Whereas Corey Lynch finishes his career with 52 pass breakups, capturing the NCAA Division I record for career passes defended;

Whereas the team's championship victory finished off a remarkable season for the Mountaineers, who, on September 1, 2007, in their 1st game of the 2007 season, beat the University of Michigan Wolverines, ranked 5th nationally at the time, by a score of 34-32 in front of 109,000 spectators at "The Big House" in Ann Arbor, Michigan, marking the 1st time a Division 1-AA team has ever beaten a nationally ranked Division 1-A team;

Whereas the Mountaineers finished off this impressive 2007 season with a 13-2 record;

Whereas the Appalachian State Mountaineers 2007 All-Americans include Kerry Brown, Corey Lynch, Kevin Richardson, Armanti Edwards, Gary Tharrington, and Jerome Touchstone; and

Whereas the Mountaineers enjoy widespread support from their spirited and dedicated fans as well as the entire Appalachian State University community: Now, therefore, be it

Resolved, That the Senate—

(1) applauds the Appalachian State University Mountaineers football team for its historic season and National Collegiate Athletic Association Division 1 Football Championship Subdivision title;

(2) recognizes the hard work and preparation of the players, head coach Jerry Moore, and the assistant coaches and support personnel who all played critical roles in this championship; and

(3) requests the Secretary of the Senate to transmit an enrolled copy of the resolution to—

(A) Dr. Kenneth E. Peacock, Chancellor of Appalachian State University;

(B) Charles Cobb, Athletic Director of the University; and

(C) Jerry Moore, Head Coach.

SENATE RESOLUTION 413—COMMENDING THE WAKE FOREST UNIVERSITY DEMON DEACONS OF WINSTON-SALEM, NORTH CAROLINA, FOR WINNING THE 2007 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION MEN'S SOCCER NATIONAL CHAMPIONSHIP

Mr. BURR (for himself and Mrs. DOLE) submitted the following resolution; which was:

S. RES. 413

Whereas the Wake Forest Demon Deacons beat the Ohio State Buckeyes 2-1 to win the finals of the 2007 College Cup;

Whereas, in the 11th minute, Demon Deacon goalkeeper Brian Edwards blocked a close-range shot and defender Lyle Adams cleared the net to prevent the Buckeyes from attempting to score on the rebound;

Whereas Brian Edwards was named the Most Outstanding Defensive Player at the College Cup after making 12 saves in the NCAA Championships and allowing only two goals in five postseason games;

Whereas, in the very next possession, Ohio State's Roger Espinoza scored in the 13th minute;

Whereas Marcus Tracy had the tying goal in the 66th minute, his third of the 2007 College Cup, finishing a run from sophomore Cody Arnoux;

Whereas Zack Schilawski scored the game-winning goal in the 74th minute by taking a cross from Marcus Tracy and firing the center shot from 10 yards out;

Whereas for seniors Julian Valentin, Pat Phelan, Brian Edwards, and Alimer Gonzales, the game marked the end of their college careers;

Whereas Marcus Tracy was named the Most Outstanding Offensive Player at the College Cup after scoring both goals in the 2-0 semifinal win over Virginia Tech, scoring the game-tying goal in the finals against Ohio State, and assisting on the game-winning goal by Zack Schilawski;

Whereas Sam Cronin, Zach Schilawski, and Cody Arnoux were all named to the College Cup All-Tournament Team;

Whereas Wake Forest was represented on the National Soccer Coaches Association of America (NSCAA)/Adidas All-America team by defender Pat Phelan (first team), midfielder Sam Cronin (second team) and forward Cody Arnoux (third team), and was the only school to have a representative on the first, second, and third All-America teams;

Whereas defender Julian Valentin was named to the All-Senior All-America team sponsored by Lowe's;

Whereas Wake Forest's run to the national championship included a second round win over Furman (1-0), a third round win over West Virginia (3-1), a quarterfinal round win over Notre Dame (1-0), and a semifinal round win over Virginia Tech (2-0);

Whereas Wake Forest finished with a 22-2-2 record on the season;

Whereas Wake Forest was the number two seed in the tournament and making its second consecutive College Cup appearance;

Whereas the Demon Deacons have been to 12 NCAA Tournaments including seven straight;

Whereas Wake Forest was ranked first or second in the major soccer polls for the vast majority of the 2007 regular season;

Whereas the NCAA title is the eighth national championship for Wake Forest athletics; and

Whereas the university also holds three titles in field hockey (2002, 2003, 2004), three titles in men's golf (1974, 1975, 1986) and a title in baseball (1955): Now, therefore, be it

Resolved, That the Senate—

(1) applauds the Wake Forest University Demon Deacons men's soccer team for its historic season and championship title;

(2) recognizes the hard work and preparation of the players, head coach Jay Vidovich, and the assistant coaches and support personnel who all played critical roles in this championship; and

(3) requests the Secretary of the Senate to transmit an enrolled copy of the resolution to—

(A) Dr. Nathan O. Hatch, President of Wake Forest University;

(B) Ron Wellman, Director of Athletics at the University; and

(C) Jay Vidovich, Head Coach.

SENATE RESOLUTION 414—DESIGNATING JANUARY 2008 AS "NATIONAL STALKING AWARENESS MONTH"

Mr. BIDEN (for himself and Ms. COLLINS) submitted the following resolution:

S. RES. 414

Whereas an estimated 1,006,970 women and 370,990 men are stalked annually in the United States and, in the majority of such cases, the person is stalked by someone who is not a stranger;

Whereas 81 percent of women who are stalked by an intimate partner are also physically assaulted by that partner, and 76 percent of women who are killed by an intimate partner were also stalked by that partner;

Whereas 74.2 percent of stalking victims report that being stalked interfered with their employment, 26 percent of stalking victims lose time from work as a result of their victimization, and 7 percent of stalking victims never return to work;

Whereas stalking victims are forced to take drastic measures to protect themselves, such as relocating, changing their addresses, changing their identities, changing jobs, and obtaining protection orders;

Whereas stalking is a crime that cuts across race, culture, gender, age, sexual orientation, physical and mental ability, and economic status;

Whereas stalking is a crime under Federal law and under the laws of all 50 States and the District of Columbia;

Whereas rapid advancements in technology have made cybersurveillance the new frontier in stalking;

Whereas national organizations, local victim service organizations, prosecutors' offices, and police departments stand ready to assist stalking victims and work diligently to craft competent, thorough, and innovative responses to stalking; and

Whereas there is a need to enhance the criminal justice system's response to stalking and stalking victims, including through aggressive investigation and prosecution: Now, therefore, be it

Resolved, That—

(1) the Senate designates January 2008 as "National Stalking Awareness Month";

(2) it is the sense of the Senate that—

(A) National Stalking Awareness Month provides an opportunity to educate the people of the United States about stalking;

(B) the people of the United States should applaud the efforts of the many victim service providers, police, prosecutors, national and community organizations, and private sector supporters for their efforts in promoting awareness of stalking; and

(C) policymakers, criminal justice officials, victim service and human service agencies, nonprofit organizations, and others should recognize the need to increase awareness of stalking and the availability of services for stalking victims; and

(3) the Senate urges national and community organizations, businesses in the private sector, and the media to promote awareness of the crime of stalking through observation of National Stalking Awareness Month.

SENATE RESOLUTION 415—HONORING THE LIFE AND RECOGNIZING THE ACCOMPLISHMENTS OF WILLIAM KARNET "BILL" WILLIS, PIONEER AND HALL OF FAME FOOTBALL PLAYER FOR BOTH OHIO STATE UNIVERSITY AND THE CLEVELAND BROWNS

Mr. BROWN (for himself, Mr. VOINOVICH, Mr. OBAMA, Mr. COCHRAN, Mrs. BOXER, Ms. STABENOW, Mr. LEVIN, Mr. MENENDEZ, Mr. STEVENS, Mr. ENZI, Mr. ROBERTS, Mr. SCHUMER, and Mr. LAUTENBERG) submitted the following resolution:

S. RES. 415

Whereas William Karnet Willis ("Bill") was born on October 5, 1921, in Columbus, Ohio;

Whereas, in 1942, Bill Willis began playing college football for the Ohio State University's Buckeyes and was a member of the 1942 National Championship team;

Whereas Bill Willis earned All-American honors at the Ohio State University in 1943 and 1944, becoming the first African American All-American at the Ohio State University;

Whereas Bill Willis was twice chosen to play in the College All-Star Game, in 1944 and in 1945;

Whereas, on August 7, 1946, Bill Willis was the first of a pioneering foursome to sign a contract to play professional football for the Cleveland Browns, forever ending the race barrier in professional football;

Whereas Bill Willis was named 3 times an All-America Football Conference all-league player, named 4 times a National Football League all-league player, and was named to the first 3 Pro Bowls;

Whereas, in 1950, Bill Willis was a member of the National Football League champion Cleveland Browns and was named the team's Most Valuable Player;

Whereas, in 1971, Bill Willis was inducted into the National Football Foundation's College Football Hall of Fame;

Whereas, in 1977, Bill Willis was inducted to the Pro Football Hall of Fame;

Whereas Bill Willis was synonymous with his number 99 jersey in the Ohio State University community, and that number was retired on November 3, 2007;

Whereas Bill Willis dedicated his life to helping others and served his community honorably on the Ohio Youth Commission;

Whereas Bill Willis was a beloved community leader, husband, and father; and

Whereas Ohio has lost a beloved son and a trailblazing pioneer with the passing of Bill Willis on November 27, 2007: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life and accomplishments of William Karnet "Bill" Willis, a dedicated family man, civil servant, and football legend; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display to the family of Bill Willis.

SENATE RESOLUTION 416—RECOGNIZING THE 60TH ANNIVERSARY OF THE UNITED STATES AIR FORCE AS AN INDEPENDENT MILITARY SERVICE

Mr. NELSON of Nebraska (for himself, Mr. BINGAMAN, Mr. BROWNBACK, Ms. COLLINS, Mr. CRAPO, Mr. DOMENICI, Mr. DORGAN, Mr. ENZI, Mr. GRAHAM, Mrs. LINCOLN, Mr. SALAZAR, Mr. TESTER, Mr. ROBERTS, and Mr. ALLARD) submitted the following resolution; which was:

S. RES. 416

Whereas President Harry S Truman signed the National Security Act of 1947 on July 26, 1947, to realign and reorganize the Armed Forces and to create a separate Department of the Air Force from the existing military services;

Whereas the National Security Act of 1947 was enacted on September 18, 1947;

Whereas the Aeronautical Division of the United States Army Signal Corps, consisting of one officer and two enlisted men, began operation under the command of Captain Charles DeForest Chandler on August 1, 1907, with the responsibility for "all matters pertaining to military ballooning, air machines, and all kindred subjects";

Whereas in 1908, the Department of War contracted with the Wright brothers to build one heavier-than-air flying machine for the United States Army, and accepted the Wright Military Flyer, the world's first military airplane, in 1909;

Whereas United States pilots, flying with both allied air forces and with the Army Air Service, performed admirably in the course of World War I, participating in pursuit, observation, and day and night bombing missions;

Whereas pioneering aviators of the United States, including Mason M. Patrick, William "Billy" Mitchell, Benjamin D. Foulois, Frank M. Andrews, Henry "Hap" Arnold, James "Jimmy" H. Doolittle, and Edward "Eddie" Rickenbacker, were among the first to recognize the military potential of air power and courageously forged the foundations for the creation of an independent arm for air forces in the United States in the decades following World War I;

Whereas on June 20, 1941, the Department of War created the Army Air Forces (AAF) as its aviation element and shortly thereafter the Department of War made the AAF co-equal to the Army Ground Forces;

Whereas General Henry H. "Hap" Arnold drew upon the industrial prowess and human resources of the United States to transform the Army Air Corps from a force of 22,400 men and 2,402 aircraft in 1939 to a peak wartime strength of 2.4 million personnel and 79,908 aircraft;

Whereas the standard for courage, flexibility, and intrepidity in combat was established for all Airmen during the first aerial raid in the Pacific Theater on April 18, 1942, when Lieutenant Colonel James "Jimmy" H. Doolittle led 16 North American B–25 Mitchell bombers in a joint operation from the deck of the naval carrier USS Hornet to strike the Japanese mainland in response to the Japanese attack on Pearl Harbor;

Whereas President Harry S Truman supported organizing air power as an equal arm of the military forces of the United States, writing on December 19, 1945, that air power had developed so that the responsibilities and contributions to military strategic planning of air power equaled those of land and sea power;

Whereas on September 18, 1947, W. Stuart Symington became the first Secretary of the newly formed and independent United States Air Force (USAF), and on September 26, 1947, General Carl A. Spaatz became the first Chief of Staff of the USAF;

Whereas the Air National Guard was also created by the National Security Act of 1947 and has played a vital role in guarding the United States and defending freedom in nearly every major conflict and contingency since its inception;

Whereas on October 14, 1947, the USAF demonstrated its historic and ongoing commitment to technological innovation when Captain Charles "Chuck" Yeager piloted the X–1 developmental rocket plane to a speed of Mach 1.07, becoming the first flyer to break the sound barrier in a powered aircraft in level flight;

Whereas the USAF Reserve, created April 14, 1948, is comprised of Citizen Airmen who serve as unrivaled wingmen of the active duty USAF in every deployment, mission, and battlefield around the globe;

Whereas the USAF operated the Berlin Airlift in 1948 and 1949 to provide humanitarian relief to post-war Germany and has established a tradition of humanitarian assistance in responding to natural disasters and needs across the world;

Whereas the USAF announced a policy of racial integration in the ranks of the USAF on April 26, 1948, 3 months prior to a Presidential mandate to integrate all military services;

Whereas in the early years of the Cold War, the USAF's arsenal of bombers, such as the long-range Convair B–58 Hustler and B–36 Peacemaker, and the Boeing B–47 Stratojet and B–52 Stratofortress, under the command of General Curtis LeMay served as the United States' preeminent deterrent against Soviet Union forces and were later augmented by the development and deployment of medium range and intercontinental ballistic missiles, such as the Titan and Minuteman developed by General Bernard A. Schriever;

Whereas the USAF, employing the first large-scale combat use of jet aircraft, helped to establish air superiority over the Korean peninsula, protected ground forces of the United Nations with close air support, and interdicted enemy reinforcements and supplies during the conflict in Korea;

Whereas after the development of launch vehicles and orbital satellites, the mission of the USAF expanded into space and today provides exceptional real-time global communications, environmental monitoring, navigation, precision timing, missile warning, nuclear deterrence, and space surveillance;

Whereas USAF Airmen have contributed to the manned space program of the United States since the program's inception and throughout the program's development at the National Aeronautics and Space Administration by dedicating themselves wholly to space exploration despite the risks of exploration;

Whereas the USAF engaged in a limited campaign of air power to assist the South Vietnamese government in countering the communist Viet Cong guerillas during the Vietnam War and fought to disrupt supply lines, halt enemy ground offensives, and protect United States and Allied forces;

Whereas Airmen were imprisoned and tortured during the Vietnam War and, in the valiant tradition of Airmen held captive in previous conflicts, continued serving the United States with honor and dignity under the most inhumane circumstances;

Whereas, in recent decades, the USAF and coalition partners of the United States have supported successful actions in Panama, Bosnia-Herzegovina, Kosovo, Iraq, Afghanistan, and many other locations around the globe;

Whereas Pacific Air Forces, along with Asia-Pacific partners of the United States, ensure peace and advance freedom from the west coast of the United States to the east coast of Africa and from the Arctic to the Antarctic, covering more than 100 million square miles and the homes of 2 billion people in 44 countries;

Whereas the United States Air Forces in Europe, along with European partners of the United States, have shaped the history of Europe from World War II, the Cold War, Operation Deliberate Force, and Operation Allied Force to today's operations, and secured stability and ensured freedom's future in the Europe, Africa, and Southwest Asia;

Whereas, for 17 consecutive years beginning with 1990, Airmen have been engaged in full-time combat operations ranging from Desert Shield to Iraqi Freedom, and have shown themselves to be an expeditionary air and space force of outstanding capability ready to fight and win wars of the United States when and where Airmen are called upon to do so;

Whereas the USAF is steadfast in its commitment to field a world-class, expeditionary air force by recruiting, training, and educating its Total Force of active duty, Air National Guard, Air Force Reserve, and civilian personnel;

Whereas the USAF is a steward of resources, developing and applying technology, managing acquisition programs, and maintaining test, evaluation, and sustainment criteria for all USAF weapon systems throughout such weapon systems' life cycles;

Whereas, when terrorists attacked the United States on September 11, 2001, USAF fighter and air refueling aircraft took to the skies to fly combat air patrols over major United States cities and protect families, friends, and neighbors of people of the United States from further attack;

Whereas, on December 7, 2005, the USAF modified its mission statement to include flying and fighting in cyberspace and prioritized the development, maintenance, and sustainment of war fighting capabilities to deliver unrestricted access to cyberspace and defend the United States and its global interests;

Whereas Airmen around the world are committed to fighting and winning the Global War on Terror and have flown more than 430,000 sorties to precisely target and engage insurgents who attempt to violently disrupt rebuilding in Iraq and Afghanistan;

Whereas talented and dedicated Airmen will meet the future challenges of an ever-changing world with strength and resolve;

Whereas the USAF, together with its joint partners, will continue to be the United States' leading edge in the ongoing fight to ensure the safety and security of the United States; and

Whereas during the past 60 years, the USAF has repeatedly proved its value to the Nation, fulfilling its critical role in national defense, and protecting peace, liberty, and freedom throughout the world: Now, therefore, be it

Resolved by the Senate, That the Senate remembers, honors, and commends the achievements of the United States Air Force in serving and defending the United States on the 60th anniversary of the creation of the United States Air Force as an independent military service.

SENATE CONCURRENT RESOLUTION 59—EXPRESSING THE SENSE OF THE CONGRESS THAT JOINT CUSTODY LAWS FOR FIT PARENTS SHOULD BE PASSED BY EACH STATE, SO THAT MORE CHILDREN ARE RAISED WITH THE BENEFITS OF HAVING A FATHER AND A MOTHER IN THEIR LIVES

Mr. AKAKA submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 59

Whereas, in approximately 84 percent of the cases where a parent is absent, that parent is the father;

Whereas, if current trends continue, half of all children born today will live apart from one of their parents, usually their father, at some point before they turn 18 years old;

Whereas when families (whether intact or with a parent absent) are living in poverty, a significant factor is often the father's lack of job skills;

Whereas committed and responsible fathering during infancy and early childhood contributes to the development of emotional security, curiosity, and math and verbal skills;

Whereas an estimated 19,400,000 children (27 percent) live apart from their biological fathers;

Whereas 40 percent of the children under age 18 not living with their biological fathers had not seen their fathers even once in the past 12 months, according to national survey data;

Whereas single parents are to be commended for the tremendous job that they do with their children;

Whereas the United States needs to encourage responsible parenting by both fathers and mothers, whenever possible;

Whereas the United States needs to encourage both parents, as well as extended families, to be actively involved in children's lives;

Whereas a way to encourage active involvement is to encourage joint custody and shared parenting;

Whereas the American Bar Association found in 1997 that 19 States plus the District of Columbia had some form of presumption for joint custody, either legal, physical, or both, and by 2006, 13 additional States had added some form of presumption, bringing the current total to 32 States plus the District of Columbia;

Whereas data from the Census Bureau shows a correlation between joint custody and shared parenting and a higher rate of payment of child support;

Whereas social science literature shows that a higher proportion of children from intact families with 2 parents in the home are well adjusted, and research also shows that for children of divorced, separated, and never married parents, joint custody is strongly associated with positive outcomes for children on important measures of adjustment and well being; and

Whereas research by the Department of Health and Human Services shows that the States with the highest amount of joint custody subsequently had the lowest divorce rate: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that joint custody laws for fit parents should be passed by each State, so that more children are raised with the benefits of having a father and a mother in their lives.

Mr. AKAKA. Mr. President, I rise today to submit legislation expressing the sense of the Congress that States should enact joint custody laws for fit parents, so that more children are raised with the benefit of having both parents in their lives.

One of the most significant problems facing our Nation today is the number of children being raised without the love and support of both parents. Even if it is not possible for the parents to remain in a committed partnership, it is important that, when possible, each parent, as well as their extended families, have every opportunity to play an active role in their children's life. A number of recent studies have suggested that children greatly benefit from joint custody or shared parenting arrangements. In my own home State of Hawaii, it is a way of life to have our keiki, or children, raised and nurtured by the extended family, and we have seen how our children flourish when the responsibility of child rearing is shared.

This Nation's children are our most vital resource, and every effort should be made to ensure that they receive the guidance and encouragement they need to thrive. I urge States to pass joint custody laws for fit parents so all children can be raised within the extended embrace of both parents and their families.

SENATE CONCURRENT RESOLUTION 60—EXPRESSING THE SENSE OF CONGRESS RELATING TO NEGOTIATING A FREE TRADE AGREEMENT BETWEEN THE UNITED STATES AND TAIWAN

Mr. BAUCUS (for himself and Mr. KYL) submitted the following concurrent resolution; which was referred to the Committee on Finance:

S. CON. RES. 60

Whereas for more than 50 years a close bilateral relationship has existed between the United States and Taiwan as evidenced by the Taiwan Relations Act;

Whereas on January 1, 2002, Taiwan was admitted to the World Trade Organization, which has resulted in a reduction in duties for foreign goods and an increase in market access for foreign investment;

Whereas a 2002 United States International Trade Commission report found that exports by some sectors of the United States economy would increase significantly if the United States entered into a free trade agreement with Taiwan;

Whereas bilateral trade between Taiwan and the United States was $57,000,000,000 in 2005 and $61,000,000,000 in 2006;

Whereas Taiwan ranks as the 9th largest trading partner of the United States and the 11th largest export market for United States goods;

Whereas Taiwan is the 6th largest market for United States agricultural products, the 3rd largest buyer of United States corn, the 4th largest buyer of United States soybeans, the 5th largest buyer of United States beef, and the 6th largest buyer of United States wheat;

Whereas the United States is an important supplier of electrical machinery and appliances, aircraft, scientific instruments, and chemical products to Taiwan;

Whereas increasing exports to large and commercially significant economies in Asia is a critical part of reducing the United States trade deficit;

Whereas Taiwan, as a democracy and free market economy, shares with the United States principles and values that provide a strong foundation for open, fair, and mutually beneficial trade relations; and

Whereas maintaining and strengthening a robust trade relationship with Taiwan is of economic significance to the United States: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the United States should increase trade opportunities with Taiwan and should launch negotiations for a free trade agreement with Taiwan.

SENATE CONCURRENT RESOLUTION 61—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE, AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. REID (for himself and Mr. MCCONNELL) submitted the following concurrent resolution; which was:

S. CON. RES. 61

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on any day from Tuesday, December 18, 2007, through Monday, December 31, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution; and that when the House adjourns on any legislative day from Tuesday, December 18, 2007, through Saturday, December 22, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution.

SEC. 2. When the Senate recesses or adjourns on Thursday, January 3, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand recessed or adjourned until noon on Tuesday, January 22, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first; and when the House adjourns on the legislative day of Thursday, January 3, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand recessed or adjourned until noon on Tuesday, January 15, 2008, or until the time of any reassembly pursuant to section 3 of this concurrent resolution; whichever occurs first.

SEC. 3. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify Members of the Senate and the House, respectively, to reassemble at such a place and time as they may designate if, in their opinion, the public interest shall warrant it.

SENATE CONCURRENT RESOLUTION 62—TO CORRECT THE ENROLLMENT OF H.R. 660

Mr. LEAHY (for himself, Mr. SPECTER, and Mr. KYL) submitted the following concurrent resolution; which was:

S. CON. RES. 62

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of H.R. 660, an Act to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes, the Clerk of the House of Representatives shall strike section 502 of the Act and insert the following:

"SEC. 502. MAGISTRATE JUDGES LIFE INSURANCE.

"(a) IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after 'hold office during good behavior', the following: 'magistrate judges appointed under section 631 of this title,'.

"(b) CONSTRUCTION.—For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

"(1) Magistrate judges appointed under section 631 of title 28, United States Code.

"(2) Magistrate judges retired under section 377 of title 28, United States Code.

"(c) EFFECTIVE DATE.—Subsection (b) and the amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of this Act.".

AMENDMENTS SUBMITTED AND PROPOSED

SA 3870. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table.

SA 3871. Mr. BURR (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 3872. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 3873. Mr. WARNER (for himself, Ms. MIKULSKI, Mr. GRAHAM, Mr. GREGG, Mr. LEAHY, Mr. SUNUNU, Mr. BARRASSO, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 3874. Mr. MCCONNELL (for himself, Mr. LIEBERMAN, Mr. INOUYE, Mr. STEVENS, Mr. COCHRAN, and Mr. WARNER) proposed an amendment to the bill H.R. 2764, supra.

SA 3875. Mr. FEINGOLD (for himself, Mr. REID, Mr. LEAHY, Mr. DODD, Mrs. BOXER, Mr. KENNEDY, Mr. KERRY, Mr. HARKIN, Mr. WHITEHOUSE, Mr. WYDEN, Mr. DURBIN, Mr. SCHUMER, Mr. OBAMA, Mr. SANDERS, Mr. MENENDEZ, Mr. LAUTENBERG, Mr. BROWN, and Mrs. CLINTON) proposed an amendment to amendment SA 3874 proposed by Mr. MCCONNELL (for himself, Mr. LIEBERMAN, Mr. INOUYE, Mr. STEVENS, Mr. COCHRAN, and Mr. WARNER) to the bill H.R. 2764, supra.

SA 3876. Mr. LEVIN (for himself, Mr. REED, Mr. VOINOVICH, Mr. HAGEL, Ms. SNOWE, Mr. REID, and Mr. SALAZAR) proposed an amendment to amendment SA 3874 proposed by MCCONNELL (for himself, Mr. LIEBERMAN, Mr. INOUYE, Mr. STEVENS, Mr. COCHRAN, and Mr. WARNER) to the bill H.R. 2764, supra.

SA 3877. Mr. REID proposed an amendment to the bill H.R. 2764, supra.

SA 3878. Ms. SNOWE (for herself, Mr. SUNUNU, Mr. DODD, Mr. GREGG, Ms. COLLINS, Mr. LIEBERMAN, Mr. REED, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by her to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 3879. Mr. CARDIN (for himself, Mr. WARNER, Ms. MIKULSKI, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 2764, supra; which was ordered to lie on the table.

SA 3880. Mr. PRYOR (for Mr. BIDEN) proposed an amendment to the resolution S. Res. 279, expressing the sense of the Senate regarding the 125th anniversary of the 1882 Treaty of Peace, Amity, Commerce and Navigation between the Kingdom of Chosun (Korea) and the United States.

SA 3881. Mr. PRYOR (for Mr. NELSON of Florida) proposed an amendment to the concurrent resolution S. Con. Res. 53, condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release.

SA 3882. Mr. PRYOR (for Mr. FEINGOLD) proposed an amendment to the bill S. 2135, to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes.

SA 3883. Mr. PRYOR (for Mr. BIDEN) proposed an amendment to the resolution S. Res. 279, expressing the sense of the Senate regarding the 125th anniversary of the 1882 Treaty of Peace, Amity, Commerce and Navigation between the Kingdom of Chosun (Korea) and the United States.

TEXT OF AMENDMENTS

SA 3870. Mr. ISAKSON (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

In division C, strike section 134.

SA 3871. Mr. BURR (for himself and Mr. GREGG) submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 806, line 16, strike "$666,087,000" and insert "$751,087,000".

On page 806, line 20, strike "$103,921,000" and insert "$188,921,000".

On page 822, between lines 18 and 19, insert the following:

SEC. ____. Notwithstanding any other provision of this Act, amounts appropriated in this Act for the administration and related expenses for the departmental management of the Department of Labor, the Department of Health and Human Services, and the Department of Education shall be reduced by a pro rata percentage required to reduce the total amount appropriated in this Act by $85,000,000.

SA 3872. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

In the mater under the heading "NUCLEAR ENERGY" of title III of division C, strike ": *Provided*, That $233,849,000 is authorized to be appropriated for Project 99–D–143 Mixed Oxide (MOX) Fuel Fabrication Facility, Savannah River Site, South Carolina: *Provided further*, That the Department of Energy adhere strictly to Department of Energy Order 413.3A for Project 99–D–143".

In the mater under the heading "NATIONAL NUCLEAR SECURITY ADMINISTRATION" of title III of division C, before the period at the end, insert the following: ": *Provided further*, That $233,849,000 is authorized to be appropriated for Project 99–D–143 Mixed Oxide (MOX) Fuel Fabrication Facility, Savannah River Site, South Carolina: *Provided further*, That the Department of Energy adhere strictly to Department of Energy Order 413.3A for Project 99–D–143".

SA 3873. Mr. WARNER (for himself and Ms. MIKULSKI, Mr. GRAHAM, Mr. GREGG, Mr. LEAHY, Mr. SUNUNU, Mr. BARRASSO, and Mr. VOINOVICH) submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. SMALL AND SEASONAL BUSINESSES.

(a) SHORT TITLE.—This section may be cited as the "Save our Small and Seasonal Businesses Act of 2007".

(b) IN GENERAL.—Section 214(g)(9)(A) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(9)(A)) is amended, by striking "an alien who has already been counted toward the numerical limitation of paragraph (1)(B) during fiscal year 2004, 2005, or 2006 shall not again be counted toward such limitation during fiscal year 2007." and inserting "an alien who has been present in the United States as an H–2B nonimmigrant during any 1 of the 3 fiscal years immediately preceding the fiscal year of the approved start date of a petition for a nonimmigrant worker described in section 101(a)(15)(H)(ii)(b) shall not be counted toward such limitation for the fiscal year in which the petition is approved.".

(c) EFFECTIVE DATE.—The amendment made by subsection (b) shall be effective during the 1-year period beginning on October 1, 2007.

SA 3874. Mr. MCCONNELL (for himself, Mr. LIEBERMAN, Mr. INOUYE, Mr. STEVENS, Mr. COCHRAN, and Mr. WARNER) proposed an amendment to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; as follows:

Strike Division L and insert the following:

DIVISION L—SUPPLEMENTAL APPROPRIATIONS, DEFENSE

TITLE I—MILITARY PERSONNEL

MILIARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $782,500,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $95,624,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $56,050,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $138,037,000.

TITLE II—OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $35,152,370,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $3,664,000,000: *Provided*, That up to $110,000,000 shall be transferred to the Coast Guard "Operating Expenses" account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $3,965,638,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $4,778,000,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $2,116,950,000, of which up to $300,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: *Provided*, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $77,736,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $41,657,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $46,153,000.

OPERATIONS AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $12,133,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $327,000,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $51,634,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Iraq Freedom Fund", $3,747,327,000, to remain available for transfer until September 30, 2009, only to support operations in Iraq or Afghanistan: *Provided*, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and working capital funds: *Provided further*, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

AFGHANISTAN SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Afghanistan Security Forces Fund", $1,350,000,000, to remain available until September 30, 2009: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Office of Security Cooperation-Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Iraq Security Forces Fund", $1,500,000,000, to remain available until September 30, 2009: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command–Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: *Provided further*, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Joint Improvised Explosive Device Defeat Fund", $4,269,000,000, to remain available until September 30, 2010: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That within 60 days of the enactment of this Act, a plan for the intended management and use of the Fund is provided to the congressional defense committees: *Provided further*, That the Secretary of Defense shall submit a report not later than 30 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of this Fund: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon determination that all or part of the funds so transferred from this appropriation are not necessary for the purpose provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

TITLE III—PROCUREMENT

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $943,600,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $1,429,445,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $154,000,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $2,027,800,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $48,500,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $304,945,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $91,481,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $703,250,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $51,400,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $30,725,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $274,743,000, to remain available for obligation until September 30, 2010.

TITLE IV—REVOLVING AND MANAGEMENT FUNDS

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount of "Defense Working Capital Funds", $1,000,000,000, to remain available for obligation until September 30, 2010.

TITLE V—OTHER DEPARTMENT OF DEFENSE PROGRAMS

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $575,701,000 for Operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $192,601,000.

TITLE VI—GENERAL PROVISIONS

GENERAL PROVISIONS

SEC. 601. Appropriations provided in this division are available for obligation until September 30, 2008, unless otherwise so provided in this division.

SEC. 602. Notwithstanding any other provision of law or of this division, funds made available in this division are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2008.

(TRANSFER OF FUNDS)

SEC. 603. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $4,000,000,000 of the funds made available to the Department of Defense in this division: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense.

SEC. 604. Funds appropriated in this division, or made available by the transfer of funds in or pursuant to this division, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 605. None of the funds provided in this division may be used to finance programs or activities denied by Congress in fiscal years 2007 or 2008 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 606. (a) AVAILABILITY OF FUNDS FOR CERP.—From funds made available in this division to the Department of Defense, not to exceed $500,000,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people, and to fund a similar program to assist the people of Afghanistan.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter (beginning with the first quarter of fiscal year 2008), the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

SEC. 607. During the current fiscal year, funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 608. During fiscal year 2008, supervision and administration costs associated with projects carried out with funds appropriated to "Afghanistan Security Forces Fund" or "Iraq Security Forces Fund" in this division may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 609. (a) REPORTS ON PROGRESS TOWARD STABILITY IN IRAQ.—Not later than 60 days after the date of the enactment of this Act and every 90 days thereafter through the end of fiscal year 2008, the Secretary of Defense shall set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) SCOPE OF REPORTS.—Each report shall include performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) SPECIFIC ELEMENTS.—In specific, each report shall require, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, and trends relating to numbers and types of ethnic and religious-based hostile encounters.

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(i) unemployment levels;

(ii) electricity, water, and oil production rates; and

(iii) hunger and poverty levels.

(F) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraqi battalions that are—

(i) capable of conducting counterinsurgency operations independently;

(ii) capable of conducting counterinsurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counterinsurgency operations.

(D) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(E) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(F) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(i) the number of police recruits that have received classroom training and the duration of such instruction;

(ii) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction; and

(v) attrition rates and measures of absenteeism and infiltration by insurgents.

(G) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(H) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(I) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(J) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2008.

SEC. 610. Each amount appropriated or otherwise made available in this division is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 611. None of the funds appropriated or otherwise made available by this division may be obligated or expended to provide award fees to any defense contractor for performance that does not meet the requirements of the contract.

SEC. 612. No funds appropriated or otherwise made available by this division may be used by the Government of the United States to enter into an agreement with the Government of Iraq that would subject members of the Armed Forces of the United States to the jurisdiction of Iraq criminal courts or punishment under Iraq law.

SEC. 613. Notwithstanding any other provision of law, the Secretary of the Army may reimburse a member for expenses incurred by the member or family member when such expenses are otherwise not reimbursable under law: *Provided*, That such expenses must have been incurred in good faith as a direct consequence of reasonable preparation for, or execution of, military orders: *Provided further*, That reimbursement under this section shall be allowed only in situations wherein other authorities are insufficient to remedy a hardship determined by the Secretary, and only when the Secretary determines that reimbursement of the expense is in the best interest of the member and the United States.

SEC. 614. In this division, the term "congressional defense committees" means—

(1) the Committees on Armed Services and Appropriations of the Senate; and

(2) the Committees on Armed Services and Appropriations of the House of Representatives.

SEC. 615. This division may be cited as the "Emergency Supplemental Appropriations Act for Defense, 2008".

SA 3875. Mr. FEINGOLD (for himself, Mr. Reid, Mr. Leahy, Mr. Dodd, Mrs. Boxer, Mr. Kennedy, Mr. Kerry, Mr. Harkin, Mr. Whitehouse, Mr. Wyden, Mr. Durbin, Mr. Schumer, Mr. Obama, Mr. Sanders, Mr. Menendez, Mr. Lautenberg, Mr. Brown, and Mrs. Clinton) proposed an amendment to amendment SA 3874 proposed by Mr. McConnell (for himself, Mr. Lieberman, Mr. Inouye, Mr. Stevens, Mr. Cochran, and Mr. Warner) to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. SAFE REDEPLOYMENT OF UNITED STATES TROOPS FROM IRAQ.

(a) TRANSITION OF MISSION.—The President shall promptly transition the mission of the United States Armed Forces in Iraq to the limited and temporary purposes set forth in subsection (d).

(b) COMMENCEMENT OF SAFE, PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the safe, phased redeployment of members of the United States Armed Forces from Iraq who are not essential to the limited and temporary purposes set forth in subsection (d). Such redeployment shall begin not later than 90 days after the date of the enactment of this Act, and shall be carried out in a manner that protects the safety and security of United States troops.

(c) USE OF FUNDS.—No funds appropriated or otherwise made available under any provision of law may be obligated or expended to continue the deployment in Iraq of members of the United States Armed Forces after the date that is nine months after the date of the enactment of this Act.

(d) EXCEPT FOR LIMITED AND TEMPORARY PURPOSES.—The prohibition under subsection (c) shall not apply to the obligation or expenditure of funds for the following limited and temporary purposes:

(1) To conduct targeted operations, limited in duration and scope, against members of al Qaeda and affiliated international terrorist organizations.

(2) To provide security for United States Government personnel and infrastructure.

(3) To provide training to members of the Iraqi Security Forces who have not been involved in sectarian violence or in attacks upon the United States Armed Forces, provided that such training does not involve members of the United States Armed Forces taking part in combat operations or being embedded with Iraqi forces.

(4) To provide training, equipment, or other materiel to members of the United States Armed Forces to ensure, maintain, or improve their safety and security.

SA 3876. Mr. LEVIN (for himself, Mr. Reed, Mr. Voinovich, Mr. Hagel, Ms. Snowe, Mr. Reid, and Mr. Salazar, proposed an amendment to amendment SA 3874 proposed by Mr. McConnell (for himself, Mr. Lieberman, Mr. Inouye, Mr. Stevens, Mr. Cochran, and Mr. Warner) to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC.____. It is the sense of Congress that the missions of the United States Armed Forces in Iraq should be transitioned to the more limited set of missions laid out by the President in his September 13, 2007, address to the Nation, that is, to counterterrorism operations and training, equipping, and supporting Iraqi forces, in addition to the necessary mission of force protection, with the goal of completing that transition by the end of 2008.

SA 3877. Mr. REID proposed an amendment to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the end of the amendment add the following:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "AMT Relief Act of 2007".

(b) Reference.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—INDIVIDUAL TAX RELIEF

Sec. 101. Extension of alternative minimum tax relief for nonrefundable personal credits.
Sec. 102. Extension of increased alternative minimum tax exemption amount.
Sec. 103. Increase of AMT refundable credit amount for individuals with long-term unused credits for prior year minimum tax liability, etc.
Sec. 104. Refundable child credit.

TITLE II—REVENUE PROVISIONS

Subtitle A—Nonqualified Deferred Compensation From Certain Tax Indifferent Parties

Sec. 201. Nonqualified deferred compensation from certain tax indifferent parties.

Subtitle B—Codification of Economic Substance Doctrine

Sec. 211. Codification of economic substance doctrine.
Sec. 212. Penalties for underpayments.

Subtitle C—Other Provisions

Sec. 221. Delay in application of worldwide allocation of interest.
Sec. 222. Modification of penalty for failure to file partnership returns.
Sec. 223. Penalty for failure to file S corporation returns.
Sec. 224. Increase in minimum penalty on failure to file a return of tax.
Sec. 225. Time for payment of corporate estimated taxes.

TITLE I—INDIVIDUAL TAX RELIEF

SEC. 101. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) In General.—Paragraph (2) of section 26(a) (relating to special rule for taxable years 2000 through 2006) is amended—

(1) by striking "or 2006" and inserting "2006, or 2007", and

(2) by striking "2006" in the heading thereof and inserting "2007".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 102. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) In General.—Paragraph (1) of section 55(d) (relating to exemption amount) is amended—

(1) by striking "($62,550 in the case of taxable years beginning in 2006)" in subparagraph (A) and inserting "($66,250 in the case of taxable years beginning in 2007)", and

(2) by striking "($42,500 in the case of taxable years beginning in 2006)" in subparagraph (B) and inserting "($44,350 in the case of taxable years beginning in 2007)".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 103. INCREASE OF AMT REFUNDABLE CREDIT AMOUNT FOR INDIVIDUALS WITH LONG-TERM UNUSED CREDITS FOR PRIOR YEAR MINIMUM TAX LIABILITY, ETC.

(a) In General.—Paragraph (2) of section 53(e) is amended to read as follows:

"(2) AMT refundable credit amount.—For purposes of paragraph (1), the term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

"(A) 50 percent of the long-term unused minimum tax credit for such taxable year, or

"(B) the amount (if any) of the AMT refundable credit amount determined under this paragraph for the taxpayer's preceding taxable year.".

(b) Treatment of Certain Underpayments, Interest, and Penalties Attributable to the Treatment of Incentive Stock Options.—Section 53 is amended by adding at the end the following new subsection:

"(f) Treatment of Certain Underpayments, Interest, and Penalties Attributable to the Treatment of Incentive Stock Options.—

"(1) Abatement.—Any underpayment of tax outstanding on the date of the enactment of this subsection which is attributable to the application of section 56(b)(3) for any taxable year ending before January 1, 2007 (and any interest or penalty with respect to such underpayment which is outstanding on such date of enactment), is hereby abated. No credit shall be allowed under this section with respect to any amount abated under this paragraph.

"(2) Increase in credit for certain interest and penalties already paid.—Any interest or penalty paid before the date of the enactment of this subsection which would (but for such payment) have been abated under paragraph (1) shall be treated for purposes of this section as an amount of adjusted net minimum tax imposed for the taxable year of the underpayment to which such interest or penalty relates.".

(c) Effective Date.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2006.

(2) Abatement.—Section 53(f)(1) of the Internal Revenue Code of 1986, as added by subsection (b), shall take effect on the date of the enactment of this Act.

SEC. 104. REFUNDABLE CHILD CREDIT.

(a) Modification of Threshold Amount.—Clause (i) of section 24(d)(1)(B) is amended by inserting "($8,500 in the case of taxable years beginning in 2008)" after "$10,000".

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

TITLE II—REVENUE PROVISIONS

Subtitle A—Nonqualified Deferred Compensation From Certain Tax Indifferent Parties

SEC. 201. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

(a) In General.—Subpart B of part II of subchapter E of chapter 1 (relating to taxable year for which items of gross income included) is amended by inserting after section 457 the following new section:

"SEC. 457A. NONQUALIFIED DEFERRED COMPENSATION FROM CERTAIN TAX INDIFFERENT PARTIES.

"(a) In General.—Any compensation which is deferred under a nonqualified deferred compensation plan of a nonqualified entity shall be taken into account for purposes of this chapter when there is no substantial risk of forfeiture of the rights to such compensation.

"(b) Nonqualified Entity.—For purposes of this section, the term 'nonqualified entity' means—

"(1) any foreign corporation unless substantially all of its income is—

"(A) effectively connected with the conduct of a trade or business in the United States, or

"(B) subject to a comprehensive foreign income tax, and

"(2) any partnership unless substantially all of its income is allocated to persons other than—

"(A) foreign persons with respect to whom such income is not subject to a comprehensive foreign income tax, and

"(B) organizations which are exempt from tax under this title.

"(c) Ascertainability of Amounts of Compensation.—

"(1) In general.—If the amount of any compensation is not ascertainable at the time that such compensation is otherwise to be taken into account under subsection (a)—

"(A) such amount shall be so taken into account when ascertainable, and

"(B) the tax imposed under this chapter for the taxable year in which such compensation is taken into account under subparagraph (A) shall be increased by the sum of—

"(i) the amount of interest determined under paragraph (2), and

"(ii) an amount equal to 20 percent of the amount of such compensation.

"(2) Interest.—For purposes of paragraph (1)(B)(i), the interest determined under this paragraph for any taxable year is the amount of interest at the underpayment rate under section 6621 plus 1 percentage point on the underpayments that would have occurred had the deferred compensation been includible in gross income for the taxable year in which first deferred or, if later, the first taxable year in which such deferred compensation is not subject to a substantial risk of forfeiture.

"(d) Other Definitions and Special Rules.—For purposes of this section—

"(1) Substantial risk of forfeiture.—

"(A) In general.—The rights of a person to compensation shall be treated as subject to a substantial risk of forfeiture only if such person's rights to such compensation are conditioned upon the future performance of substantial services by any individual.

"(B) Exception for compensation based on gain recognized on an investment asset.—

"(i) In general.—To the extent provided in regulations prescribed by the Secretary, if compensation is determined solely by reference to the amount of gain recognized on the disposition of an investment asset, such compensation shall be treated as subject to a substantial risk of forfeiture until the date of such disposition.

"(ii) Investment asset.—For purposes of clause (i), the term 'investment asset' means any single asset (other than an investment fund or similar entity)—

"(I) acquired directly by an investment fund or similar entity,

"(II) with respect to which such entity does not (nor does any person related to such entity) participate in the active management of such asset (or if such asset is an interest in an entity, in the active management of the activities of such entity), and

"(III) substantially all of any gain on the disposition of which (other than such deferred compensation) is allocated to investors in such entity.

"(iii) Coordination with special rule for short-term deferrals of compensation.—

Paragraph (3)(B) shall not apply to any compensation to which clause (i) applies.

"(2) COMPREHENSIVE FOREIGN INCOME TAX.—The term 'comprehensive foreign income tax' means, with respect to any foreign person, the income tax of a foreign country if—

"(A) such person is eligible for the benefits of a comprehensive income tax treaty between such foreign country and the United States, or

"(B) such person demonstrates to the satisfaction of the Secretary that such foreign country has a comprehensive income tax.

Such term shall not include any tax unless such tax includes rules for the deductibility of deferred compensation which are similar to the rules of this title.

"(3) NONQUALIFIED DEFERRED COMPENSATION PLAN.—

"(A) IN GENERAL.—The term 'nonqualified deferred compensation plan' has the meaning given such term under section 409A(d), except that such term shall include any plan that provides a right to compensation based on the appreciation in value of a specified number of equity units of the service recipient.

"(B) EXCEPTION FOR SHORT-TERM DEFERRALS.—Compensation shall not be treated as deferred for purposes of this section if the service provider receives payment of such compensation not later than 12 months after the end of the taxable year of the service recipient during which the right to the payment of such compensation is no longer subject to a substantial risk of forfeiture.

"(4) EXCEPTION FOR CERTAIN COMPENSATION WITH RESPECT TO EFFECTIVELY CONNECTED INCOME.—In the case a foreign corporation with income which is taxable under section 882, this section shall not apply to compensation which, had such compensation had been paid in cash on the date that such compensation ceased to be subject to a substantial risk of forfeiture, would have been deductible by such foreign corporation against such income.

"(5) APPLICATION OF RULES.—Rules similar to the rules of paragraphs (5) and (6) of section 409A(d) shall apply.

"(e) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations disregarding a substantial risk of forfeiture in cases where necessary to carry out the purposes of this section.".

(b) CONFORMING AMENDMENT.—Section 26(b)(2) is amended by striking "and" at the end of subparagraph (S), by striking the period at the end of subparagraph (T) and inserting ", and", and by adding at the end the following new subparagraph:

"(U) section 457A(c)(1)(B) (relating to ascertainability of amounts of compensation).".

(c) CLERICAL AMENDMENT.—The table of sections of subpart B of part II of subchapter E of chapter 1 is amended by inserting after the item relating to section 457 the following new item:

"Sec. 457A. Nonqualified deferred compensation from certain tax indifferent parties.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to amounts deferred which are attributable to services performed after December 31, 2007.

(2) APPLICATION TO EXISTING DEFERRALS.—In the case of any amount deferred to which the amendments made by this section do not apply solely by reason of the fact that the amount is attributable to services performed before January 1, 2008, to the extent such amount is not includible in gross income in a taxable year beginning before 2017, such amounts shall be includible in gross income in the later of—

(A) the last taxable year beginning before 2017, or

(B) the taxable year in which there is no substantial risk of forfeiture of the rights to such compensation (determined in the same manner as determined for purposes of section 457A of the Internal Revenue Code of 1986, as added by this section).

(3) ACCELERATED PAYMENTS.—No later than 60 days after the date of the enactment of this Act, the Secretary shall issue guidance providing a limited period of time during which a nonqualified deferred compensation arrangement attributable to services performed on or before December 31, 2007, may, without violating the requirements of section 409A(a) of the Internal Revenue Code of 1986, be amended to conform the date of distribution to the date the amounts are required to be included in income.

(4) CERTAIN BACK-TC-BACK ARRANGEMENTS.—If the taxpayer is also a service recipient and maintains one or more nonqualified deferred compensation arrangements for its service providers under which any amount is attributable to services performed on or before December 31, 2007, the guidance issued under paragraph (3) shall permit such arrangements to be amended to conform the dates of distribution under such arrangement to the date amounts are required to be included in the income of such taxpayer under this subsection.

(5) ACCELERATED PAYMENT NOT TREATED AS MATERIAL MODIFICATION.—Any amendment to a nonqualified deferred compensation arrangement made pursuant to paragraph (3) or (4) shall not be treated as a material modification of the arrangement for purposes of section 409A of the Internal Revenue Code of 1986.

Subtitle B—Codification of Economic Substance Doctrine

SEC. 211. CODIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.—

"(1) APPLICATION OF DOCTRINE.—In the case of any transaction to which the economic substance doctrine is relevant, such transaction shall be treated as having economic substance only if—

"(A) the transaction changes in a meaningful way (apart from Federal income tax effects) the taxpayer's economic position, and

"(B) the taxpayer has a substantial purpose (apart from Federal income tax effects) for entering into such transaction.

"(2) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—

"(A) IN GENERAL.—The potential for profit of a transaction shall be taken into account in determining whether the requirements of subparagraphs (A) and (B) of paragraph (1) are met with respect to the transaction only if the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected.

"(B) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (A).

"(3) STATE AND LOCAL TAX BENEFITS.—For purposes of paragraph (1), any State or local income tax effect which is related to a Federal income tax effect shall be treated in the same manner as a Federal income tax effect.

"(4) FINANCIAL ACCOUNTING BENEFITS.—For purposes of paragraph (1)(B), achieving a financial accounting benefit shall not be taken into account as a purpose for entering into a transaction if such transaction results in a Federal income tax benefit.

"(5) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

"(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

"(B) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, paragraph (1) shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

"(C) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

"(D) DETERMINATION OF APPLICATION OF DOCTRINE NOT AFFECTED.—The determination of whether the economic substance doctrine is relevant to a transaction shall be made in the same manner as if this subsection had never been enacted.

"(6) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 212. PENALTIES FOR UNDERPAYMENTS.

(a) PENALTY FOR UNDERPAYMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE.—

(1) IN GENERAL.—Subsection (b) of section 6662 is amended by inserting after paragraph (5) the following new paragraph:

"(6) Any disallowance of claimed tax benefits by reason of a transaction lacking economic substance (within the meaning of section 7701(p)) or failing to meet the requirements of any similar rule of law.".

(2) INCREASED PENALTY FOR NONDISCLOSED TRANSACTIONS.—Section 6662 is amended by adding at the end the following new subsection:

"(i) INCREASE IN PENALTY IN CASE OF NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.—

"(1) IN GENERAL.—To the extent that a portion of the underpayment to which this section applies is attributable to one or more nondisclosed noneconomic substance transactions, subsection (a) shall be applied with respect to such portion by substituting '40 percent' for '20 percent'.

"(2) NONDISCLOSED NONECONOMIC SUBSTANCE TRANSACTIONS.—For purposes of this subsection, the term 'nondisclosed noneconomic substance transaction' means any portion of a transaction described in subsection (b)(6) with respect to which the relevant facts affecting the tax treatment are not adequately disclosed in the return nor in a statement attached to the return.

"(3) SPECIAL RULE FOR AMENDED RETURNS.—Except as provided in regulations, in no event shall any amendment or supplement to a return of tax be taken into account for purposes of this subsection if the amendment or supplement is filed after the earlier of the date the taxpayer is first contacted by the Secretary regarding the examination of the return or such other date as is specified by the Secretary.".

(3) CONFORMING AMENDMENT.—Subparagraph (B) of section 6662A(e)(2) is amended—

(A) by striking "section 6662(h)" and inserting "subsection (h) or (i) of section 6662", and

(B) by striking "GROSS VALUATION MISSTATEMENT PENALTY" in the heading and inserting "CERTAIN INCREASED UNDERPAYMENT PENALTIES".

(b) REASONABLE CAUSE EXCEPTION NOT APPLICABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS, TAX SHELTERS, AND CERTAIN LARGE CORPORATIONS.—Subsection (c) of section 6664 is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively,

(2) by striking "paragraph (2)" in paragraph (4), as so redesignated, and inserting "paragraph (3)", and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) EXCEPTION FOR NONECONOMIC SUBSTANCE TRANSACTIONS, TAX SHELTERS, AND CERTAIN LARGE CORPORATIONS.—Paragraph (1) shall not apply—

"(A) to any portion of an underpayment which is attributable to one or more tax shelters (as defined in section 6662(d)(2)(C)) or transactions described in section 6662(b)(6), and

"(B) to any taxpayer if such taxpayer is a specified large corporation (as defined in section 6662(d)(2)(D)(ii)).".

(c) APPLICATION OF PENALTY FOR ERRONEOUS CLAIM FOR REFUND OR CREDIT TO NONECONOMIC SUBSTANCE TRANSACTIONS.—Section 6676 is amended by redesignating subsection (c) as subsection (d) and inserting after subsection (b) the following new subsection:

"(c) NONECONOMIC SUBSTANCE TRANSACTIONS TREATED AS LACKING REASONABLE BASIS.—For purposes of this section, any excessive amount which is attributable to any transaction described in section 6662(b)(6) shall not be treated as having a reasonable basis.".

(d) SPECIAL UNDERSTATEMENT REDUCTION RULE FOR CERTAIN LARGE CORPORATIONS.—

(1) IN GENERAL.—Paragraph (2) of section 6662(d) is amended by adding at the end the following new subparagraph:

"(D) SPECIAL REDUCTION RULE FOR CERTAIN LARGE CORPORATIONS.—

"(i) IN GENERAL.—In the case of any specified large corporation—

"(I) subparagraph (B) shall not apply, and

"(II) the amount of the understatement under subparagraph (A) shall be reduced by that portion of the understatement which is attributable to any item with respect to which the taxpayer has a reasonable belief that the tax treatment of such item by the taxpayer is more likely than not the proper tax treatment of such item.

"(ii) SPECIFIED LARGE CORPORATION.—

"(I) IN GENERAL.—For purposes of this subparagraph, the term 'specified large corporation' means any corporation with gross receipts in excess of $100,000,000 for the taxable year involved.

"(II) AGGREGATION RULE.—All persons treated as a single employer under section 52(a) shall be treated as one person for purposes of subclause (I).".

(2) CONFORMING AMENDMENT.—Subparagraph (C) of section 6662(d)(2) is amended by striking "Subparagraph (B)" and inserting "Subparagraphs (B) and (D)(i)(II)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

Subtitle C—Other Provisions

SEC. 221. DELAY IN APPLICATION OF WORLDWIDE ALLOCATION OF INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) are each amended by striking "December 31, 2008" and inserting "December 31, 2017".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 222. MODIFICATION OF PENALTY FOR FAILURE TO FILE PARTNERSHIP RETURNS.

(a) EXTENSION OF TIME LIMITATION.—Subsection (a) of section 6698 (relating to general rule) is amended by striking "5 months" and inserting "12 months".

(b) INCREASE IN PENALTY AMOUNT.—Paragraph (1) of section 6698(b) is amended by striking "$50" and inserting "$100".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed after the date of the enactment of this Act.

SEC. 223. PENALTY FOR FAILURE TO FILE S CORPORATION RETURNS.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by adding at the end the following new section:

"SEC. 6699A. FAILURE TO FILE S CORPORATION RETURN.

"(a) GENERAL RULE.—In addition to the penalty imposed by section 7203 (relating to willful failure to file return, supply information, or pay tax), if any S corporation required to file a return under section 6037 for any taxable year—

"(1) fails to file such return at the time prescribed therefor (determined with regard to any extension of time for filing), or

"(2) files a return which fails to show the information required under section 6037,

such S corporation shall be liable for a penalty determined under subsection (b) for each month (or fraction thereof) during which such failure continues (but not to exceed 12 months), unless it is shown that such failure is due to reasonable cause.

"(b) AMOUNT PER MONTH.—For purposes of subsection (a), the amount determined under this subsection for any month is the product of—

"(1) $100, multiplied by

"(2) the number of persons who were shareholders in the S corporation during any part of the taxable year.

"(c) ASSESSMENT OF PENALTY.—The penalty imposed by subsection (a) shall be assessed against the S corporation.

"(d) DEFICIENCY PROCEDURES NOT TO APPLY.—Subchapter B of chapter 63 (relating to deficiency procedures for income, estate, gift, and certain excise taxes) shall not apply in respect of the assessment or collection of any penalty imposed by subsection (a).".

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by adding at the end the following new item:

"Sec. 6699A. Failure to file S corporation return.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed after the date of the enactment of this Act.

SEC. 224. INCREASE IN MINIMUM PENALTY ON FAILURE TO FILE A RETURN OF TAX.

(a) IN GENERAL.—Subsection (a) of section 6651 is amended by striking "$100" in the last sentence and inserting "$150".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns the due date for the filing of which (including extensions) is after December 31, 2007.

SEC. 225. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

The percentage under subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 in effect on the date of the enactment of this Act is increased by 52.5 percentage points.

SA 3878. Ms. SNOWE (for herself, Mr. SUNUNU, Mr. DODD, Mr. GREGG, Ms. COLLINS, Mr. LIEBERMAN, Mr. REED, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed by her to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, beginning in line 23, strike "fishery." and insert "fishery: *Provided further*, That, of the funds provided, not less than $15,000,000 in the aggregate is provided to Connecticut, Maine, New Hampshire, and Rhode Island for the alleviation of economic impacts associated with Amendment 13 and subsequent Framework adjustments, including Framework 42.".

SA 3879. Mr. CARDIN (for himself, Mr. WARNER, Ms. MIKULSKI, and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. NATIONAL CAPITAL TRANSPORTATION AMENDMENTS ACT OF 2007.

(a) SHORT TITLE; FINDINGS.—

(1) SHORT TITLE.—This section may be cited as the "National Capital Transportation Amendments Act of 2007".

(2) FINDINGS.—Congress finds as follows:

(A) Metro, the public transit system of the Washington metropolitan area, is essential for the continued and effective performance of the functions of the Federal Government, and for the orderly movement of people during major events and times of regional or national emergency.

(B) On 3 occasions, Congress has authorized appropriations for the construction and capital improvement needs of the Metrorail system.

(C) Additional funding is required to protect these previous Federal investments and ensure the continued functionality and viability of the original 103-mile Metrorail system.

(b) FEDERAL CONTRIBUTION FOR CAPITAL PROJECTS FOR WASHINGTON METROPOLITAN AREA TRANSIT SYSTEM.—The National Capital Transportation Act of 1969 (sec. 9–1111.01 et seq., D.C. Official Code) is amended by adding at the end the following:

"AUTHORIZATION OF ADDITIONAL FEDERAL CONTRIBUTION FOR CAPITAL AND PREVENTIVE MAINTENANCE PROJECTS

"SEC. 18. (a) AUTHORIZATION.—Subject to the succeeding provisions of this section, the Secretary of Transportation is authorized to make grants to the Transit Authority, in addition to the contributions authorized under sections 3, 14, and 17, for the purpose of financing in part the capital and preventive maintenance projects included in the Capital Improvement Program approved by the Board of Directors of the Transit Authority.

"(b) USE OF FUNDS.—The Federal grants made pursuant to the authorization under this section shall be subject to the following limitations and conditions:

"(1) The work for which such Federal grants are authorized shall be subject to the provisions of the Compact (consistent with the amendments to the Compact described in subsection (d)).

"(2) Each such Federal grant shall be for 50 percent of the net project cost of the project involved, and shall be provided in cash from sources other than Federal funds or revenues from the operation of public mass transportation systems. Consistent with the terms of the amendment to the Compact described in subsection (d)(1), any funds so provided shall be solely from undistributed cash surpluses, replacement or depreciation funds or reserves available in cash, or new capital.

"(c) APPLICABILITY OF REQUIREMENTS FOR MASS TRANSPORTATION CAPITAL PROJECTS RECEIVING FUNDS UNDER FEDERAL TRANSPORTATION LAW.—Except as specifically provided in this section, the use of any amounts appropriated pursuant to the authorization under this section shall be subject to the requirements applicable to capital projects for which funds are provided under chapter 53 of title 49, United States Code, except to the extent that the Secretary of Transportation determines that the requirements are inconsistent with the purposes of this section.

"(d) AMENDMENTS TO COMPACT.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section until the Transit Authority notifies the Secretary of Transportation that each of the following amendments to the Compact (and any further amendments which may be required to implement such amendments) have taken effect:

"(1)(A) An amendment requiring that all payments by the local signatory governments for the Transit Authority for the purpose of matching any Federal funds appropriated in any given year authorized under subsection (a) for the cost of operating and maintaining the adopted regional system are made from amounts derived from dedicated funding sources.

"(B) For purposes of this paragraph, the term 'dedicated funding source' means any source of funding which is earmarked or required under State or local law to be used to match Federal appropriations authorized under this Act for payments to the Transit Authority.

"(2) An amendment establishing the Office of the Inspector General of the Transit Authority in accordance with section 3 of the National Capital Transportation Amendments Act of 2007.

"(3) An amendment expanding the Board of Directors of the Transit Authority to include 4 additional Directors appointed by the Administrator of General Services, of whom 2 shall be nonvoting and 2 shall be voting, and requiring one of the voting members so appointed to be a regular passenger and customer of the bus or rail service of the Transit Authority.

"(e) AMOUNT.—There are authorized to be appropriated to the Secretary of Transportation for grants under this section an aggregate amount not to exceed $1,500,000,000 to be available in increments over 10 fiscal years beginning in fiscal year 2009, or until expended.

"(f) AVAILABILITY.—Amounts appropriated pursuant to the authorization under this section—

"(1) shall remain available until expended; and

"(2) shall be in addition to, and not in lieu of, amounts available to the Transit Authority under chapter 53 of title 49, United States Code, or any other provision of law.

"(g) ACCESS TO WIRELESS SERVICES IN METRORAIL SYSTEM.—

"(1) REQUIRING TRANSIT AUTHORITY TO PROVIDE ACCESS TO SERVICE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that customers of the rail service of the Transit Authority have access within the rail system to services provided by any licensed wireless provider that notifies the Transit Authority (in accordance with such procedures as the Transit Authority may adopt) of its intent to offer service to the public, in accordance with the following timetable:

"(A) Not later than 1 year after the date of the enactment of the National Capital Transportation Amendments Act of 2007, in the 20 underground rail station platforms with the highest volume of passenger traffic.

"(B) Not later than 4 years after such date, throughout the rail system.

"(2) ACCESS OF WIRELESS PROVIDERS TO SYSTEM FOR UPGRADES AND MAINTENANCE.—No amounts may be provided to the Transit Authority pursuant to the authorization under this section unless the Transit Authority ensures that each licensed wireless provider who provides service to the public within the rail system pursuant to paragraph (1) has access to the system on an ongoing basis (subject to such restrictions as the Transit Authority may impose to ensure that such access will not unduly impact rail operations or threaten the safety of customers or employees of the rail system) to carry out emergency repairs, routine maintenance, and upgrades to the service.

"(3) PERMITTING REASONABLE AND CUSTOMARY CHARGES.—Nothing in this subsection may be construed to prohibit the Transit Authority from requiring a licensed wireless provider to pay reasonable and customary charges for access granted under this subsection.

"(4) REPORTS.—Not later than 1 year after the date of the enactment of the National Capital Transportation Amendments Act of 2007, and each of the 3 years thereafter, the Transit Authority shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the implementation of this subsection.

"(5) DEFINITION.—In this subsection, the term 'licensed wireless provider' means any provider of wireless services who is operating pursuant to a Federal license to offer such services to the public for profit.".

(c) WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY INSPECTOR GENERAL.—

(1) ESTABLISHMENT OF OFFICE.—

(A) IN GENERAL.—The Washington Metropolitan Area Transit Authority (referred to in this subsection as the "Transit Authority") shall establish in the Transit Authority the Office of the Inspector General (referred to in this subsection as the "Office"), headed by the Inspector General of the Transit Authority (referred to in this subsection as the "Inspector General").

(B) DEFINITION.—In subparagraph (A), the "Washington Metropolitan Area Transit Authority" means the Authority established under Article III of the Washington Metropolitan Area Transit Authority Compact (Public Law 89-774).

(2) INSPECTOR GENERAL.—

(A) APPOINTMENT.—The Inspector General shall be appointed by the vote of a majority of the Board of Directors of the Transit Authority, and shall be appointed without regard to political affiliation and solely on the basis of integrity and demonstrated ability in accounting, auditing, financial analysis, law, management analysis, public administration, or investigations, as well as familiarity or experience with the operation of transit systems.

(B) TERM OF SERVICE.—The Inspector General shall serve for a term of 5 years, and an individual serving as Inspector General may be reappointed for not more than 2 additional terms.

(C) REMOVAL.—The Inspector General may be removed from office prior to the expiration of his term only by the unanimous vote of all of the members of the Board of Directors of the Transit Authority, and the Board shall communicate the reasons for any such removal to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(3) DUTIES.—

(A) APPLICABILITY OF DUTIES OF INSPECTOR GENERAL OF EXECUTIVE BRANCH ESTABLISHMENT.—The Inspector General shall carry out the same duties and responsibilities with respect to the Transit Authority as an Inspector General of an establishment carries out with respect to an establishment under section 4 of the Inspector General Act of 1978 (5 U.S.C. App. 4), under the same terms and conditions which apply under such section.

(B) CONDUCTING ANNUAL AUDIT OF FINANCIAL STATEMENTS.—The Inspector General shall be responsible for conducting the annual audit of the financial accounts of the Transit Authority, either directly or by contract with an independent external auditor selected by the Inspector General.

(C) REPORTS.—

(i) SEMIANNUAL REPORTS TO TRANSIT AUTHORITY.—The Inspector General shall prepare and submit semiannual reports summarizing the activities of the Office in the same manner, and in accordance with the same deadlines, terms, and conditions, as an Inspector General of an establishment under section 5 of the Inspector General Act of 1978 (5 U.S.C. App. 5). For purposes of applying section 5 of such Act to the Inspector General, the Board of Directors of the Transit Authority shall be considered the head of the establishment, except that the Inspector General shall transmit to the General Manager of the Transit Authority a copy of any report submitted to the Board pursuant to this paragraph.

(ii) ANNUAL REPORTS TO LOCAL SIGNATORY GOVERNMENTS AND CONGRESS.—Not later than January 15 of each year, the Inspector General shall prepare and submit a report summarizing the activities of the Office during the previous year, and shall submit such reports to the Governor of Maryland, the Governor of Virginia, the Mayor of the District of Columbia, the chair of the Committee on Government Reform of the House of Representatives, and the chair of the Committee on Homeland Security and Governmental Affairs of the Senate.

(D) INVESTIGATIONS OF COMPLAINTS OF EMPLOYEES AND MEMBERS.—

(i) AUTHORITY.—The Inspector General may receive and investigate complaints or information from an employee or member of the Transit Authority concerning the possible existence of an activity constituting a violation of law, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety.

(ii) NONDISCLOSURE.—The Inspector General shall not, after receipt of a complaint or information from an employee or member, disclose the identity of the employee or member without the consent of the employee or member, unless the Inspector General determines such disclosure is unavoidable during the course of the investigation.

(iii) PROHIBITING RETALIATION.—An employee or member of the Transit Authority who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or threaten to take any action against any employee or member as a reprisal for making a complaint or disclosing information to the Inspector General, unless the complaint was made or the information disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

(E) INDEPENDENCE IN CARRYING OUT DUTIES.—Neither the Board of Directors of the Transit Authority, the General Manager of the Transit Authority, nor any other member or employee of the Transit Authority may prevent or prohibit the Inspector General from carrying out any of the duties or responsibilities assigned to the Inspector General under this subsection.

(4) POWERS.—

(A) IN GENERAL.—The Inspector General may exercise the same authorities with respect to the Transit Authority as an Inspector General of an establishment may exercise with respect to an establishment under section 6(a) of the Inspector General Act of 1978 (5 U.S.C. App. 6(a)), other than paragraphs (7), (8), and (9) of such section.

(B) STAFF.—

(i) ASSISTANT INSPECTOR GENERALS AND OTHER STAFF.—The Inspector General shall appoint and fix the pay of—

(I) an Assistant Inspector General for Audits, who shall be responsible for coordinating the activities of the Inspector General relating to audits;

(II) an Assistant Inspector General for Investigations, who shall be responsible for coordinating the activities of the Inspector General relating to investigations; and

(III) such other personnel as the Inspector General considers appropriate.

(ii) INDEPENDENCE IN APPOINTING STAFF.—No individual may carry out any of the duties or responsibilities of the Office unless the individual is appointed by the Inspector General, or provides services procured by the Inspector General, pursuant to this subparagraph. Nothing in this clause may be construed to prohibit the Inspector General from entering into a contract or other arrangement for the provision of services under this subsection.

(iii) APPLICABILITY OF TRANSIT SYSTEM PERSONNEL RULES.—None of the regulations governing the appointment and pay of employees of the Transit System shall apply with respect to the appointment and compensation of the personnel of the Office, except to the extent agreed to by the Inspector General. Nothing in the previous sentence may be construed to affect clauses (i) and (ii).

(C) EQUIPMENT AND SUPPLIES.—The General Manager of the Transit Authority shall provide the Office with appropriate and adequate office space, together with such equipment, supplies, and communications facilities and services as may be necessary for the operation of the Office, and shall provide necessary maintenance services for such office space and the equipment and facilities located therein.

(5) TRANSFER OF FUNCTIONS.—To the extent that any office or entity in the Transit Authority prior to the appointment of the first Inspector General under this subsection carried out any of the duties and responsibilities assigned to the Inspector General under this subsection, the functions of such office or entity shall be transferred to the Office upon the appointment of the first Inspector General under this subsection.

(d) STUDY AND REPORT BY COMPTROLLER GENERAL.—

(1) STUDY.—The Comptroller General shall conduct a study on the use of the funds provided under section 18 of the National Capital Transportation Act of 1969 (as added by this section).

(2) REPORT.—Not later than 3 years after the date of the enactment of this Act, the Comptroller General shall submit a report to the Committee on Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate on the study conducted under paragraph (1).

SA 3880. Mr. PRYOR (for Mr. BIDEN) proposed an amendment to the resolution S. Res. 279, expressing the sense of the Senate regarding the 125th anniversary of the 1882 Treaty of Peace, Amity, Commerce and Navigation between the Kingdom and Chosun (Korea) and the United States; as follows:

On page 4, strike lines 4 through 10 and insert the following:

"(2) the economic relationship, highlighting the vibrancy and diversity of the common interests of the United States and the Republic of Korea, should be broadened and deepened;".

On page 5, lines 4 and 5, strike "and support for peacekeeping" and insert ", support for peacekeeping, and protection of the environment".

SA 3881. Mr. PRYOR (for Mr. NELSON of Florida) proposed an amendment to the concurrent resolution S. Con. Res. 53, condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release; as follows:

Strike "on July 25, 2003" and all that follows in the eighth whereas clause of the preamble and insert "in a videotape seized by the Government of Colombia and aired on November 30, 2007;".

SA 3882. Mr. PRYOR (for Mr. FEINGOLD) proposed an amendment to the bill S. 2135, to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes; as follows:

On page 4, line 7, insert after "state-sponsored" the following: ", excluding any group assembled solely for non-violent political association".

SA 3883. Mr. PRYOR (for Mr. BIDEN) proposed an amendment to the resolution S. Res. 279, expressing the sense of the Senate regarding the 125th anniversary of the 1882 Treaty of Peace, Amity, Commerce and Navigation between the Kingdom and Chosun (Korea) and the United States; as follows:

On page 3, strike "Whereas the Free Trade Agreement" and all that follows through "both countries;".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on December 18, 2007, at 10 a.m. in open session to consider the following nominations: Mary Beth Long to be Assistant Secretary of Defense for International Security Affairs; James Shinn to be Assistant Secretary of Defense for Asian and Pacific Security Affairs; Craig W. Duehring to be Assistant Secretary of the Air Force for Manpower and Reserve Affairs; and John H. Gibson to be Assistant Secretary of the Air Force for Financial Management.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Tuesday, December 18, 2007, at 11 a.m., in room 253 of the Russell Senate Office Building, for the purpose of conducting a hearing.

The Committee will be hearing from the following nominees: Francis Mulvey, Reappointment to be a Member of the Surface Transportation Board (PN 1084); Denver Stutler, Jr., to be a Member of the National Railroad Passenger Corporation Board of Directors (Amtrak) (PN 1047); Nancy A. Naples, to be a Member of the National Railroad Passenger Corporation Board of Directors (Amtrak) (PN 1046); Thomas C. Carper, to be a Member of the National Railroad Passenger Corporation Board of Directors (Amtrak) (PN 1045); and Carl T. Johnson, to be Administrator of the Pipeline and Hazardous Materials Safety Administration, Department of Transportation (PN 1011).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, Transportation be authorized to meet during the session of the Senate on Tuesday, December 18, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building, for the purpose of conducting a hearing.

In light of the recent spill in San Francisco Bay, this hearing will examine the oil spill threats, risks, and vulnerabilities posed by large nontank vessels. Topics will include the prevalence and environmental impact of nontank vessel spills, the adequacy and enforcement of vessel response plans, the status of Coast Guard rulemakings, the adequacy of nontank liability limits, and the allocation of Coast Guard and other Federal resources toward oil spill prevention, preparedness, and oil spill research and development in a post-9/11 world.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, December 18, 2008, at 10:30 a.m., In room SD366 of the Dirksen Senate Office Building. At this hearing, the Committee will hear testimony regarding the nomination of Jon Wellinghoff, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2013. (Reappointment).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Tuesday, December 18, 2007, in room S-216 of the Capitol at a time to be determined in order to hold a business meeting to consider the following items: pending General Services Administration Resolutions; S. 862, a bill to designate the Federal building located at 210 Walnut Street in Des Moines, Iowa, as the "Neal Smith Federal Building," S. 1189, a bill to designate the Federal building and U.S. Courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the "George Howard, Jr. Federal Building and United States Courthouse"; and H.R. 735, a bill to designate the Federal building under construction at 799 First Avenue in New York, New York, as the "Ronald H. Brown United States Mission to the United Nations Building". Pending nominations: Kristine L. Svinicki, of Virginia, to be a Member of the Nuclear Regulatory Commission; Gregory B. Jaczko, of the District of Columbia, to be a Member of the Nuclear Regulatory Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mrs. BOXER. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Tuesday, December 18, 2007, at 3:30 p.m. in order to consider the nomination of Steven H. Murdock to be Director, U.S. Census Bureau, U.S. Department of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. BOXER. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct a hearing entitled "Executive Branch Nominations" on Tuesday, December 18, 2007 at 10 a.m. in room SD-226 of the Dirksen Senate Office Building.

Witness List

Ondray T. Harris, to be Director, Community Relations Service, Department of Justice; David W. Hagy, to be Director of the National Institute of Justice, Department of Justice; Scott M. Burns, to be Deputy Director of National Drug Control Policy, Executive Office of the President; Cynthia Dyer, to be Director of the Violence Against Women Office, Department of Justice; and Nathan J. Hochman, to be an Assistant Attorney General, Tax Division, Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REED. Mr. President, I ask unanimous consent that a fellow in my office, Louis Bervid, be granted floor privileges for the remainder of this session.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENTS IN TRIBUTE TO SENATOR LOTT

Mr. PRYOR. Mr. President, I ask unanimous consent that the tributes to Senator LOTT in the CONGRESSIONAL RECORD be printed as a Senate document and that Senators be permitted to submit statements for inclusion in the RECORD until January 30, 2008.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE HOUSE AND SENATE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 61, the adjournment resolution.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 61) providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

There being no objection, the Senate proceeded to consider the resolution.

Mr. PRYOR. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 61) was agreed to, as follows:

S. CON. RES. 61

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on any day from Tuesday, December 18, 2007, through Monday, December 31, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution; and that when the House adjourns on any legislative day from Tuesday, December 18, 2007, through Saturday, December 22, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution.

SEC. 2. When the Senate recesses or adjourns on Thursday, January 3, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand recessed or adjourned until noon on Tuesday, January 22, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first; and when the House adjourns on the legislative day of Thursday, January 3, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand recessed or adjourned until noon on Tuesday, January 15, 2008, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first.

SEC. 3. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify Members of the Senate and the House, respectively, to reassemble at such a place and time as they may designate if, in their opinion, the public interest shall warrant it.

125TH ANNIVERSARY OF THE 1882 TREATY OF PEACE, AMITY, COMMERCE AND NAVIGATION

Mr. PRYOR. Mr. President, I ask unanimous consent that the Foreign Relations committee be discharged from further consideration of S. Res. 279 and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 279) expressing the sense of the Senate regarding the 125th anniversary of the 1882 Treaty of Peace, Amity, Commerce and Navigation between the Kingdom of Chosun (Korea) and the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. PRYOR. Mr. President, I ask unanimous consent that the amendment at the desk be considered and agreed to, the resolution, as amended, be agreed to, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, that the motions to reconsider be laid upon the table, en bloc, that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3880) was agreed to as follows:

(Purpose: To strike a reference to the 2007 Free Trade Agreement and to add environmental protection to the list of bilateral goals that should be addressed by the United States and the Republic of Korea)

On page 4, strike lines 4 through 10 and insert the following:

"(2) the economic relationship, highlighting the vibrancy and diversity of the common interests of the United States and the Republic of Korea, should be broadened and deepened;".

On page 5, lines 4 and 5, strike "and support for peacekeeping" and insert ", support for peacekeeping, and protection of the environment".

The resolution (S. Res. 279), as amended, was agreed to.

The amendment (No. 3883) was agreed to, as follows:

On page 3, strike "Whereas the Free Trade Agreement" and all that follows through "both countries;".

The preamble, as amended, was agreed to.

The resolution (S. Res. 279), as amended, with its preamble, as amended, reads as follows:

(The resolution will be printed in a future edition of the RECORD.)

CONDEMNING THE KIDNAPPING OF THREE UNITED STATES CITIZENS BY THE REVOLUTIONARY ARMED FORCES OF COLOMBIA

Mr. PRYOR. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Con. Res. 53 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 53) condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. PRYOR. I ask unanimous consent that the concurrent resolution be agreed to; the amendment to the preamble be agreed to; the preamble, as amended, be agreed to; the motions to reconsider be laid upon the table en bloc; and any statements relating thereto be printed in the RECORD without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 53) was agreed to.

The amendment (No. 3881) was agreed to, as follows:

Strike "on July 25, 2003" and all that follows in the eighth whereas clause of the preamble and insert "in a videotape seized by the Government of Colombia and aired on November 30, 2007;".

The preamble, as amended, was agreed to.

The concurrent resolution, with its preamble, as amended, reads as follows:

S. CON. RES. 53

Whereas the Revolutionary Armed Forces of Colombia (FARC) is designated as a foreign terrorist organization by the Department of State;

Whereas the FARC utilizes kidnappings for ransom, extortion, and the drug trade to finance its activities;

Whereas the FARC has consistently committed atrocities against citizens of both Colombia and the United States, kidnapped at least 36 United States citizens since 1980, and killed 10 United States citizens;

Whereas an aircraft carrying United States citizens crashed over territory controlled by the FARC on February 13, 2003;

Whereas Keith Stansell, Thomas Howes, and Marc Gonsalves, 3 United States citizens on the aircraft, were taken hostage by the FARC on February 13, 2003;

Whereas the FARC murdered Tom Janis, another United States citizen on the downed aircraft;

Whereas 3 United States citizens on a subsequent search mission also lost their lives;

Whereas the 3 hostages were last shown alive in a videotape seized by the Government of Colombia and aired on November 30, 2007;

Whereas a police officer from Colombia who escaped from the FARC in April 2007 claims he saw the 3 United States hostages alive in April 2007;

Whereas at least 50 FARC leaders have been indicted in the United States for drug trafficking; and

Whereas Ricardo Palmera, the most senior FARC leader to be tried in the United States, was convicted of conspiring to take the United States citizens hostage in Colombia: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) condemns the kidnappings of Keith Stansell, Thomas Howes, and Marc Gonsalves by the Revolutionary Armed Forces of Colombia (FARC) and calls for their immediate and unconditional release;

(2) condemns the FARC for holding these hostages for more than 4 years and demands to know their health and status;

(3) condemns the FARC for the murder of Tom Janis;

(4) condemns the FARC for its use of kidnapping for ransom, extortion, and drug trafficking and for supporting and spreading terror within Colombia;

(5) expresses sympathy to the relatives of the hostages who have been unsure of the fates of their family members for more than 4 years;

(6) reconfirms that the United States Government does not make concessions to terrorists; and

(7) reiterates that the United States Government supports efforts to secure the safe return of the hostages to the United States.

UNANIMOUS CONSENT AGREEMENT—RESOLUTIONS EN BLOC

Mr. PRYOR. I ask unanimous consent that the Senate now proceed to the en bloc consideration of the following Senate resolutions which were submitted earlier today: S. Res. 410, 411, 412, 413, 414, 415, and 416.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PRYOR. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, and the motions to reconsider be laid upon the table en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

RACE DAY IN AMERICA

The resolution (S. Res. 410) designating February 17, 2008, as "Race Day in America" and highlighting the 50th running of the Daytona 500 was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 410

Whereas the Daytona 500 is the most prestigious stock car race in the United States;

Whereas the Daytona 500 annually kicks off the National Association for Stock Car Auto Racing (NASCAR) Sprint Cup Series, NASCAR's top racing series;

Whereas millions of racing fans have spent the 3rd Sunday of each February since 1959 watching, listening to, or attending the Daytona 500;

Whereas the purse for the Daytona 500 is typically the largest in motor sports;

Whereas winning the prestigious Harley J. Earl Trophy is stock car racing's greatest prize and privilege;

Whereas nearly 1,000,000 men and women in the Armed Forces in nearly 180 countries worldwide listen to the race on the radio via the American Forces Network;

Whereas Daytona International Speedway is the home of "The Great American Race"—the Daytona 500;

Whereas fans from all 50 States and many foreign nations converge on the "World Center of Racing" each year to see the motor sports spectacle;

Whereas Daytona International Speedway becomes one of the largest cities in the State of Florida by population on race day, with more than 200,000 fans in attendance;

Whereas well-known politicians, celebrities, and athletes take part in the festivities surrounding the Daytona 500; and

Whereas, on February 17th, 2008, the Daytona 500 celebrates its historic 50th running: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 50th running of the Daytona 500, "The Great American Race", on February 17, 2008; and

(2) designates February 17, 2008, as "Race Day in America" in honor of the Daytona 500.

HONORING THE LIFE AND ACCOMPLISHMENTS OF DR. HECTOR P. GARCIA

The resolution (S. Res. 411) honoring the life and recognizing the accomplishments of Texas civil rights pioneer Dr. Hector P. Garcia was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, was agreed to, as follows:

S. RES. 411

Whereas, Hector P. Garcia was born on January 17, 1914, in Llera, a small town in south central Tamaulipas, Mexico;

Whereas, Hector P. Garcia was brought to Mercedes, Texas, as a small child when his parents fled the Mexican Revolution in 1917;

Whereas, Dr. Hector P. Garcia graduated from the University of Texas Medical School in 1940, and later joined the United States Army;

Whereas, Dr. Hector P. Garcia served as an infantryman, a combat engineer, and a medical doctor during World War II, and earned the Bronze Star medal with six battle stars for his distinguished service;

Whereas, Dr. Hector P. Garcia founded the American GI Forum in 1948 to fight for equal treatment of Mexican-American veterans, including proper medical treatment and educational benefits;

Whereas, in 1949, Dr. Hector P. Garcia secured a burial with full military honors at Arlington National Cemetery for Pvt. Felix Longoria after a Texas funeral home refused to hold a wake for Pvt. Longoria, a U.S. soldier killed during World War II, for the sole reason that he was Hispanic;

Whereas, President Lyndon Johnson made Dr. Hector P. Garcia the first Mexican-American to serve as an ambassador to the United Nations;

Whereas Dr. Hector P. Garcia was the first Hispanic to serve on the U.S. Commission on Civil Rights;

Whereas, in 1984, President Ronald Reagan bestowed upon Dr. Hector P. Garcia the Presidential Medal of Freedom;

Whereas Dr. Hector P. Garcia devoted his life to fighting for civil rights and educational access for Mexican-Americans;

Whereas this nation has benefited from Dr. Hector P. Garcia's legacy of generosity and commitment to equality: Now, therefore, be it

Resolved, That the Senate honors the life of Dr. Hector P. Garcia, a selfless physician, decorated World War II veteran, dedicated family man, and civil rights hero, and joins in the celebration of his birthday, January 17.

COMMENDING THE APPALACHIAN STATE UNIVERSITY MOUNTAINEERS OF BOONE, NORTH CAROLINA

The resolution (S. Res. 412) commending the Appalachian State University Mountaineers of Boone, North Carolina, for winning the 2007 National Collegiate Athletic Association Division 1 Football Championship Subdivision (formerly Division 1-AA) Championship was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 412

Whereas, in 2005, Appalachian State University became the first team from North Carolina to win a National Collegiate Athletic Association (NCAA) football championship with its victory over the University of Northern Iowa;

Whereas, in 2006, Appalachian State University defeated the University of Massachusetts football team to win its 2nd straight championship;

Whereas, in December 2007, the Appalachian State University Mountaineers won their 3rd straight NCAA Division 1 national title by winning the Division 1 Football Championship Subdivision (formerly known as the Division 1-AA Championship), the first Football Championship Subdivision team in history to accomplish this feat, beating the University of Delaware (Delaware) Blue Hens by a score of 49–21;

Whereas, in the 2007 championship game, senior tailback Kevin Richardson opened the scoring with a 19-yard touchdown reception on a screen pass from Armanti Edwards;

Whereas Delaware responded by driving the ball to the Appalachian State 1-foot line, where the Mountaineers stonewalled the Blue Hens with an impressive defensive stand;

Whereas, on the ensuing possession, sophomore Devon Moore extended the lead to 14–0 in a touchdown run that capped a 5-play, 99-yard drive to set an Appalachian State school record for longest scoring drive;

Whereas Appalachian State extended the lead to 21–0 with 10:22 remaining in the 2nd quarter as freshman tight end Daniel Kilgore recovered a fumble in the endzone for the touchdown as the Mountaineers scored on their 1st 3 drives of the game;

Whereas Delaware broke into the scoring column with only 1:10 remaining in the 1st half, in a play that was originally ruled incomplete, but upon official review was ruled a touchdown to cut the Appalachian State lead to 21–7;

Whereas Appalachian State answered the score 26 seconds later as Armanti Edwards threw a 60-yard touchdown pass to senior Dexter Jackson, in his 4th touchdown pass this season to Dexter Jackson for more than 59 yards;

Whereas Appalachian State opened scoring in the 3rd quarter to extend their lead to 35–7;

Whereas Delaware countered to cut the Appalachian State lead to 35–14;

Whereas Kevin Richardson then ran the lead to 42–14 with a 6-yard touchdown for his 2nd score of the game, in which he posted a total of 111 yards rushing and 27 yards receiving with touchdowns both on the ground and by air;

Whereas Kevin Richardson is Appalachian State's all-time leading rusher, closing his college career with 4,797 yards on the ground;

Whereas sophomore quarterback Armanti Edwards had 198 yards passing, 89 yards rushing and 3 passing touchdowns, and finishes the season with 1,948 yards passing and 1,587 yards rushing, falling just short of becoming the 1st player in NCAA history to pass for 2,000 yards and rush for 1,000 yards twice in his career;

Whereas Corey Lynch finishes his career with 52 pass breakups, capturing the NCAA Division I record for career passes defended;

Whereas the team's championship victory finished off a remarkable season for the Mountaineers, who, on September 1, 2007, in their 1st game of the 2007 season, beat the University of Michigan Wolverines, ranked 5th nationally at the time, by a score of 34–32 in front of 109,000 spectators at "The Big House" in Ann Arbor, Michigan, marking the 1st time a Division 1-AA team has ever beaten a nationally ranked Division 1-A team;

Whereas the Mountaineers finished off this impressive 2007 season with a 13–2 record;

Whereas the Appalachian State Mountaineers 2007 All-Americans include Kerry Brown, Corey Lynch, Kevin Richardson, Armanti Edwards, Gary Tharrington, and Jerome Touchstone; and

Whereas the Mountaineers enjoy widespread support from their spirited and dedicated fans as well as the entire Appalachian State University community: Now, therefore, be it

Resolved, That the Senate—

(1) applauds the Appalachian State University Mountaineers football team for its historic season and National Collegiate Athletic Association Division 1 Football Championship Subdivision title;

(2) recognizes the hard work and preparation of the players, head coach Jerry Moore, and the assistant coaches and support personnel who all played critical roles in this championship; and

(3) requests the Secretary of the Senate to transmit an enrolled copy of the resolution to—

(A) Dr. Kenneth E. Peacock, Chancellor of Appalachian State University;

(B) Charles Cobb, Athletic Director of the University; and

(C) Jerry Moore, Head Coach.

COMMENDING WAKE FOREST UNIVERSITY DEMON DEACONS

The resolution (S. Res. 413) commending the Wake Forest University Demon Deacons of Winston-Salem, North Carolina, for winning the 2007 National Collegiate Athletic Association Men's Soccer National Championship was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 413

Whereas the Wake Forest Demon Deacons beat the Ohio State Buckeyes 2–1 to win the finals of the 2007 College Cup;

Whereas, in the 11th minute, Demon Deacon goalkeeper Brian Edwards blocked a close-range shot and defender Lyle Adams cleared the net to prevent the Buckeyes from attempting to score on the rebound;

Whereas Brian Edwards was named the Most Outstanding Defensive Player at the College Cup after making 12 saves in the NCAA Championships and allowing only two goals in five postseason games;

Whereas, in the very next possession, Ohio State's Roger Espinoza scored in the 13th minute;

Whereas Marcus Tracy had the tying goal in the 66th minute, his third of the 2007 College Cup, finishing a run from sophomore Cody Arnoux;

Whereas Zack Schilawski scored the game-winning goal in the 74th minute by taking a cross from Marcus Tracy and firing the center shot from 10 yards out;

Whereas for seniors Julian Valentin, Pat Phelan, Brian Edwards, and Alimer Gonzales, the game marked the end of their college careers;

Whereas Marcus Tracy was named the Most Outstanding Offensive Player at the College Cup after scoring both goals in the 2–0 semifinal win over Virginia Tech, scoring the game-tying goal in the finals against Ohio State, and assisting on the game-winning goal by Zack Schilawski;

Whereas Sam Cronin, Zach Schilawski, and Cody Arnoux were all named to the College Cup All-Tournament Team;

Whereas Wake Forest was represented on the National Soccer Coaches Association of America (NSCAA)/Adidas All-America team by defender Pat Phelan (first team), midfielder Sam Cronin (second team) and forward Cody Arnoux (third team), and was the only school to have a representative on the first, second, and third All-America teams;

Whereas defender Julian Valentin was named to the All-Senior All-America team sponsored by Lowe's;

Whereas Wake Forest's run to the national championship included a second round win over Furman (1–0), a third round win over West Virginia (3–1), a quarterfinal round win over Notre Dame (1–0), and a semifinal round win over Virginia Tech (2–0);

Whereas Wake Forest finished with a 22–2–2 record on the season;

Whereas Wake Forest was the number two seed in the tournament and making its second consecutive College Cup appearance;

Whereas the Demon Deacons have been to 12 NCAA Tournaments including seven straight;

Whereas Wake Forest was ranked first or second in the major soccer polls for the vast majority of the 2007 regular season;

Whereas the NCAA title is the eighth national championship for Wake Forest athletics; and

Whereas the university also holds three titles in field hockey (2002, 2003, 2004), three titles in men's golf (1974, 1975, 1986) and a title in baseball (1955): Now, therefore, be it

Resolved, That the Senate—

(1) applauds the Wake Forest University Demon Deacons men's soccer team for its historic season and championship title;

(2) recognizes the hard work and preparation of the players, head coach Jay Vidovich, and the assistant coaches and support personnel who all played critical roles in this championship; and

(3) requests the Secretary of the Senate to transmit an enrolled copy of the resolution to—

(A) Dr. Nathan O. Hatch, President of Wake Forest University;

(B) Ron Wellman, Director of Athletics at the University; and

(C) Jay Vidovich, Head Coach.

NATIONAL STALKING AWARENESS MONTH

The resolution (S. Res. 414) designating January 2008 as "National Stalking Awareness Month" was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 414

Whereas an estimated 1,006,970 women and 370,990 men are stalked annually in the United States and, in the majority of such cases, the person is stalked by someone who is not a stranger;

Whereas 81 percent of women who are stalked by an intimate partner are also physically assaulted by that partner, and 76 percent of women who are killed by an intimate partner were also stalked by that partner;

Whereas 74.2 percent of stalking victims report that being stalked interfered with their employment, 26 percent of stalking victims lose time from work as a result of their victimization, and 7 percent of stalking victims never return to work;

Whereas stalking victims are forced to take drastic measures to protect themselves, such as relocating, changing their addresses, changing their identities, changing jobs, and obtaining protection orders;

Whereas stalking is a crime that cuts across race, culture, gender, age, sexual orientation, physical and mental ability, and economic status;

Whereas stalking is a crime under Federal law and under the laws of all 50 States and the District of Columbia;

Whereas rapid advancements in technology have made cybersurveillance the new frontier in stalking;

Whereas national organizations, local victim service organizations, prosecutors' offices, and police departments stand ready to assist stalking victims and work diligently to craft competent, thorough, and innovative responses to stalking; and

Whereas there is a need to enhance the criminal justice system's response to stalking and stalking victims, including through aggressive investigation and prosecution: Now, therefore, be it

Resolved, That—

(1) the Senate designates January 2008 as "National Stalking Awareness Month";

(2) it is the sense of the Senate that—

(A) National Stalking Awareness Month provides an opportunity to educate the people of the United States about stalking;

(B) the people of the United States should applaud the efforts of the many victim service providers, police, prosecutors, national and community organizations, and private sector supporters for their efforts in promoting awareness of stalking; and

(C) policymakers, criminal justice officials, victim service and human service agencies, nonprofit organizations, and others should recognize the need to increase awareness of stalking and the availability of services for stalking victims; and

(3) the Senate urges national and community organizations, businesses in the private sector, and the media to promote awareness of the crime of stalking through observation of National Stalking Awareness Month.

HONORING THE LIFE OF WILLIAM KARNET "BILL" WILLIS

The resolution (S. Res. 415) honoring the life and recognizing the accomplishments of William Karnet "Bill" Willis, pioneer and Hall of Fame football player for both Ohio State University and the Cleveland Browns was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 415

Whereas William Karnet Willis ("Bill") was born on October 5, 1921, in Columbus, Ohio;

Whereas, in 1942, Bill Willis began playing college football for the Ohio State University's Buckeyes and was a member of the 1942 National Championship team;

Whereas Bill Willis earned All-American honors at the Ohio State University in 1943 and 1944, becoming the first African American All-American at the Ohio State University;

Whereas Bill Willis was twice chosen to play in the College All-Star Game, in 1944 and in 1945;

Whereas, on August 7, 1946, Bill Willis was the first of a pioneering foursome to sign a contract to play professional football for the Cleveland Browns, forever ending the race barrier in professional football;

Whereas Bill Willis was named 3 times an All-America Football Conference all-league player, named 4 times a National Football League all-league player, and was named to the first 3 Pro Bowls;

Whereas, in 1950, Bill Willis was a member of the National Football League champion Cleveland Browns and was named the team's Most Valuable Player;

Whereas, in 1971, Bill Willis was inducted into the National Football Foundation's College Football Hall of Fame;

Whereas, in 1977, Bill Willis was inducted to the Pro Football Hall of Fame;

Whereas Bill Willis was synonymous with his number 99 jersey in the Ohio State University community, and that number was retired on November 3, 2007;

Whereas Bill Willis dedicated his life to helping others and served his community honorably on the Ohio Youth Commission;

Whereas Bill Willis was a beloved community leader, husband, and father; and

Whereas Ohio has lost a beloved son and a trailblazing pioneer with the passing of Bill Willis on November 27, 2007: Now, therefore, be it

Resolved, That the Senate—

(1) honors the life and accomplishments of William Karnet "Bill" Willis, a dedicated family man, civil servant, and football legend; and

(2) respectfully requests the Secretary of the Senate to transmit an enrolled copy of this resolution for appropriate display to the family of Bill Willis.

60TH ANNIVERSARY OF THE UNITED STATES AIR FORCE

The resolution (S. Res. 416) recognizing the 60th anniversary of the United States Air Force as an independent military service was considered and agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 416

Whereas President Harry S Truman signed the National Security Act of 1947 on July 26, 1947, to realign and reorganize the Armed Forces and to create a separate Department of the Air Force from the existing military services;

Whereas the National Security Act of 1947 was enacted on September 18, 1947;

Whereas the Aeronautical Division of the United States Army Signal Corps, consisting of one officer and two enlisted men, began operation under the command of Captain Charles DeForest Chandler on August 1, 1907, with the responsibility for "all matters pertaining to military ballooning, air machines, and all kindred subjects";

Whereas in 1908, the Department of War contracted with the Wright brothers to build one heavier-than-air flying machine for the United States Army, and accepted the Wright Military Flyer, the world's first military airplane, in 1909;

Whereas United States pilots, flying with both allied air forces and with the Army Air Service, performed admirably in the course of World War I, participating in pursuit, observation, and day and night bombing missions;

Whereas pioneering aviators of the United States, including Mason M. Patrick, William "Billy" Mitchell, Benjamin D. Foulois, Frank M. Andrews, Henry "Hap" Arnold, James "Jimmy" H. Doolittle, and Edward "Eddie" Rickenbacker, were among the first to recognize the military potential of air power and courageously forged the foundations for the creation of an independent arm for air forces in the United States in the decades following World War I;

Whereas on June 20, 1941, the Department of War created the Army Air Forces (AAF) as its aviation element and shortly thereafter the Department of War made the AAF co-equal to the Army Ground Forces;

Whereas General Henry H. "Hap" Arnold drew upon the industrial prowess and human resources of the United States to transform the Army Air Corps from a force of 22,400 men and 2,402 aircraft in 1939 to a peak wartime strength of 2.4 million personnel and 79,908 aircraft;

Whereas the standard for courage, flexibility, and intrepidity in combat was established for all Airmen during the first aerial raid in the Pacific Theater on April 18, 1942, when Lieutenant Colonel James "Jimmy" H. Doolittle led 16 North American B-25 Mitchell bombers in a joint operation from the deck of the naval carrier USS Hornet to strike the Japanese mainland in response to the Japanese attack on Pearl Harbor;

Whereas President Harry S Truman supported organizing air power as an equal arm of the military forces of the United States, writing on December 19, 1945, that air power had developed so that the responsibilities and contributions to military strategic planning of air power equaled those of land and sea power;

Whereas on September 18, 1947, W. Stuart Symington became the first Secretary of the newly formed and independent United States Air Force (USAF), and on September 26, 1947, General Carl A. Spaatz became the first Chief of Staff of the USAF;

Whereas the Air National Guard was also created by the National Security Act of 1947 and has played a vital role in guarding the United States and defending freedom in nearly every major conflict and contingency since its inception;

Whereas on October 14, 1947, the USAF demonstrated its historic and ongoing commitment to technological innovation when Captain Charles "Chuck" Yeager piloted the X-1 developmental rocket plane to a speed of Mach 1.07, becoming the first flyer to break the sound barrier in a powered aircraft in level flight;

Whereas the USAF Reserve, created April 14, 1948, is comprised of Citizen Airmen who serve as unrivaled wingmen of the active duty USAF in every deployment, mission, and battlefield around the globe;

Whereas the USAF operated the Berlin Airlift in 1948 and 1949 to provide humanitarian relief to post-war Germany and has established a tradition of humanitarian assistance in responding to natural disasters and needs across the world;

Whereas the USAF announced a policy of racial integration in the ranks of the USAF on April 26, 1948, 3 months prior to a Presidential mandate to integrate all military services;

Whereas in the early years of the Cold War, the USAF's arsenal of bombers, such as the long-range Convair B-58 Hustler and B-36 Peacemaker, and the Boeing B-47 Stratojet and B-52 Stratofortress, under the command of General Curtis LeMay served as the United States' preeminent deterrent against Soviet Union forces and were later augmented by the development and deployment of medium range and intercontinental ballistic missiles, such as the Titan and Minuteman developed by General Bernard A. Schriever;

Whereas the USAF, employing the first large-scale combat use of jet aircraft, helped to establish air superiority over the Korean peninsula, protected ground forces of the United Nations with close air support, and interdicted enemy reinforcements and supplies during the conflict in Korea;

Whereas after the development of launch vehicles and orbital satellites, the mission of the USAF expanded into space and today provides exceptional real-time global communications, environmental monitoring, navigation, precision timing, missile warning, nuclear deterrence, and space surveillance;

Whereas USAF Airmen have contributed to the manned space program of the United States since the program's inception and throughout the program's development at the National Aeronautics and Space Administration by dedicating themselves wholly to space exploration despite the risks of exploration;

Whereas the USAF engaged in a limited campaign of air power to assist the South Vietnamese government in countering the communist Viet Cong guerillas during the Vietnam War and fought to disrupt supply lines, halt enemy ground offensives, and protect United States and Allied forces;

Whereas Airmen were imprisoned and tortured during the Vietnam War and, in the valiant tradition of Airmen held captive in previous conflicts, continued serving the United States with honor and dignity under the most inhumane circumstances;

Whereas, in recent decades, the USAF and coalition partners of the United States have supported successful actions in Panama, Bosnia-Herzegovina, Kosovo, Iraq, Afghanistan, and many other locations around the globe;

Whereas Pacific Air Forces, along with Asia-Pacific partners of the United States, ensure peace and advance freedom from the west coast of the United States to the east coast of Africa and from the Arctic to the Antarctic, covering more than 100 million square miles and the homes of 2 billion people in 44 countries;

Whereas the United States Air Forces in Europe, along with European partners of the United States, have shaped the history of Europe from World War II, the Cold War, Operation Deliberate Force, and Operation Allied Force to today's operations, and secured stability and ensured freedom's future in the Europe, Africa, and Southwest Asia;

Whereas, for 17 consecutive years beginning with 1990, Airmen have been engaged in full-time combat operations ranging from Desert Shield to Iraqi Freedom, and have shown themselves to be an expeditionary air and space force of outstanding capability ready to fight and win wars of the United States when and where Airmen are called upon to do so;

Whereas the USAF is steadfast in its commitment to field a world-class, expeditionary air force by recruiting, training, and educating its Total Force of active duty, Air National Guard, Air Force Reserve, and civilian personnel;

Whereas the USAF is a steward of resources, developing and applying technology, managing acquisition programs, and maintaining test, evaluation, and sustainment criteria for all USAF weapon systems throughout such weapon systems' life cycles;

Whereas, when terrorists attacked the United States on September 11, 2001, USAF fighter and air refueling aircraft took to the skies to fly combat air patrols over major United States cities and protect families, friends, and neighbors of people of the United States from further attack;

Whereas, on December 7, 2005, the USAF modified its mission statement to include flying and fighting in cyberspace and prioritized the development, maintenance, and sustainment of war fighting capabilities to deliver unrestricted access to cyberspace and defend the United States and its global interests;

Whereas Airmen around the world are committed to fighting and winning the Global War on Terror and have flown more than 430,000 sorties to precisely target and engage insurgents who attempt to violently disrupt rebuilding in Iraq and Afghanistan;

Whereas talented and dedicated Airmen will meet the future challenges of an ever-changing world with strength and resolve;

Whereas the USAF, together with its joint partners, will continue to be the United States' leading edge in the ongoing fight to ensure the safety and security of the United States; and

Whereas during the past 60 years, the USAF has repeatedly proved its value to the Nation, fulfilling its critical role in national defense, and protecting peace, liberty, and freedom throughout the world: Now, therefore, be it

Resolved by the Senate, That the Senate remembers, honors, and commends the achievements of the United States Air Force in serving and defending the United States on the 60th anniversary of the creation of the United States Air Force as an independent military service.

CORRECTING THE ENROLLMENT OF H.R. 660

Mr. PRYOR. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 62.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 62) to correct the enrollment of H.R. 660.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. PRYOR. I ask unanimous consent that the concurrent resolution be agreed to; the motion to reconsider be laid upon the table; and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 62) was agreed to, as follows:

S. CON. RES. 62

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of H.R. 660, an Act to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes, the Clerk of the House of Representatives shall strike section 502 of the Act and insert the following:

"SEC. 502. MAGISTRATE JUDGES LIFE INSURANCE.

"(a) IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after 'hold office during good behavior', the following: 'magistrate judges appointed under section 631 of this title,'.

"(b) CONSTRUCTION.—For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

"(1) Magistrate judges appointed under section 631 of title 28, United States Code.

"(2) Magistrate judges retired under section 377 of title 28, United States Code.

"(c) EFFECTIVE DATE.—Subsection (b) and the amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of this Act.".

EXTENDING ESSENTIAL AIR SERVICE SUBSIDIES

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of S. 2260, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2260) to extend the existing provisions regarding the eligibility for essential air service subsidies through fiscal year 2008.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2260) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2260

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESSENTIAL AIR SERVICE.

(a) IN GENERAL.—Subsection (d) of section 409 of the Vision 100—Century of Aviation Reauthorization Act (49 U.S.C. 41731 note) is amended by striking "September 30, 2007" and inserting "September 30, 2008".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on September 29, 2007, and shall apply with respect to any final order issued under subsection (c) of section 409 of such Act that was in effect on such date.

ERNEST CHILDERS DEPARTMENT OF VETERANS AFFAIRS OUTPATIENT CLINIC

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of H.R. 366, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 366) to designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the "Ernest Childers Department of Veterans Affairs Outpatient Clinic."

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 366) was ordered to a third reading, was read the third time, and passed.

AMENDING THE INTERNAL REVENUE CODE OF 1986

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 528, S. 2436.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2436) to amend the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue.

There being no objection, the Senate proceeded to consider the bill.

Mr. BAUCUS. Mr. President, I am pleased that today the Senate is acting on S. 2436, a bill to clarify the term of the IRS Commissioner.

The Internal Revenue Restructuring and Reform Act of 1998 provides that the President appoints the IRS Commissioner to a 5-year term. On the face of it, the Commissioner's term of office might seem quite clear. But lawyers in the administration and the Senate have disagreed over when the 5-year term begins and ends.

Specifically, there is dispute over whether the term of the IRS Commissioner follows the calendar or the person. Let me explain.

If the term follows the calendar, the tenure of the Commissioner begins on the same date every 5 years. For example, if one term ends on November 12, then the next term begins the next day on November 13—whether or not a new Commissioner has been confirmed.

This arrangement provides certainty for the Commissioner's term. It allows for planning and continuity of leadership. It minimizes the ability of an administration to play games with the timing of the term by waiting to fill a vacancy.

If the term follows the person, then the tenure of each Commissioner begins on the date of that individual's appointment. Under this scenario, a President deliberately could wait to appoint a new Commissioner until right before the end of the President's term, leaving the next President to inherit an appointee whom the new President did not choose.

While the President waited, the IRS could be without a permanent Commissioner indefinitely. That would put tax administration at risk.

There is another reason why it is important to clarify the term of the Commissioner. Ambiguity in the term could lead taxpayers to question whether the Commissioner is legitimately in office. And thus ambiguity could call into question the Commissioner's authority to enforce the tax laws.

For example, if the term arguably ended in November, but the Commissioner signed a tax pronouncement the next month, in December, then a taxpayer might challenge the Commissioner's authority to act. Tax administration could be compromised. Taxes that are legally owed might not be collected.

Staff for the Treasury and the Senate gave this issue much thoughtful discussion. We received credible legal opinions on both sides. We need to resolve the tenure of the term before the Senate confirms another Commissioner.

To resolve the differences of interpretation, I worked with the administration to develop the language in this bill. The ranking Republican member of the Finance Committee, my friend, Senator CHUCK GRASSLEY, is the principal cosponsor. I am advised that the President and the Treasury Secretary both agree that this legislation is necessary to resolve any concerns over the term of the Commissioner.

Upon enactment of this legislation, the Finance Committee and the full Senate will be able to take further necessary steps to confirm a new Commissioner. The IRS needs strong leadership for the upcoming filing season and beyond.

I thank my colleagues for their support of this legislation to clarify the term of the IRS Commissioner.

Mr. President, the legislative history of this provision is inextricably tied to the legal opinions of distinguished counsel for the Senate, the Justice Department, and the Congressional Research Service. The opinion of the Senate Legal Counsel reflects the motivations of this Senator in advancing this legislation. And the opinions of the Justice Department and the Congressional Research Service are essential to understanding the need for this legislation. Mr. President, I commend to my colleagues the legal opinions prepared by the Senate Legal Counsel, the Justice Department's Office of Legal Counsel, and the Congressional Research Service's American Law Division.

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2436) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF TERM OF THE COMMISSIONER OF INTERNAL REVENUE.

(a) IN GENERAL.—Paragraph (1) of section 7803(a) of the Internal Revenue Code of 1986 (relating to appointment) is amended to read as follows:

"(1) APPOINTMENT.—

"(A) IN GENERAL.—There shall be in the Department of the Treasury a Commissioner of Internal Revenue who shall be appointed by the President, by and with the advice and consent of the Senate. Such appointment shall be made from individuals who, among other qualifications, have a demonstrated ability in management.

"(B) TERM.—The term of the Commissioner of Internal Revenue shall be a 5-year term, beginning with a term to commence on November 13, 1997. Each subsequent term shall begin on the day after the date on which the previous term expires.

"(C) VACANCY.—Any individual appointed as Commissioner of Internal Revenue during a term as defined in subparagraph (B) shall be appointed for the remainder of that term.

"(D) REMOVAL.—The Commissioner may be removed at the will of the President.

"(E) REAPPOINTMENT.—The Commissioner may be appointed to serve more than one term.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply as if included in the amendment made by section 1102(a) of the Internal Revenue Service Restructuring and Reform Act of 1998.

CHILD SOLDIERS ACCOUNTABILITY ACT OF 2007

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 532, S. 2135.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2135) to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which was reported by the Committee on the Judiciary with an amendment, as follows:

[Insert the part printed in italic.]

S. 2135

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Soldiers Accountability Act of 2007".

SEC. 2. ACCOUNTABILITY FOR THE RECRUITMENT AND USE OF CHILD SOLDIERS.

(a) CRIME FOR RECRUITING OR USING CHILD SOLDIERS.—

(1) IN GENERAL.—Chapter 118 of title 18, United States Code, is amended by adding at the end the following:

"§2442. Recruitment or use of child soldiers

"(a) OFFENSE.—Any person who knowingly recruits, enlists, or conscripts a person under 15 years of age into an armed force or group or knowingly uses a person under 15 years of age to participate actively in hostilities—

"(1) shall be fined under this title, imprisoned not more than 20 years, or both; and

"(2) if the death of any person results, shall be fined under this title and imprisoned for any term of years or for life.

"(b) ATTEMPT AND CONSPIRACY.—Any person who attempts or conspires to commit an offense under this section shall be punished in the same manner as a person who completes the offense.

"(c) JURISDICTION.—There is jurisdiction over an offense described in subsection (a), and any attempt or conspiracy to commit such offense, if—

"(1) the alleged offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of such Act (8 U.S.C. 1101(a)(20));

"(2) the alleged offender is a stateless person whose habitual residence is in the United States;

"(3) the alleged offender is present in the United States, irrespective of the nationality of the alleged offender; or

"(4) the offense occurs in whole or in part within the United States.

"(d) DEFINITIONS.—In this section:

"(1) PARTICIPATE ACTIVELY IN HOSTILITIES.—The term 'participate actively in hostilities' means taking part in—

"(A) combat or military activities related to combat, including scouting, spying, sabotage, and serving as a decoy, a courier, or at a military checkpoint; or

"(B) direct support functions related to combat, including taking supplies to the front line and other services at the front line.

"(2) ARMED FORCE OR GROUP.—The term 'armed force or group' means any army, militia, or other military organization, whether or not it is state-sponsored.".

(2) STATUTE OF LIMITATIONS.—Chapter 213 of title 18, United States Code is amended by adding at the end the following:

"§3300. Recruitment or use of child soldiers

"No person may be prosecuted, tried, or punished for a violation of section 2442 unless the indictment or the information is filed not later than 10 years after the commission of the offense.".

(3) CLERICAL AMENDMENT.—Title 18, United States Code, is amended—

(A) in the table of sections for chapter 118, by adding at the end the following:

"2442. Recruitment or use of child soldiers."; and

(B) in the table of sections for chapter 213, by adding at the end the following:

"3300. Recruitment or use of child soldiers.".

(b) GROUND OF INADMISSIBILITY FOR RECRUITING OR USING CHILD SOLDIERS.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended by adding at the end the following:

"(G) RECRUITMENT OR USE OF CHILD SOLDIERS.—Any alien who has committed, ordered, incited, assisted, or otherwise participated in the commission of the recruitment or use of child soldiers in violation of section 2442 of title 18, United States Code, is inadmissible.".

(c) GROUND OF REMOVABILITY FOR RECRUITING OR USING CHILD SOLDIERS.—Section 237(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)) is amended by adding at the end the following:

"(F) RECRUITMENT OR USE OF CHILD SOLDIERS.—Any alien described in section 212(a)(3)(G) is deportable.".

(d) WITHHOLDING OF REMOVAL.—Section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(B)) is amended by adding at the end the following: "For purposes of clause (iii), an alien who is removable under section 237(a)(4)(F) or inadmissible under section 212(a)(3)(G) shall be considered an alien with respect to whom there are serious reasons to believe that the alien committed a serious nonpolitical crime.".

(e) ASYLUM.—Section 208(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(B) is amended by adding at the end the following:

"(iii) RECRUITMENT AND USE OF CHILD SOLDIERS.—For purposes of clause (iii) of subparagraph (A), an alien who is removable under section 237(a)(4)(F) or inadmissible under section 212(a)(3)(G) shall be considered an alien with respect to whom there are serious reasons to believe that the alien committed a serious nonpolitical crime.".

Mr. DURBIN. Mr. President, I rise to speak in support of the Child Soldiers Accountability Act of 2007. This narrowly tailored bipartisan legislation would make it a crime and a violation of immigration law to recruit or use child soldiers. Congress must ensure that perpetrators who use children to wage war are held accountable and do not find safe haven in our country.

I would like to thank the other original cosponsors of the Child Soldiers Accountability Act, Senator TOM COBURN of Oklahoma, Senator RUSSELL FEINGOLD of Wisconsin, and Senator SAM BROWNBACK of Kansas. This bill is a product of the Judiciary Committee's new Subcommittee on Human Rights and the Law, which is the first ever congressional committee or subcommittee dealing specifically with human rights. I am the chairman of this Subcommittee and Senator COBURN is its ranking member.

The use of child soldiers has been reported in 21 ongoing or recent conflicts throughout the world since 2001, including conflicts in Colombia, Uganda, the Democratic Republic of Congo and Sri Lanka. The proliferation of small arms, particularly lightweight automatic weapons that can be used by children as easily as by adults, has contributed to the increased use of child soldiers. Child soldiers are often used in conflicts where high desertion rates and insufficient volunteers have generated a shortage of soldiers.

For example, Burma is believed to be one of the countries with the largest number of child soldiers in the world. Burmese military recruiters reportedly buy and sell children in a desperate effort to meet recruitment quotas in a setting where low morale, high desertion rates and insufficient volunteers have created a military personnel crisis. In a report to the U.N. Security Council on children and armed conflict in Burma issued last month, the Secretary General stated that there has been tremendous pressure to accelerate recruitment rates in the Burmese armed forces and that recruitment centers have experienced difficulty meeting their quotas. The U.N. Secretary General's report also found that some children picked up by police in Burma without national identification cards are told they can "choose" to be arrested or enlist in the army. According to another report, children constitute a large percentage of privates in some of the new Burmese army battalions and some have been forced to participate in human rights abuses, including burning villages.

One Burmese boy was reportedly forcibly recruited twice by the time he was 16 years old. This boy was allegedly sold to a battalion by a corporal for approximately US$15, a sack of rice and a tin of cooking oil. When this boy's aunt and grandmother sought his release, the captain of the battalion company apparently said he would let the boy go in exchange for five new recruits. The boy reportedly told his aunt that he didn't want five other people to have to face what he had experienced in the army.

There is a clear legal prohibition on recruiting and using child soldiers. Under customary international law, recruitment or use of child soldiers under the age of 15 is a war crime. Over 110 countries, including the United States, have ratified the Optional Protocol to the Convention on the Rights of the Child, which prohibits the recruitment and use of child soldiers under 18.

Over the last few years, significant progress has been made in the prosecution of child soldier recruitment and use by international courts. In 2005, the International Criminal Court issued its first arrest warrants for five Lord's Resistance Army commanders from Uganda for, among other crimes, enlisting children as soldiers by two of the commanders. In February 2006, the International Criminal Court issued an arrest warrant for Thomas Lubanga for the war crime of "conscripting and enlisting children under the age of 15 years and using them to participate actively in hostilities." Mr. Lubanga, the first person to be arrested by the International Criminal Court, allegedly recruited children as young as ten years old to fight for the Union of Congolese Patriots in the northeastern region of the Democratic Republic of Congo.

In June 2007, the Special Court for Sierra Leone became the first international court to issue convictions for child soldier recruitment, finding three defendants guilty of crimes that included conscripting or enlisting children under the age of 15. In August 2007, the Special Court for Sierra Leone found another defendant guilty of using child soldiers.

Despite these positive developments, the ability of international tribunals or hybrid courts to try these cases is limited. The average perpetrator still runs very little risk of being prosecuted. National courts can and should play a greater role in prosecuting perpetrators.

Unfortunately, recruiting and using child soldiers does not violate U.S. criminal or immigration law. As a result, the U.S. government is unable to punish individuals found in our country who have recruited or used child soldiers. In contrast, other grave human rights violations, including genocide and torture, are punishable under U.S. criminal and immigration law.

This loophole in the law was identified during "Casualties of War: Child Soldiers and the Law," a hearing held by the Senate Subcommittee on Human Rights and the Law. Ishmael Beah, a former child soldier and author of the bestselling book A Long Way Gone: Memoirs of a Boy Soldier, testified at this hearing. Mr. Beah said this gap in the law "saddens me tremendously" and that closing this loophole "would set a clear example that there is no safe haven anywhere for those who recruit and use children in war."

The Child Soldiers Accountability Act will help to ensure that the war criminals who recruit or use children as soldiers will not find safe haven in our country and will allow the U.S. Government to hold these individuals accountable for their actions.

First, this bill will make it a crime to recruit or use persons under the age of 15 as soldiers. Second, it will enable the government to deport or deny admission to an individual who recruited or used child soldiers under the age of 15.

This legislation will send a clear message to those adults who deliberately and actively recruit or use children to wage war that there are real consequences to their actions. By holding such individuals criminally responsible, our country will help to deter the recruitment and use of child soldiers.

Recognizing that adults often use drugs, threats, or other means to pressure child soldiers into committing serious human rights violations, including the recruitment of other children, this legislation seeks to hold adults accountable for their actions and is not intended to make inadmissible or deportable former child soldiers who participated in the recruitment of other children.

Former child soldiers require extensive care and support from family and others in order to be rehabilitated and reintegrated into society. As Mr. Beah testified, "[h]ealing from the war was a long-term process that was difficult but very possible . . . Effective rehabilitation of children is in itself a preventive measure, and this should be the focus, not punitive measures against children that have no beneficial outcome for the child and society." This legislation should not be interpreted as placing new restrictions on or altering the legal status of former child soldiers who are seeking admission or are already present in the United States.

I urge my colleagues to ask themselves the question Ishmael Beah posed: Would we want our children or grandchildren to endure the pain and suffering that Mr. Beah and other child soldiers face? As Mr. Beah reminded us, the lives of child soldiers are just as important as those of our children and grandchildren. We have a moral obligation to take action to help these young people and to stop the abhorrent practice of recruiting and using child soldiers.

I urge my colleagues to support this legislation.

Mr. LEAHY. Mr. President, I am pleased that the Senate today will pass S. 2135, the Child Soldiers Accountability Act of 2007. I commend Senator DURBIN and Senator COBURN for their leadership on this important legislation to combat the unconscionable practice of using children as soldiers in violent conflicts, and I was proud to join as a cosponsor of this bill. I am glad that Senators DURBIN and COBURN worked with me and others on the Senate Judiciary Committee to produce a consensus bill and to move it through Committee and the Senate. The United States should do all it can to prevent and punish this conduct which is so contrary to our values.

This bill creates a tough new criminal provision aimed at those who recruit or conscript children under the age of 15 into armed conflict. It extends U.S. jurisdiction to perpetrators of this crime who are present in the United States, regardless of their nationality and where the crime takes place, so that those who commit human rights violations cannot come to this country as a sanctuary from prosecution. The bill also amends immigration law to allow those who have used children as soldiers to be barred or removed from the United States.

This bill is another example of the good work of the Judiciary Committee's new Subcommittee on Human Rights and the Law. I am glad that the efforts Subcommittee Chairman DURBIN and I have made to make this subcommittee a force for change and to bring focus on these important issues is resulting in legislative action, as well as providing a forum to put a spotlight on important issues. This is an area in which I have worked for many years as the chair and ranking member of the Foreign Operations Subcommittee of the Appropriations Committee.

During the last 5 years, America's reputation has suffered tremendously. Some of our ability to lead on human rights issues has been needlessly and carelessly squandered. Abu Ghraib, Guantanamo and torture have tarnished that role and that tradition. The secret prisons that the President confirmed last year, this Administration's role in sending people to other countries where they would be tortured, and recent revelations of the destruction of videotapes showing cruel interrogations by the CIA have led to condemnation by our allies, to legal challenges, and to possible criminal investigations.

I was proud to work with Senator DURBIN to create the Human Rights and the Law Subcommittee. This subcommittee will continue to closely examine some of the important and difficult legal issues that are now a focus of the Judiciary Committee and will work to reverse and correct the damaging policies established by this administration over the last 6 years. The subcommittee has already spearheaded the Genocide Accountability Act, which will soon provide a powerful new tool in America's efforts to prevent and punish genocide, and has made further progress with hearings and legislation dealing with human trafficking and other vital issues.

The conduct prohibited by the Child Soldiers Accountability Act is appalling but happens all too often throughout the world. We should do everything we can to stop this offense to human rights and human dignity, which exacts such great costs from too many of the world's children. I commend the Senate for passing this important legislation today.

Mr. President, I yield the floor.

Mr. PRYOR. I ask unanimous consent that a Feingold amendment, which is at the desk, be agreed to; the committee amendment be agreed to; the bill, as amended, be read three times and passed; the motions to reconsider be laid upon the table with no intervening action or debate, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3882) was agreed to, as follows:

AMENDMENT NO. 3882

(Purpose: To exclude groups assembled solely for non-violent political association from the definition of an armed force or group)

On page 4, line 7, insert after "state-sponsored" the following: ", excluding any group assembled solely for non-violent political association".

The committee amendment was agreed to.

The bill (S. 2135), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 2135

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Soldiers Accountability Act of 2007".

SEC. 2. ACCOUNTABILITY FOR THE RECRUITMENT AND USE OF CHILD SOLDIERS.

(a) CRIME FOR RECRUITING OR USING CHILD SOLDIERS.—

(1) IN GENERAL.—Chapter 118 of title 18, United States Code, is amended by adding at the end the following:

"§2442. Recruitment or use of child soldiers

"(a) OFFENSE.—Any person who knowingly recruits, enlists, or conscripts a person under 15 years of age into an armed force or group or knowingly uses a person under 15 years of age to participate actively in hostilities—

"(1) shall be fined under this title, imprisoned not more than 20 years, or both; and

"(2) if the death of any person results, shall be fined under this title and imprisoned for any term of years or for life.

"(b) ATTEMPT AND CONSPIRACY.—Any person who attempts or conspires to commit an offense under this section shall be punished in the same manner as a person who completes the offense.

"(c) JURISDICTION.—There is jurisdiction over an offense described in subsection (a), and any attempt or conspiracy to commit such offense, if—

"(1) the alleged offender is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))) or an alien lawfully admitted for permanent residence in the United States (as defined in section 101(a)(20) of such Act (8 U.S.C. 1101(a)(20));

"(2) the alleged offender is a stateless person whose habitual residence is in the United States;

"(3) the alleged offender is present in the United States, irrespective of the nationality of the alleged offender; or

"(4) the offense occurs in whole or in part within the United States.

"(d) DEFINITIONS.—In this section:

"(1) PARTICIPATE ACTIVELY IN HOSTILITIES.—The term 'participate actively in hostilities' means taking part in—

"(A) combat or military activities related to combat, including scouting, spying, sabotage, and serving as a decoy, a courier, or at a military checkpoint; or

"(B) direct support functions related to combat, including taking supplies to the front line and other services at the front line.

"(2) ARMED FORCE OR GROUP.—The term 'armed force or group' means any army, militia, or other military organization, whether or not it is state-sponsored, excluding any group assembled solely for nonviolent political association.".

(2) STATUTE OF LIMITATIONS.—Chapter 213 of title 18, United States Code is amended by adding at the end the following:

"§3300. Recruitment or use of child soldiers

"No person may be prosecuted, tried, or punished for a violation of section 2442 unless the indictment or the information is filed not later than 10 years after the commission of the offense.".

(3) CLERICAL AMENDMENT.—Title 18, United States Code, is amended—

(A) in the table of sections for chapter 118, by adding at the end the following:

"2442. Recruitment or use of child soldiers."; and

(B) in the table of sections for chapter 213, by adding at the end the following:

"3300. Recruitment or use of child soldiers.".

(b) GROUND OF INADMISSIBILITY FOR RECRUITING OR USING CHILD SOLDIERS.—Section 212(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)) is amended by adding at the end the following:

"(G) RECRUITMENT OR USE OF CHILD SOLDIERS.—Any alien who has committed, ordered, incited, assisted, or otherwise participated in the commission of the recruitment or use of child soldiers in violation of section 2442 of title 18, United States Code, is inadmissible.".

(c) GROUND OF REMOVABILITY FOR RECRUITING OR USING CHILD SOLDIERS.—Section 237(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1227(a)(4)) is amended by adding at the end the following:

"(F) RECRUITMENT OR USE OF CHILD SOLDIERS.—Any alien described in section 212(a)(3)(G) is deportable.".

(d) WITHHOLDING OF REMOVAL.—Section 241(b)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1231(b)(3)(B)) is amended by adding at the end the following: "For purposes of clause (iii), an alien who is removable under section 237(a)(4)(F) or inadmissible under section 212(a)(3)(G) shall be considered an alien with respect to whom there are serious reasons to believe that the alien committed a serious nonpolitical crime.".

(e) ASYLUM.—Section 208(b)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1158(b)(2)(B) is amended by adding at the end the following:

"(iii) RECRUITMENT AND USE OF CHILD SOLDIERS.—For purposes of clause (iii) of subparagraph (A), an alien who is removable under section 237(a)(4)(F) or inadmissible under section 212(a)(3)(G) shall be considered an alien with respect to whom there are serious reasons to believe that the alien committed a serious nonpolitical crime.".

ORDERS FOR WEDNESDAY, DECEMBER 19, 2007

Mr. PRYOR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 11:30 a.m. Wednesday, December 19, 2007; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders reserved for their use later in the day, and there then be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each; that during morning business, Senator REED of Rhode Island be recognized for up to 30 minutes; and that on Wednesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m. for a party conference meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

LETTER OF RESIGNATION

Mr. PRYOR. I understand the Chair has an announcement.

The PRESIDING OFFICER. The Chair lays before the Senate the letter of resignation of Senator TRENT LOTT of Mississippi.

Without objection, the letter is deemed read and spread upon the journal.

The letter is as follows:

DECEMBER 18, 2007.

Hon. RICHARD B. CHENEY,
President of the United States Senate,
Washington, DC.

DEAR MR. PRESIDENT: I hereby give notice of my retirement from the Office of United States Senator from the State of Mississippi. Therefore, I tender my resignation effective at 11:30 p.m., December 18, 2007.

Respectfully submitted,
TRENT LOTT,
United States Senate.

ADJOURNMENT UNTIL 11:30 A.M. TOMORROW

Mr. PRYOR. Mr. President, if there is no further business today, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 12:10 a.m., adjourned until Wednesday, December 19, 2007, at 11:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate Tuesday, December 18, 2007:

THE JUDICIARY

JOHN DANIEL TINDER, OF INDIANA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SEVENTH CIRCUIT.

EXTENSIONS OF REMARKS

RECOGNIZING TERENCE ALLEN KLOS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Terence Allen Klos, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, and in earning the most prestigious award of Eagle Scout.

Terence has been very active with his troop, participating in many Scout activities. Over the many years Terence has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Terence Klos for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING MONTY SLOUGH AND THE DENTON COUNTY VETERANS MEMORIAL

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. BURGESS. Madam Speaker, I rise today to thank Mr. Monty Slough of Little Elm, Texas for his years of service in the United States Armed Forces and for his continued service to our country by building a memorial to veterans from Denton County, Texas.

After checking records at the Department of Veterans Affairs, Monty identified the names of nine fallen service members and created a personal way to memorialize their service. Without prompting or financial support, Mr. Slough began building a granite tiled memorial to Denton County soldiers, sailors, airmen and marines who died in service in Iraq or Afghanistan.

Mr. Slough has taken up the honorable but unfortunate task of paying respect to fellow veterans who pay the ultimate price while serving our country. In his own eloquent words, Monty said, "This isn't going to bring them back, but they sure as hell are not going to be forgotten."

The mobile memorial built by veterans Monty Slough and Dee Cork is an example of why we hold our Nation's veterans in such high esteem. I believe the character displayed by Mr. Slough and Mr. Cork should be highlighted as an example of American civic duty and community support; I rise here today to show them that courtesy.

It is with great honor that I recognize Mr. Monty Slough of Little Elm, TX for his dedication to veterans and their families. I thank him for his work, I support his mission, and I am honored to represent him in the 26th District of Texas.

H.R. 6

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. HERGER. Madam Speaker, today the House considered H.R. 6, new tax and energy legislation. I strongly opposed the bill because I believe it will contribute to higher gasoline and diesel prices. Though there are a few worthwhile provisions in the legislation, its failure to effectively address the fact that families and small businesses are spending more and more of their hard-earned income on gasoline, diesel, and other energy costs warrants its defeat. Unfortunately this bill is a case of one step forward and many steps back.

H.R. 6 would extend tax credits for renewable electricity production from wind, solar, biomass, and geothermal. Increasing the diversity of our energy supply is important to meeting our Nation's future energy needs and is something I've long supported. But any benefits America would gain from new renewable production would be seemingly lost because of the bill's steep tax increases on petroleum and natural gas production. Petroleum and natural gas currently supply roughly 63 percent of America's energy needs. Renewable sources account for only 7 percent. A truly balanced bill would provide incentives for environmentally responsible production of *all* energy sources, including fossil fuels, which energy forecasters predict will continue to provide for the vast majority of energy uses in our country. Not only does H.R. 6 not provide incentives for new American oil and gas production, the bill could actually make the cost of producing these important energy resources more expensive because of the new multibillion dollar tax increase that is the centerpiece of this legislation. These tax increases will likely be passed on to consumers in the form of higher gasoline and diesel and home heating and cooling costs.

Singling out American energy companies for new taxes also runs directly counter to our goal of reducing the Nation's reliance on foreign sources of oil by encouraging more domestic production. At the time of America's first "energy crisis" in the 1970s, approximately 30 percent of our petroleum needs were met by oil imported from foreign countries. Today that number is over 62 percent. With petroleum use expected to increase over the next several decades, this number will only continue to grow unless steps are taken to reverse the trend. Continued reliance on hostile regions of the world for our energy needs threatens America's national and economic security. Such a serious problem is deserving of an equally serious response rather than the hollow gestures of energy independence within H.R. 6. While it's reasonable to expect that some percentage of our oil supply will continue to come from overseas, America can increase her energy independence through environmentally responsible oil and gas production here at home. We have resources in Alaska and deep ocean areas and, importantly, the state-of-the-art technology needed to develop these resources while preserving a healthy environment.

This legislation's completely unbalanced approach to energy policy could not come at a worse time for northern California. Gasoline and diesel prices in our area are hovering around record levels despite the fact we are now in the driving "off-season"—a time when fuel demand, and consequently fuel prices, are historically at their lowest levels of the year. One can only imagine how high prices will rise in the spring, when driving season begins and the state's fuel refiners take facilities offline to prepare them for production of California's special summertime boutique fuel blends.

H.R. 6 would also increase the Nation's "CAFE" or fuel efficiency standards for cars, light trucks, and SUVs. Fuel efficiency is an important attribute in any car. The emergence of new "hybrid" vehicles is an example of consumer preference in the free marketplace forcing automakers to produce more fuel-efficient vehicles. But developing the know-how to build a car with better gas mileage takes time. I'm concerned that when faced with a federal mandate to meet such high efficiency standards in a relatively short amount of time, automakers may be forced to choose the path of least resistance by simply reducing vehicle size and weight, thereby making the cars people drive less safe in collisions. The National Academy of Sciences concluded in a 2002 study that smaller vehicle sizes have caused traffic fatalities to increase anywhere from 1,300 to 2,600 lives per year.

An increase in the Nation's ethanol mandate is also in the bill. While striving to develop new sources of fuel should remain a significant goal, it is important to point out the unintended consequences that have come with mandating ethanol use throughout the Nation. For instance, the ethanol mandate has contributed to higher gasoline prices for California motorists. Ethanol cannot be shipped by pipeline. Instead, it must be transported from the Midwest by rail or truck. This process not only adds to the fuel's cost, it can, in some cases, contribute to California's notorious refining bottleneck if there are delays in its delivery to our State.

The current ethanol mandate has also caused corn prices to roughly double over the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

last 2 years. While this has been good news for corn farmers, the result has had a slightly different outcome for everyone else. Prices for food products dependent upon corn and other grains, such as beef and dairy, have increased along with the price of corn. H.R. 6 seeks to raise the current ethanol requirement by a factor of five. Such a dramatic increase, combined with growing demand for corn-fed meat products the world over, will likely result in even higher food prices for U.S. consumers.

Some have suggested that the shipping problems and price inflation associated with corn ethanol can be overcome if biofuels are made locally with material native to our area. Cellulosic forest residue left over from thinning or restorative forestry projects has been at the top of this list. Although the technology to make this fuel in a cost-effective manner is still being developed, California's 18 National Forests could serve as a ready supply of material to meet future biofuel needs. But this legislation expressly forbids any forest materials from our National Forests—not even a single pine needle—to be used as feedstock for biofuels manufacturing. The vast majority of the National Forest land in our congressional district has been rated as "Condition Class III" by forest researchers and scientists, meaning that the forests face an extraordinarily high risk of catastrophic fire. There is no scientific dispute of the fact that forest materials must be removed in order to protect communities and wildlife from severe fire and to generally restore forest health. Using forest residue for biofuels would arguably contribute both to forest recovery and to the Nation's fuel supply. But for reasons that can only be explained by environmental politics, the Democrat leadership has again labeled California's National Forests "off-limits" to commonsense forest management and a new and important source of a future renewable fuels supply.

Finally, H.R. 6 seeks to mandate a new national "Renewable Portfolio Standard" or "RPS." The RPS would require all private electricity supply companies to generate 15 percent of the electricity they produce with renewable sources, such as wind, solar power, or biomass. California already has such a mandate so the proposed federal standard is not new policy for our State's electricity providers. But other States, particularly those that lack the abundant natural resources we have, will likely struggle to meet the requirements of the RPS. Energy companies in these areas will have to purchase high cost power or renewable energy "credits" from other regions of the country. These costs will also be passed on to families and small businesses. Higher energy costs, no matter where they occur, harm U.S. economic competitiveness and will likely serve as a drag on an already uneasy economy.

But even California, with its own renewable electricity requirement, would not come out ahead if the proposed federal RPS mandate in H.R. 6 becomes law. Just as the bill inexplicably limits the use of National Forest materials for cellulosic ethanol production, it also places unworkable limits on the use of forest resources for electricity production. Again, one step forward and several steps back.

A truly balanced energy bill would begin with the serious problem of record gas prices and reducing America's dependence on foreign sources of energy and then proceed with creating incentives that would unleash the power of American inventiveness and creativity in order to develop the next generation of energy technology and supplies. H.R. 6 relies on an outdated and failed belief that Washington knows best. Over 1,000 pages of legislative text contains little in the way of broad-based incentives, but is chock-full of new regulations and a higher tax burden, which will do little, if anything, for consumers. A better approach would get Washington out of the way and allow market-oriented solutions to provide for an affordable, diverse, and secure energy supply for America.

SALUTING ALPHA KAPPA ALPHA SORORITY ON ITS CENTENNIAL

HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. FATTAH. Madam Speaker, January 15, 2008, is a special day for more than 200,000 college educated African-American women throughout the world but especially here in our Nation's Capitol.

It is the Centennial Founders' Day for Alpha Kappa Alpha Sorority Inc., the first and the oldest sorority for African Americans. On this date in 1908, nine women at Howard University in Washington, DC joined through real sisterhood and service founded Alpha Kappa Alpha. They soon added seven honor students from Howard's Class of 1910 to ensure the continuity and growth of the organization.

Their names are enshrined in the stunningly beautiful "Alpha of Alpha Kappa Alpha" Founders Window in the Rankin Chapel on that campus.

From its proud beginning at Howard University, AKA has grown to more than 200,000 strong, including undergraduate members and graduate members—affiliated with 975 chapters all over the globe and on every continent.

From the beginning, the women of Alpha Kappa Alpha have lived up to their calling as "A Legacy of Sisterhood and Service." They have responded to the world's increasing complexity in a manner that continues to empower communities through exemplary service initiatives and progressive programs.

Centennial International President Barbara A. McKinzie is leading the membership during some of the most turbulent times in our history. Economics education is the foundation of the program platforms with special emphasis on Black families and youth, mental, physical and emotional health, encouraging entrepreneurships and other business opportunities and proving technology advancement for our seasoned seniors. This president has championed breast cancer awareness and vigilance among the membership and all African-American women. Her educational program has included advocacy for Sister Study, a long-term research project to determine the causes of breast cancer among African-American women.

Alpha Kappa Alpha has partnered with "Coaches Versus Cancer" to raise money for and promote cancer prevention. The sorority has partnered with State Farm Insurance Co. and Dr. Ian Smith, author of "Fat Smash Diet" on the 50 Million Pound Weight Loss Challenge. It is also partnering with African Ancestry to use the power of DNA to help find genealogic answers about African Americans.

These community service activities are ongoing as Alpha Kappa Alpha proceeds with a nationwide one hundred year celebration.

Alpha Kappa Alpha launched its Centennial during 2007 with regional celebrations. The Centennial will kick off with the 100th Birthday Celebration at Howard University from January 12 to 15, 2008, culminating with the Centennial Boule in July that will bring over 20,000 women and their families to Washington, DC to mark "100 Years of Service."

As a proud member of Alpha Phi Alpha, the first African-American fraternity, I can attest to the pride and tradition and value that the Greek-letter organizations have brought to African Americans all across our land. I congratulate the women of Alpha Kappa Alpha and their families as they pause and celebrate their legacy of good works and Sisterhood.

CELEBRATING THE RETURN OF ARMY SPECIALIST JOEL MORERA

HON. TIM MAHONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. MAHONEY of Florida. Madam Speaker, I rise today to honor and welcome home Army SPC Joel Morera. Specialist Morera was wounded in Iraq on July 28, 2007, when an explosive device hit his vehicle.

Specialist Joel Morera received a Purple Heart in August. The Purple Heart is awarded to members of the Armed Forces of the United States who are wounded by an instrument of war in the hands of the enemy.

Today, SPC Morera and his family will arrive back home in Clewiston, FL, so that he can celebrate the holidays in his hometown. I join the veterans and residents of Highlands County, Hendry County and Glades County in paying our respects to SPC Morera and celebrating his return to the Sunshine State.

I rise today with great pride to honor this brave young man and to thank him for his incredible sacrifice. The courage of SPC Morera and his fallen comrades ensure that all Americans can enjoy liberty.

Madam Speaker, please join me and the communities of the 16th District of Florida in welcoming Army Specialist Joel Morera and his family home for the holidays.

RECOGNIZING SEAN LOGAN GRAHAM FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Sean Logan Graham, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, and in earning the most prestigious award of Eagle Scout.

Sean has been very active with his troop, participating in many Scout activities. Over the many years Sean has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Sean Graham for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING DEE CORK AND THE DENTON COUNTY VETERANS MEMORIAL

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. BURGESS. Madam Speaker, I rise today to thank Mr. Dee Cork for his years of service in the United States Armed Forces, and for his continued service to our country by building a memorial to veterans from Denton County, Texas.

Working along with Mr. Monty Slough, Mr. Cork identified the names of nine fallen servicemembers and created a personal way to memorialize their service. Without prompting or financial support, Mr. Cork began building a granite-tiled memorial to Denton County soldiers, sailors, airmen, and marines who died in service in Iraq or Afghanistan.

Mr. Cork has taken up the honorable but unfortunate task of paying respect to fellow veterans who pay the ultimate price while serving our country. In his own eloquent words Dee said, "It would be nice to see no one else on it, one is too many."

The mobile memorial built by veterans Monty Slough and Dee Cork is an example of why we hold our Nation's veterans in such high esteem. I believe the character displayed by Mr. Slough and Mr. Cork should be highlighted as an example of American civic duty and community support; I rise here today to show them that courtesy.

It is with great honor that I recognize Mr. Dee Cork for his dedication to veterans and their families. I thank him for his work, I support his mission, and I am honored to have the opportunity to recognize him today.

RECOGNIZING JACOB DANIEL FICHMAN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Jacob Daniel Fichman, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, and in earning the most prestigious award of Eagle Scout.

Jacob has been very active with his troop, participating in many Scout activities. Over the many years Jacob has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Jacob Fichman for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF THE RENEWABLE HEAT ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. YOUNG of Alaska. Madam Speaker, I rise today to introduce the Renewable and Hydro-electric Energy for Alaska's Tomorrow Act, the Renewable HEAT Act. The purpose of this legislation is to authorize the Department of Energy to provide grants for carrying out renewable energy and hydroelectric projects.

Similar, yet more restrictive, language was included in the Senate-passed energy bill, H.R. 6. The bill, written in secret behind closed doors by my colleagues on the other side of the aisle, is hardly an energy bill. More accurately described as the "Energy Suicide Act," this bill will do nothing to reduce our dependence on hostile foreign nations, nor will it bring relief to Americans suffering from rising energy costs. In fact, it will do the opposite. The only positive aspect of this bill is the provision providing grants for renewable energy, and more importantly, Alaska small hydroelectric projects.

Madam Speaker, I cannot in good conscience vote for a bill that tries to fool the American people into thinking we are going to be able to lower their energy prices. How can we lower costs and become energy independent if there is no production? Essentially, it is economic terrorism. And who is dictating the terms of this bill? The environmental groups funded by millionaires who don't lose any sleep wondering how they are going to heat their homes, as temperatures drop. We are approaching a state of crisis, where oil is trading for $90 a barrel.

As I stated earlier, the only real energy provided for in the deceptive H.R. 6 is for hydroelectric power in Alaska. My colleagues seem to think that water is the only resource needed to keep a world power running. Since I cannot vote for this bill in its entirety, I have introduced this legislation to provide grant money for hydropower to my State of Alaska. Hydroelectric power is the Nation's largest renewable energy source and accounts for seven percent of America's electricity supply. Even though Alaska is one-sixth the size of the entire Nation, it is home to about 40 percent of the country's free-flowing freshwater.

Rural Alaskan communities have the highest utility rates in America, paying up to six times the national average, while also suffering the lowest per capita incomes. Currently, heating oil costs between $3 and $5 a gallon. The diesel-fired electricity so many Alaskan communities rely upon is not only expensive, it's dirty. The generators are old, unreliable, and release pollutants into the air, and in order to conserve money, are usually turned off at night. The grants this bill provides will assist these areas in the transition to clean, more affordable energy by giving them the funding to harvest the natural flow of water that surrounds them.

It has become clear to me that the United States Congress has no intention of taking care of the American people by making sure they can heat their homes and put food on their plates. Therefore, I must make sure my Alaskans are taken care of, while they endure some of the coldest temperatures in the country.

RECOGNIZING KYLE JOSEPH KRUG FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Kyle Joseph Krug, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, and in earning the most prestigious award of Eagle Scout.

Kyle has been very active with his troop, participating in many Scout activities. Over the many years Kyle has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Kyle Krug for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN SUPPORT OF THE FAIR FUNDING FOR SCHOOLS ACT

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. TERRY. Madam Speaker, I rise today in support of the Fair Funding for Schools Act, a law designed to build upon the important strides for local school districts that have been taken over the past 57 years by the Impact Aid program.

Because people living on Federal property do not pay local property taxes, often do not pay State income taxes, and have the ability to shop for groceries and other necessities at a base PX that does not charge sales tax, local school districts are left without a funding source they otherwise would have. The Impact Aid Program is designed to replace the lost tax revenue that local school districts depend on to provide a free pubic education to the communities they serve. Impact Aid has provided nearly $25 million dollars in funding for schools throughout my district, and over $1.2 billion for the more than 1,400 school districts currently receiving Impact Aid funding.

Impact Aid is the most efficient education program because money is wired directly from the Department of Education to the school's bank accounts, avoiding administrative costs at the State level. There are no strings attached to the money and local schools can use it in any way the school board sees fit. In the past this money has been used for such necessities as construction, salaries and supplies. As a leading member and co-chair of the House Impact Aid Coalition and the father of children receiving a public education, I understand the importance of this money to schools in my district and districts across the country.

The current re-authorization proposed by Congresswoman HIRONO and me makes an already strong program even stronger and more efficient. Our proposal eliminates duplicative provisions that are no longer necessary, corrects a major error in the previous reauthorizations allocation formula, updates the law to meet the challenges of base realignments and troop deployments currently faced by this Nation, and it simplifies and reforms a number of provisions to the law that ensures a smooth road ahead for school districts that rely on this money as an integral part of their budgets.

I would also like to mention the important contributions to this reauthorization made by Congressman CHET EDWARDS and Congressman JOHN CARTER of Texas. The insight they provided proved to be invaluable as we met with people involved in drafting our proposal. The suggestions of Congressman CARTER and Congressman EDWARDS strengthen this reauthorization and ensure that it will meet the needs of all the school districts affected by Impact Aid.

The Congress must continue to recognize the sacrifice our men and women in uniform make for all of us and provide their children with the best education possible. The Fair Funding for Schools Act achieves that goal, in Nebraska, Hawaii and every other State in the Union that receives Impact Aid dollars. I urge my colleagues to join me in supporting this important legislation.

RECOGNIZING THE RETIREMENT OF EAST BAY REGIONAL PARK DISTRICT LEGISLATIVE ADMINISTRATIVE ANALYST RO AGUILAR

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mrs. TAUSCHER. Madam Speaker, I rise with my colleague, Hon. GEORGE MILLER, in the House of Representatives, to recognize Ro Aguilar for her service to the residents of the East Bay as an analyst for the East Bay Regional Park District, EBRPD, for more than 20 years.

Before joining the EBRPD Ms. Aguilar had established a strong record of effective public service in our community. She started her career of service as an educator in Contra Costa County and also served as a community coordinator for a local chapter of the American Red Cross.

In 1986 Ms. Aguilar joined the EBRPD as an administrative analyst in public affairs. Due to her sharp analytical skills and commitment to the values and ideals of the EBRPD she was appointed to the general manager's office as the legislative administrative assistant in just 2 short years.

The EBRPD has relied heavily on Ms. Aguilar's expertise and leadership skill. Since 1991 she has attended almost every National Park Recreation Association Mid-Year Legislative Forum in Washington, DC. Her efficient analytical style has also been central to her successful work with agencies and legislative staffers at all levels of government.

Ms. Aguilar's tireless work to organize and advocate on behalf of special districts in our community has produced remarkable results in our region. In the early 1990s she was instrumental in organizing the Alameda and Contra Costa County chapters of the California Special Districts Association, CSDA. Through the years these associations have contributed significantly to the quality of life for Alameda and Contra Costa County residents.

Since the formation of local CSDA affiliates Ms. Aguilar has regularly presented written reports to the local chapters regarding critical special district issues. Ms. Aguilar has offered her expertise on the Constitutional Revision Commission, the State budget tax shifts, and AB 1335, the special district representation on Local Agency Formation Commission legislation. Due to her commitment and strong work on behalf of special districts in our community Ms. Aguilar was recognized and honored as the Legislative Advocate of the Year for 2007 by the CSDA.

Ms. Aguilar's many accomplishments have immeasurably improved the East Bay and enriched the lives of its residents. I would like to thank her for her years of public service and wish her success and happiness in her future endeavors.

TRIBUTE TO BEN ANDREW SCHAMEL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Ben Andrew Schamel of Blue Springs, Missouri. Ben is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Unit 1362, and earning the most prestigious award of Eagle Scout.

Ben has been very active with his troop, participating in many scout activities. Over the many years Ben has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Ben Andrew Schamel for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

LETTER TO GEN PERVEZ MUSHARRAF

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. WU. Madam Speaker, I rise to enter into the RECORD the text of a letter authored by Dean Harold Hongju Koh of Yale Law School and signed by numerous prominent law school deans, professors, and students to GEN Pervez Musharraf of Pakistan denouncing his recent assault on the rule of law in his country. Thank you, Madam Speaker.

> We the undersigned lawyers, deans, professors, law students, and law school administration and staff denounce in the strongest terms General Pervez Musharraf's recent assault on the rule of lay in Pakistan. By suspending the Constitution; dissolving the Supreme Court and the provincial High Courts and replacing them with judges of his own choosing; engaging in arbitrary and unprovoked arrests of thousands of opposition leaders, journalists, and other law-abiding citizens; and violently suppressing protests by hundreds of lawyers who were acting in the highest tradition of our profession, General Musharraf is trampling upon the very system of law that alone can justify a ruler's power over his people. We stand in solidarity with our fellow lawyers and the democratic values that they represent, and we urge an early restoration of legality and legitimate authority in Pakistan.
>
> Sincerely,
>
> HAROLD HONGJU KOH,
> *Dean and Gerard C. and Bernice Latrobe Smith Professor of International Law, Yale Law School.*

TRIBUTE TO ARMY NATIONAL GUARD BRIGADIER GENERAL JODI TYMESON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Iowa Army National Guard BG Jodi Tymeson after 33 years of faithful and honorable service.

After graduating from Ogden High School, GEN Jodi Tymeson enlisted in the Iowa National Guard in 1974 and was assigned to the headquarters and Headquarters Company, 248th Aviation Battalion, beginning her long and distinguished career in the military. She was selected to attend the Iowa Military Academy's officer candidate school and commissioned as a 2nd Lieutenant in 1982, assigned to Company B, 234th Signal Battalion as a telecommunications officer. During her service in the 234th Signal Battalion, GEN Tymeson also served as a platoon leader, company commander, systems control officer, battalion operations and training officer, executive officer and battalion commander.

In 1997 GEN Tymeson was assigned to the 67th Troop Command, where she served as an intelligence officer, operations and training officer, special projects officer and commander. On September 24, 2002, she became the first female to be promoted to the general officer rank in the Iowa National Guard. In addition to her many military positions, GEN Tymeson has an impressive military education background, a bachelor's degree in elementary education from the University of Northern Iowa and a master's degree in public administration from Drake University. She also currently serves in the Iowa House of Representatives as a District 73 Representative.

I commend GEN Jodi Tymeson for her many years of loyalty and service to our great Nation. It is an immense honor to represent GEN Tymeson in Congress, and I wish her the best in health and happiness throughout the future.

TRIBUTE TO CHRISTIAN RANDALL PETERSON

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Christian Randall Peterson of Blue Springs, Missouri. Christian is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Unit 1546, and earning the most prestigious award of Eagle Scout.

Christian has been very active with his troop, participating in many scout activities. Over the many years Christian has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Christian Randall Peterson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING RAY BROOKS HIGH SCHOOL 2007 CLASS 1A STATE CHAMPIONS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. THOMPSON of Mississippi. Madam Speaker, today I rise to congratulate Ray Brooks High School for winning the Mississippi Class 1A State Football Championship. The Ray Brooks Tigers completed the 2007 season amassing 13 victories and only 1 loss. This State Championship is their second in 3 years.

Benoit is a small town in the Mississippi Delta, as of the 2000 census there were 611 residents. As a matter of fact, Ray Brooks is one of the smallest high schools in the State of Mississippi. Madam Speaker, although Benoit may be small in population; it has no shortcomings in regards to its high school football team.

What makes this feat more impressive is the fact that Ray Brooks didn't have a football program for 15 years until 2002. The Tigers have been in the playoffs each of the last 6 years they have been back on the football field. During this 6-year period, the tigers have been phenomenal going 62–13 since restarting their football program.

Madam Speaker, not only have the Tigers enjoyed success this year but, they have done so dominantly averaging 35.4 points per game during the regular season while only allowing 9.9 points per game this season. Three wins came by the way of a shutout.

Madam Speaker, I would like to congratulate the student-athletes, student-body, faculty, staff, administration, and the community of West Bolivar for winning the 2007 Mississippi Class 1A State Championship. I am extremely proud to represent these young men and I look forward to the 2008 season.

TRIBUTE TO HUNTER EDISON STOLL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Hunter Edison Stoll of Lee's Summit, Missouri. Hunter is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Unit 1255 and earning the most prestigious award of Eagle Scout.

Hunter has been very active with his troop, participating in many scout activities. Over the many years Hunter has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Hunter Edison Stoll for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO COUNCILMAN WERNER SCHON

HON. MIKE FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. FERGUSON. Madam Speaker, I rise to recognize Councilman Werner Schon and his service to the residents of Mountainside, New Jersey.

Councilman Schon is the longest serving councilman in Mountainside history, having served for 25 years, including 3 years as council president. He has also served as the town's fire commissioner, during which time he helped to acquisition fire vehicles for his town. When the New Jersey Department of Transportation attempted to close a U-Turn on a local highway, Councilman Schon worked diligently to alert the Department about safety concerns connected with such a move, and he successfully prevented the closure.

Werner Schon is retiring from public service in Mountainside and will be honored at the town's reorganization meeting on January 2, 2008. I join the residents of Mountainside in wishing Councilman Schon many happy years of rest and relaxation with his family, and I am pleased to honor his service to Mountainside.

TRIBUTE TO JOSEPH K JOHNSEN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Joseph K Johnsen of Kearney, Missouri. Joseph is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Unit 1135, and earning the most prestigious award of Eagle Scout.

Joseph has been very active with his troop, participating in many scout activities. Over the many years Joseph has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Joseph K Johnsen for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF THE "ADDITIONAL SAFEGUARDS FOR LEASE AND DEVELOPMENT OF NON-EXCESS PROPERTY OF MILITARY DEPARTMENTS ACT"

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. FILNER. Madam Speaker, I rise today to introduce legislation to take reasonable steps to prevent avoidable disasters related to seismic activity in connection with the lease and development of non-excess property of military departments, H.R. 4719.

In San Diego. California, the Department of the Navy is planning a mixed-use development along the downtown waterfront that will incorporate not only a new Navy headquarters, but also business, commercial, and housing elements. It has come to my attention that the land in question is within the Uniform Building Code, UBC, Seismic Zone 4.

My bill requires the lease for this development to be revoked unless the Secretary of the Navy determines that seismic activity would not have any significant impact on any portion of the proposed development. My bill would also extend this requirement to other leases on which no substantial construction has already begun.

In my view, it is only reasonable to require a scientific review of this issue before construction begins. Please support H.R. 4719.

A TRIBUTE TO COLLEAGUE, PIONEER, AND DEAR FRIEND CONGRESSWOMAN JULIA CARSON

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. RANGEL. Madam Speaker, I rise today in reverence of the trailblazing life led by our colleague, Congresswoman JULIA CARSON, and to commemorate the myriad achievements attached to her name. She spent over 35 of her years—more than half of her life—as a spirited public servant, pushing her message of hope and equality in the Indiana legislature, and subsequently, the halls of Congress.

Her 1996 election from the Indianapolis district marked a litany of historic firsts: the first woman, the first African American from that area to serve in the House, and up until her passing, the only one in that delegation to fit that profile. Hers was a unique—strong, proud—voice, and the people of her district—the people of America—were all the better for it.

Known to all as "Miss Julia," Congresswoman CARSON was raised in modest conditions and retained that modesty throughout. She was born to a single mother, a housekeeper, who instilled in her the core values that impelled her to always agitate for justice. Her convictions drove her to be a vehement critic of the Iraq invasion of 2003, and her respect for history led her to push for the conferring of a congressional gold medal to civil rights heroine Rosa Parks.

Representative CARSON, herself, was a heroine, and although her presence is infinitely missed, her aspirations for this great Nation will never leave us.

IN MEMORY OF CONGRESSWOMAN JULIA CARSON

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. BACA. Madam Speaker, I stand here today to mourn the loss of a friend, and celebrate the life of a dedicated public servant and exemplary American.

Congresswoman JULIA CARSON was a trailblazer and an inspiration to her colleagues here in the House of Representatives.

Before beginning her political career, Congresswoman CARSON raised two children as a single, working mother.

She first ventured into politics in the 1960's, when she went to work for then-Congressman Andrew Jacobs.

From then on she served as a State Representative, State Senator, City Trustee, and U.S. Representative.

Throughout her distinguished career, Congresswoman CARSON never forgot who she was or where she came from.

She served as a constant advocate for those in her community who had no voice.

Since first coming to Congress in 1999, I have had the extreme privilege of working with Congresswoman CARSON on a number of issues.

In particular, we worked together to champion the cause of minority and socially disadvantaged farmers—who have traditionally faced many discriminatory obstacles.

In all our work together, I was amazed by her passion and her simple dedication to doing the right thing.

Madam Speaker, Congresswoman CARSON will be deeply missed by her family, friends, constituents, and colleagues here in Congress.

But her actions have left a bold legacy of action that will continue in the lives of those she has touched.

TRIBUTE TO LATE CONGRESSWOMAN JULIA CARSON

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, it is with great sadness that I recognize the life and passing of colleague Congresswoman JULIA CARSON of Indiana's 7th District. I have known this extraordinary person for a long time. She was a woman of principle who unabashedly championed the issues in which she believed. Her constituents and the Nation have lost a great legislator and an outstanding leader.

Congresswoman CARSON made history in 1996 by becoming the first woman and the first African-American Indianapolis has ever sent to Congress. And she came to Congress with one mission—to improve the lives of the people of her community. Even as she rose to a position of prominence in this body, she never forgot the people she was sent here to serve. She truly dedicated her career to them—and for that, earned the respect and gratitude of all Americans.

Since her days in the Indiana State Senate, Congresswoman CARSON has been committed to helping seniors live with independence and dignity as they age. Throughout her career, she has provided exceptional leadership and devoted service to America's senior citizens.

Congresswoman CARSON was also a strong proponent of civil rights movement, scaling the barriers imposed by poverty and sexism. She was a leader in advocating for voting rights, and worked diligently for the health and income needs of people experiencing homelessness and families at risk of homelessness. As a member of the Committee on Financial Services and the Committee on Transportation & Infrastructure, Congresswoman Carson worked to address the most pressing needs of her constituents and this Nation.

In the 108th Congress, Congresswoman CARSON was the sponsor of the largest Amtrak reauthorization bill, the National Defense Rail Act, which provided the rail passenger system with over $40 billion in funds to develop high-speed rail corridors and aid in the development of short distance corridors between larger urban centers.

Madam Speaker, Indiana has lost a powerful legislator. The Nation has lost a great leader. The Congress will mourn JULIA CARSON for her enormous intellectual ability and her huge heart. I will miss an irreplaceable colleague and friend.

And yet, I know that while her loss will be deeply felt, the memory of her kindness and the recollection of her good deeds will transcend into future generations.

HONORING JANET MYERS

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor Mrs. Janet Myers on her retirement after decades of dedicated service to her community.

Twenty four years ago, Janet Myers was elected to the Penndel Borough Council in Bucks County Pennsylvania. While on the council, Mrs. Myers served her community on the police, finance, building and maintenance and streets committees. Her leadership and activism after more than two dozen years will be missed.

Fourteen years ago, Mrs. Myers was one of the founders of the Penndel Activities Committee, which organizes a number of community events each year. Some of the community events include annual festivals, such as the Holiday Tree Lighting Program on the first Saturday in December, the Penndel Holiday Decorating Contest, the Easter egg hunt, a senior's birthday dinner and the Halloween parade. Mrs. Myers shaped the Penndel community with wonderful festivities every year and continued to make an impact even after she left the Activities Committee.

Madam Speaker, we are proud to have Mrs. Myers as a leader in our community and with her retirement, she leaves behind legacy that many will try to follow. Her devotion, selflessness, and commitment to the residents of Penndel Borough in Bucks County, Pennsylvania is unwavering. I ask my colleagues to join me today in thanking Mrs. Myers for improving the lives of so many and as we, in Bucks County, wish her well for the future.

TRIBUTE TO COLONEL BRINTON G. MARSDEN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. BERMAN. Madam Speaker, I rise today to honor the life of Colonel Brinton G. Marsden. Colonel Brinton was born in Desoto, Missouri to Cornelius "Roy" Marsden and Hazel K. Marsden in July 1928. His father was a WWI veteran, Sergeant First Class, USMC, who fought in France. In 1939, Colonel Marsden's family moved to Los Angeles, CA and settled in Westwood.

He attended the University of Southern California (USC). During his studies there, he enrolled in the Air Force ROTC program, and upon graduating, he was commissioned as a Second Lieutenant.

He was stationed abroad in Morocco at the Nour Asour Air Force Base outside of Casablanca where he traveled extensively throughout North Africa and Europe, with tours of duty that included Rhine Maine Air Force Base in Germany.

Upon returning home, Colonel Marsden applied his knowledge of the Air Force to the burgeoning aerospace industry in southern California. He focused mainly on aerospace marketing and sales. He also took part in the Mercury, Gemini, and Apollo space missions. The last major project he worked on was the C–17 cargo plane for Boeing. He remained on active reserve and in command of the 9012 Air Force Reserve Squadron until his retirement in 1983. He died on December 2, 2007.

Colonel Marsden was married to Paula Walsh in November of 1956 in Sherman Oaks, California. This past year they celebrated their 50th wedding anniversary. Colonel Marsden is survived by Paula, his loving wife; his three children, Brinton Jr., Kerri and Craig; his six grandchildren, Jason, Brinton, James, Connor, Timothy, and Jennifer. In addition he leaves behind his sister, Beverly Birner.

His funeral took place at the St. Cyrils of Jerusalem Church in Encino, California on December 6, 2007. He will be buried with full military honors at Arlington National Cemetery on January 22, 2008.

I extend my deepest sympathies to Colonel Marsden's family. The Nation is grateful for his years of distinguished service.

HONOR OUR FALLEN HEROES OF VIETNAM!

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Mr. FILNER. Madam Speaker and colleagues, I rise today to speak about a bill that I have just introduced that recognizes and honors the service and sacrifice of many members of the United States Armed Forces who fought in Vietnam, H.R. 4720, the "In Memory Medal for Forgotten Veterans Act".

Those so recognized are veterans who have died as a result of their service in the Vietnam War but who do not meet the criteria for inclusion on The Wall of the Vietnam War Memorial in Washington, D.C. The Vietnam Veterans Memorial Fund has a program called "In Memory" which has raised money for a plaque that has been placed near The Wall. The plaque honors "those who served in the Vietnam War and later died as a result of their service". No names are on the plaque, but all names are kept in the "In Memory Book" at a kiosk near The Wall, and families can order a copy.

My bill adds to this recognition by presenting the families of these veterans with a medal, to be known as the "Jesus (Chuchi) Salgado Medal" to be issued by the Secretary of Defense. Chuchi Salgado was an outstanding individual who lived in my Congressional district, whose exposure to Agent Orange ultimately led to his death. His relatives continue to live in my district.

Because of the boundaries that have been set for the names to be placed on The Wall, Chuchi and many, many other Vietnam veterans are not honored in this manner. Now, with new veterans coming back from Iraq and Afghanistan, we are all taking a second look and a closer look at how veterans from past wars have been treated. While we must care for the newer veterans, we must also take this opportunity to do right by veterans of Vietnam, along with other past wars and conflicts.

I invite my colleagues to join with me in honoring these veterans. It is critical that we remember those who have fought so gallantly and sacrificed their lives for our freedom! Please join me in supporting H.R. 4720.

RECOGNIZING THE 100TH ANNIVERSARY OF ROBSTOWN, TEXAS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 11, 2007

Mr. ORTIZ. Madam. Speaker, I rise today to congratulate and honor "The Biggest Little Town in Texas": Robstown, Texas.

Robstown has been "Celebrating a Century" this year, as the city turns 100 years old.

This centennial celebration and resolution are especially important to me because Robstown is my hometown.

I was born and raised there, attended the public schools there, and held my first job as a "printer's devil" at the local newspaper there.

Cotton and vegetable farming played an important role in the history and economy of Robstown, named after prominent local Robert Driscoll.

Robstown is a town where citizens are deeply committed to public service.

We've sent sons and daughters to shape history in local, state, and Federal offices.

County Commissioners, Sheriffs, District Attorneys, District Judges, Federal Judges, State Representatives—and this proud Member of Congress—can all trace their roots to Robstown.

Noted actress and singer, Kathryn Grant Crosby, wife of the late great crooner Bing Crosby, also hails from Robstown.

Robstown also has a great athletic tradition.

Gene Upshaw, former NFL great for the Oakland Raiders, is from Robstown.

Humberto "Lefty" Barrera, bantamweight boxer on the historic 1960 Olympic team, who later earned an engineering degree at night school, also called Robstown home.

Our students also excel in the classroom, including the Robstown High School Cotton Pickers, who have achieved much in the fields of academics and athletics.

All year long, we have recognized the "Century of Celebration" which included a formal celebration on June 1.

One of our greatest traditions is the annual Cottonfest, held in October.

This year's was bigger and better than ever before.

Live music, arts and crafts, sports competitions, cook offs, contests, carnivals, and historical exhibits provide something for everyone.

We also have much to look forward to, as our town continues to grow.

Robstown enters the 21st century at the crossroads of international trade due to its proximity to railroads, interstate highways, sea ports, and airports.

Robstown will serve as a rail hub by connecting major railway companies—Texas Mexican Railway, Kansas City Southern, and Union Pacific—with direct links to Corpus Christi, Brownsville, Houston, San Antonio, and Laredo.

Robstown is also home to the new Nueces County fairgrounds and an entertainment venue.

My hometown is the future home of an inland port, which will be the first such port in the United States, and the future home of an Army storage facility.

And no trip to Robstown would be complete without a filling yourself up with South Texas' best BBQ at Joe Cotten's.

Cotten's is an iconic restaurant where many of you have joined me for lunch South Texas style.

It is where presidential candidates, athletes, businessmen, cowboys, writers, astronauts, Generals, Admirals, other celebrities, and thousands of others have eaten over the years.

Robstown is the best of our communities in South Texas—friendly, family-oriented, and proud of their history.

It was in Robstown where my mother taught me my most important lesson: to always serve the community that gave me so many opportunities growing up.

"To whom much is given, much is expected."

Please join me in honoring Robstown on the city's 100th anniversary.

I'd like to thank Mr. CLAY and Mr. ISSA.

THE SECOND CHANCE ACT OF 2007

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise in strong support H.R. 1593, the Second Chance Act of 2007. I would like to thank my dear colleague Mr. DANNY DAVIS of Illinois for sponsoring this very important legislation that addresses the prison warehousing crisis in this country. H.R. 1593, a bill of which I am an original cosponsor, addresses the very serious concerns about the compromised state of warehousing prisoners.

Earlier this year, the Judiciary Subcommittee on Crime, Terrorism and Homeland Security of which I am a member, held hearings to address the state of certain conditions within the United States prison system. In one of those hearings, my colleagues and I considered the merits of the Second Chance Act, and my amendment which I offered in the last Congress was included in the base bill this year.

The Second Chance Act is designed to reduce recidivism, increase public safety, and help State and local governments better address the growing population of ex-offenders returning to their communities. The bill focuses on four areas: development and support of programs that provide alternatives to incarceration, expansion of the availability of substance abuse treatment, strengthening families, and the expansion of comprehensive reentry services.

Nearly two-thirds of released State prisoners are expected to be re-arrested for a felony or serious misdemeanor within 3 years of their release. Such high recidivism rates translate into thousands of new crimes each year and wasted taxpayer dollars, which can be averted through improved prisoner re-entry efforts.

The Second Chance Act of 2007 allocates funding towards a variety of re-entry programs. One of the main components of the bill is the funding of demonstration projects that would provide ex-offenders with a coordinated continuum of housing, education, health, employment, and mentoring services. This broad array of services would provide stability and make the transition for ex-offenders easier, in turn reducing recidivism.

Another reason why I strongly support this legislation is because it includes a provision contained in an amendment I offered during the Judiciary Committee markup of this bill in the 109th Congress. That amendment, incorporated in H.R. 1593 as section 243 of the bill, requires that the:

> Attorney General shall collect data and develop best practices of State corrections departments and child protection agencies relating to the communication and coordination between such State departments and agencies to ensure the safety and support of children of incarcerated parents (including those in foster care and kinship care), and the support of parent-child relationships between incarcerated (and formerly incarcerated) parents and their children, as appropriate to the health and well-being of the children.

My amendment provides for a systematic means of ensuring the safety and support of children of incarcerated parents and the support of children of release for nonviolent offenders who have attained the age of at least 45 years of age, have never been convicted of a violent crime, have never escaped or attempted to escape from incarceration, and have not engaged in any violation, involving violent conduct, of institutional disciplinary regulations.

The Second Chance Act seeks to ensure that in affording offenders a second chance to turn around their lives and contribute to society, ex-offenders are not too old to take advantage of a second chance to redeem themselves. A second benefit of the legislation is that it would relieve some of the strain on Federal, State, and local government budgets by reducing considerably government expenditures on warehousing prisoners.

Madam Speaker, some of those who are incarcerated face extremely long sentences, and this language would help to address this problem. Releasing rehabilitated, middle-aged, nonviolent offenders from an already overcrowded prison population can be a win-win situation for society and the individual who, like the Jean Valjean made famous in Victor Hugo's Les Miserables, is redeemed by the grace of a second chance. The reentry of such individuals into the society will enable them to repay the community through community service and obtain or regain a sense of self-worth and accomplishment. It promises a reduction in burdens to the taxpayer, and an affirmation of the American value that no nonviolent offender is beyond redemption.

Madam Speaker, the number of Federal inmates has grown from just over 24,000 in 1980 to 173,739 in 2004. The cost to incarcerate these individuals has risen from $330 million to $4.6 billion since 2004. At a time when tight budgets have forced many States to consider the early release of hundreds of inmates to conserve tax revenue, early release is a commonsense option to raise capital.

The rate of incarceration and the length of sentence for first-time, nonviolent offenders have become extreme. Over the past two decades, no area of State government expenditures has increased as rapidly as prisons and jails. According to data collected by the Justice Department, the number of prisoners in America has more than tripled over the last two decades from 500,000 to 1.8 million, with States like California and Texas experiencing eightfold prison population increases during that time. Mr. Chairman, there are more people in the prisons of America than there are residents in States of Alaska, North Dakota, and Wyoming combined.

Over 1 million people have been warehoused for nonviolent, often petty crimes. The European Union, with a population of 370 million, has one-sixth the number of incarcerated persons as we do, and that includes violent and nonviolent offenders. This is one-third the number of prisoners which America, a country with 70 million fewer people, incarcerates for nonviolent offenses.

The 1.1 million nonviolent offenders we currently lock up represents five times the number of people held in India's entire prison system, even though its population is four times greater than the United States.

As the number of individuals incarcerated for nonviolent offenses has steadily risen, African-Americans and Latinos have comprised a growing percentage of the overall number incarcerated. In the 1930s, 75 percent of the people entering State and Federal prison were white, roughly reflecting the demographics of the nation. Today, minority communities represent 70 percent of all new admissions—and more than half of all Americans behind bars.

This is why for the last several years I have introduced the H.R. 261, the Federal Prison Bureau Nonviolent Offender Relief Act. H.R. 261 directs the Bureau of Prisons, pursuant to a good time policy, to release a prisoner who has served one-half or more of his or her term of imprisonment if that prisoner: (1) has attained age 45; (2) has never been convicted of a crime of violence; and (3) has not engaged in any violation, involving violent conduct, of institutional disciplinary regulations.

Over 2 million offenders are incarcerated in the Nation's prisons and jails. At midyear 2002, 665,475 inmates were held in the Nation's local jails, up from 631,240 at midyear 2001. Projections indicate that the inmate population will unfortunately continue to rise over the years to come.

To illustrate the impact that the Second Chance Act will potentially have on Texas, the Federal prison population for the years 2000, 2001, and 2002 reached 39,679, 36,138, and 36,635 persons respectively; the State prison population for the same years reached 20,200, 20,898, and 23,561 persons. These numbers have grown since 2002, so the impact is indeed significant and the State of Texas is an important stakeholder.

I am also concerned about the rehabilitation and treatment of juvenile offenders in my home State of Texas as it appears that the administrators of TYC have neglected their duties. The April 10, 2007 Dallas Morning News, reported that "two former Texas Youth Commission administrators were indicted on charges that they sexually abused teenage inmates at the state juvenile prison in Pyote." The same article also cited the 2005 investigative report by Texas Rangers' Sgt. Burzynski which found that the two indicted TYC administrators, Brookins and Hernandez, had repeatedly molested inmates in the Pyote prison. The report is cited as saying that Mr. Brookins, who during some periods was the top official, had shown sex toys and pornography in his office, while Mr. Hernandez molested inmates in classrooms and closets.

I hope that all of my colleagues would join me in supporting the Second Chance Act. Passage of H.R. 1593 would be the start of a long overdue process to eliminate unnecessary costs that result from warehousing prisoners.

RECOGNIZING THE LIFE OF CASIMIR LENARD

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, December 17, 2007

Ms. KAPTUR. Madam Speaker, I rise to pay tribute to Col. Casimir I. Lenard AUS (Ret.) who passed from this life on December 7, 2007. At exactly the same moment, the Polish-American Congress was holding a recognition ceremony during which he was awarded with the first-ever Polish-American Congress Medal of Freedom.

Casimir Lenard was born in Chicago, Illinois on March 10, 1918. Even though Chicago had an ever-expanding Polish population, at the age of 10 he journeyed to Poland, a country who regained its independence after more then a century of being ruled by its neighbors. He studied at the Jesuit Gimnazjum in Chyrow, Poland. Upon completion, he returned to the United States to attend Northwestern University where he received a Bachelor of Science degree in Economic History.

In receipt of his degrees, he learned of the German-Nazi's invasion of Poland. Upon hearing this news, he immediately joined the Chicago Black Horse Troop, 106th Cavalry, Illinois National Guard. This commenced a meritorious and distinguished military career. When the United States was drawn into the conflict in Europe, in 1941, he became part of the first U.S. Army to go overseas as a commissioned 2nd Lieutenant, assigned to the 1st

U.S. Infantry Division. As a member of the 1st Reconnaissance Troop, Lenard was engaged in overseas combat duty from 1942 to 1945. He participated in major operations in the European Theatre including the D-Day invasion. He also served as press and radio censor with the Supreme Headquarters of the Allied Expeditionary Forces.

In 1945, he returned to the United States where he married Casimira (Myra) Lamot. He worked in the family restaurant business, known as "Lenard's Little Poland" in Chicago and "Lenard's Casino" Summer Resort in Beverly Shores, Indiana. However, when the United States engaged in the Korean War, he volunteered for active duty, serving from August 1951 to 1957, under special assignment with the Headquarters Berlin Command and later in Chicago.

In 1962, he was selected for a 5-year tour of active duty with the General Staff at the Pentagon, where he became Chief of the Army Intelligence Reserve Office. And as the United States engaged in another military conflict in Vietnam, he again heeded the call to service in 1967. After his tour, he was a military intelligence research analyst at the U.S. Army Institute of Land Combat. In 1970, Col. Lenard retired after 30 years of distinguished military service.

Col. Lenard gained numerous recognitions and awards during his extensive military career including: the Silver Star Medal with Cluster, the Legion of Merit, the Meritorious Service Medal, the Bronze Star Medal with "V" for Valor, the French Croix de Guerre with Palm, seven overseas campaign ribbons (Algeria-French Morocco, Tunisia, Sicily, Normandy, Northern France, Ardennes-Alsace and Rhineland) and numerous other, citations, the last being the Normandy Medal of the Jubilee of Liberty.

Upon retirement from the military, he became the first executive director of the Polish-American Congress, Washington D.C. Office. After leaving that office in 1974, he became Project Manager of the U.S. Bicentennial Ethnic Racial Council. He organized nationwide conferences and coordinated local and national U.S. Bicentennial activities, providing many opportunities for Polonia participation.

Together, with his wife Myra, Col. Lenard worked on many initiatives to support Polish independence, as the country once again suffered under the pervasive influence of its Soviet neighbor. He administered millions of dollars in grants at The National Endowment for Democracy through the Polish American Congress Charitable Foundation to support the budding Polish underground: Solidarity. He helped provide to Citizens' Committees with urgently needed technical resources and finances. Col. and Mrs. Lenard lead the march toward supporting Poland's membership in the North Atlantic Treaty Organization (NATO). Col. Lenard served on the Board of Directors of the American Red Cross. Moreover, Col. Lenard was well-known for his advocacy of close relations between Poles and Jews, the two groups that suffered the most under German-Nazi rule.

For his work with the Polish-American Community, the Polish-American Congress and the embitterment of Poland's position in the world, Colonel Lenard and his wife Myra, either jointly or as individuals, received many awards. These included the following: the Commander's Cross of the Order of Merit of the Republic of Poland with Star, Commander's Cross of the Order of Merit of the Republic of Poland, Polish Cavalry saber with inscription "For Your Freedom and Ours From The Grateful Nation of Poland," the Polish-National Alliance's "Gold Cross Legion of Honor," the Polish Apostolate "Pride of Polish American Community Award, the Founders Award and the Grand Cross of the Order of Merit of the Republic of Poland.

Myra Lenard passed from this life on May 1, 2000, later to be joined with her husband. They are survived by their three children: George, Antoinette and Elizabeth as well as their grandson Jeffrey Lenard.

The Polish-American Congress Medal of Freedom was awarded to Col. Lenard on December 7, 2007. Since he was unable to obtain his award and the gratitude of Polish-Americans in person, it is a fitting to conclude this record of a remarkable man with the acceptance speech he wrote, but could not make upon receipt of this honor:

> Merry Christmas to all of my dear friends.
>
> This is the first time in many years that I will not be able to share with you the wonderful holiday celebration we all look forward to that is sponsored by the Washington office of the Polish-American Congress.
>
> Nonetheless, I am with you in spirit. I cherish the memories of our long association together, our common struggles in favor of a free and democratic Poland and in favor of Polish-American culture and the values that we all share."

TRIBUTE TO U.S. AIR FORCE STAFF SERGEANT ALEJANDRO AYALA

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. CALVERT. Madam Speaker, I rise to pay tribute to a hero from my congressional district, U.S. Air Force SSgt Alejandro Ayala. Today, I ask that the House of Representatives honor and remember this incredible young man who died in service to his country.

Alejandro had a lifelong fascination with the military. He attended Arlington High School in Riverside, CA, and joined the Reserve Officers' Training Corps. Immediately after his graduation in 1999, Alejandro joined the United States Air Force. Alejandro Ayala attended basic training at Lackland Air Force Base and then was assigned to Seymour Johnson Air Force Base in North Carolina, where he met his wife Megan, whom he married in 2003. Alejandro was subsequently assigned to the 90th Logistics Readiness Squadron at F.E. Warren Air Force Base in Wyoming. On Sunday, November 18, 2007, Alejandro died of injuries he received from a vehicle accident in Kuwait while serving with forces fighting in Iraq. He was 26 years old.

In reading about Alejandro's life, I was impressed by his devotion to family and the military. Alejandro's brother Cesar describes Alejandro as his inspiration for joining the U.S. Marine Corps. Alejandro is survived by his wife Megan; two young children, Alexandra and Matthew; parents Faustino and Ilda; twin sister Liset; sister Angelica; and brothers, Cesar and Francisco.

As we look at the incredibly rich military history of our country we realize that this history is comprised of men, just like Alejandro, who bravely fought for the ideals of freedom and democracy. Each story is unique and humbling for those of us who, far from the dangers they have faced, live our lives in relative comfort and ease. The day the Ayala family had to lay Alejandro to rest was probably the most difficult moment the family has ever faced and my thoughts, prayers and deepest gratitude for their sacrifice go out to them. There are no words that can relieve their pain and what words I offer only begin to convey my deep respect and highest appreciation.

Staff Sergeant Ayala's wife, children, mother, father, sisters, brothers and all his relatives have given a part of themselves in the loss of their loved one. I hope they know that the goodness Alejandro brought to the world and the sacrifice he has made will always be remembered.

TRIBUTE TO 75TH ANNIVERSARY OF THE SANDHILLS STOCK SHOW AND RODEO

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. CONAWAY. Madam Speaker, I rise today to congratulate the SandHills Stock Show and Rodeo on its 75th anniversary. Since 1932, the SandHills Rodeo has had an invaluable impact on the economy and heritage of West Texas.

From its beginnings as the first "Pure Hereford" Show in Texas in 1932 to the present-day exposition—including the horse show, stock show, and rodeo—the SandHills Rodeo has generated millions of dollars in revenue for the Permian Basin and has attracted thousands of visitors from across the country. Like the City of Odessa itself, the SandHills Stock Show and Rodeo has grown and flourished over the past 75 years and has become as much a part of Texas as the cowboys themselves.

Growing up in Odessa, I attended the rodeo and marveled at the brave cowboys on their bucking broncos and the fine animals that compete in the Stock and Horse shows. From the crowning of Miss SandHills Rodeo to the always exciting (at least for the parents) Boot Scramble, the rodeo has something for everyone. I am pleased that West Texans of all generations continue to enjoy this unique and exciting event. Congratulations to all of those who have made the SandHills Stock Show and Rodeo such a fine Texas tradition!

TO HONOR THE MEMORY OF STAFF SERGEANT SHANE BECKER

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mrs. MUSGRAVE. Madam Speaker, I rise today to honor the memory of SSG Shane Becker.

Mr. Becker served in the United States Army as a staff Sergeant. in the 1st Squadron, 40th Cavalry Regiment, 4th Brigade Combat Team, 25th Infantry Division.

Mr. Becker courageously died in combat on April 3, 2007, in Baghdad. I believe his service and commitment to our country most worthy of being recognized by this great legislative body.

Shane Becker was born October 12, 1971, and graduated from Greeley West High School in 1990. Becker joined the Army in 1993 and was stationed at Fort Hood, Texas. In 2006, Becker transferred from Fort Hood to Fort Richardson in Alaska.

Mr. Becker was a decorated war hero who received the Bronze Star, the Purple Heart, the Joint Service Commendation Medal, the Army Achievement Medal with three Oak Leaf Clusters, the Joint Meritorious Unit Award, the Army Good Conduct Medal, the National Defense Service Medal, the Global War on Terrorism Expeditionary Medal, and the Overseas Service Medal.

Becker is survived by his wife Crystal and daughters Cierra and Cheyenna; his mother and stepfather, Deborah and Bob Jorgensen, his father and stepmother, Joe and Jean Becker; sister Brooke Jorgensen; stepsister Nichole Becker; and stepbrothers Chris Becker, Adam Becker, Matt Jorgensen and Chris Jorgensen.

Madam Speaker, I am grateful for Mr. Becker's selfless service to our Nation. I urge my colleagues to join me in recognizing a man worthy of our honor, Mr. Shane Becker.

* * *

RECOGNIZING MATTHEW J. ROBERTS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Matthew J. Roberts, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America and in earning the most prestigious award of Eagle Scout.

Matthew has been very active with his troop, participating in many scout activities. Over the many years Matthew has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Matthew J. Roberts for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

* * *

WILDLAND FIRE SAFETY AND TRANSPARENCY ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. UDALL of Colorado. Madam Speaker, today I am introducing a bill to promote wildland firefighter safety and facilitate agency and congressional oversight of the Federal agencies' wildland firefighter safety practices and policies.

The legislation is identical to a bill introduced by Senator CANTWELL and cosponsored by my Colorado colleague, Senator KEN SALAZAR. That measure (S. 1152) has been favorably reported from the Senate's Committee on Energy and Natural Resources, and I am introducing a House companion to assist in securing enactment of the legislation.

The bill would require Interior Department agencies and the Forest Service to provide Congress with an annual joint report on their wildland firefighter safety practices, including training programs and activities for wildland fire suppression, prescribed burning, and wildland fire use.

This will encourage greater focus in the agencies and can assist in our oversight of these important agency activities.

Ensuring timely and sufficient information on the agencies' safety practices and policies is critical to such oversight. For example, the Federal agencies currently do not specifically track the portion of their wildfire-related funding that is expended for wildland firefighter safety and training, making oversight of safety program funding difficult.

Madam Speaker, wildland firefighting has long been a dangerous activity, as shown by a report from the National Wildfire Coordinating Group listing 945 fatalities resulting from wildland fire accidents since 1910. And while evidently from 1910 until the late 1970s and early 1980s, the number of Federal wildland fire fatalities was trending downward, but that trend has reversed, with the number of Federal fatalities slowly increasing since then.

This disturbing trend reflects the fact that in recent years wildfire behavior has become more extreme, the wildland-urban interface has grown rapidly, and the number and size of wildfires has increased significantly. Despite improvements in wildfire fighting technologies, these and other factors combine to make wildland firefighting more complex today than ever before.

The 1994 deaths of fourteen Forest Service firefighters on Storm King Mountain in Garfield County, Colorado, followed by four more deaths in the Thirtymile Fire in 2001, two in the Cramer Fire in 2003, five in the Esperanza Fire in 2006, and many others, particularly highlight the need for continual improvement in and oversight of safety policies and practices.

A number of recent reports have identified serious concerns with the agencies' safety practices. The Occupational Safety and Health Administration found "serious and willful" violations of safety standards by the Forest Service in its investigation of Thirtymile Fire fatalities, noting that a number of them were similar to failures which occurred at the Storm King Mountain fire. It also found willful, serious and repeated violations of safety regulations during its investigation of the Cramer Fire.

The agencies' growing reliance on contract wildfire fighting crews also has presented safety challenges. A report by the Department of Agriculture's Office of Inspector General (Report No. 08601–42–SF, March 2006) identified significant problems with oversight and administration of the Forest Service contracts and agreements for these private crews. The report's "findings confirm the need to address serious control weaknesses with respect to the firefighting contract crews," which led the Inspector General to recommend, among other things, improving oversight of contract crews' qualifications and training.

These and other reports highlight the need for Congress and the Federal agencies to improve oversight in the area of wildfire safety. The agencies indicated at a recent Committee oversight hearing on wildfire that they are working on making some major changes to their training and other safety programs, which further highlights the need for Congress to keep abreast of the agencies' wildfire safety program.

This legislation is intended to assist in that effort, and I think it deserves the support of all our colleagues.

* * *

INTRODUCTION OF LEGISLATION TO CODIFY TITLE 51, U.S. CODE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. CONYERS. Madam Speaker, Ranking Member LAMAR SMITH and I are introducing a bill to codify into positive law as title 51, United States Code, certain general and permanent laws related to national and commercial space programs. It was prepared by the Office of the Law Revision Counsel as part of its functions under 2 U.S.C. 285(b).

This bill is the successor to H.R. 3039, introduced in the 109th Congress. It has been updated to include provisions enacted after the earlier bill was prepared. It also contains changes made in response to comments received subsequent to the introduction of the previous bill.

This legislation is not intended to make any substantive changes in the law. As is typical with the codification process, a number of non-substantive revisions are made, including the reorganization of sections into a more coherent overall structure, but these changes are not intended to have any substantive effect.

The bill, along with a detailed section-by-section explanation of the bill, can be found on the Law Revision Counsel website at *http://uscode.house.gov/codification/legislation.shtml.*

The Committee on the Judiciary hopes to act on this bill after providing an opportunity for public review and comment. In addition to sharing concerns with the Committee, interested persons are invited to submit comments to Rob Sukol, Assistant Counsel, Office of the

Law Revision Counsel, U.S. House of Representatives, H2–304 Ford House Office Building, Washington, D.C. 20515–6711, (202) 226–2411.

IN HONOR OF STEPHANIE C. KOPELOUSOS

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Ms. CORRINE BROWN of Florida. Madam Speaker, I rise today in honor of Stephanie C. Kopelousos, the Secretary of the Florida Department of Transportation.

Throughout her nearly 15 year public service career, Stephanie C. Kopelousos has worked in both State and Federal public policy, with a particular emphasis in transportation. Her impressive rise to Florida's Secretary of Transportation is well deserved and notable.

Stephanie C. Kopelousos is the first woman to serve as Secretary of Transportation of Florida. She oversees more than 7,000 employees and an annual budget of $8 billion. In an industry so critical to our economy such as transportation, it is sad that women are underrepresented. I hope that her status inspires other women to follow in her success. I believe her leadership will fuel Florida's continued economic growth and enhance Floridian's quality of life.

Secretary Kopelousos has served in several capacities in Florida's Department of Transportation since 2001. Prior to becoming Secretary, she was Interim Secretary and Chief of Staff, providing day-to-day management and directing legislative issues since December 2005. From 2001 to 2005, Secretary Kopelousos served as the primary federal liaison for the Florida Departments of Transportation and Community Affairs in Washington, D.C. Her policy portfolio included transportation, emergency management and disaster relief, and housing.

Her career boasts helping Florida receive its fair share of federal transportation funding as federal liaison for Florida Department of Transportation. In addition, her efforts during two back-to-back hurricane seasons in 2004 and 2005 helped Florida receive significant disaster-related assistance.

A graduate of the University of Alabama with a degree in Political Science, Secretary Kopelousos has proven herself to be a great asset to Florida's transportation needs. I am pleased to honor Stephanie C. Kopelousos for her distinguished accomplishment and her many years of outstanding service, and to thank her for her extraordinary dedication to the people of Florida.

TRIBUTE TO ROBERT E. SCHWENK, U.S. GOVERNMENT PRINTING OFFICE

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. BRADY of Pennsylvania. Madam Speaker, as Chairman of the Joint Committee on Printing, I would like to take this opportunity to recognize Mr. Robert E. Schwenk, Managing Director of Plant Operations at the Government Printing Office, who is retiring next month following 45 years of dedicated Federal service, most of it at the GPO in support of the Congress and Federal agencies.

Beginning as a GPO apprentice in 1962, Mr. Schwenk rose through the ranks to become Managing Director of Plant Operations in 2003. As Managing Director, he oversaw the daily operation of GPO's printing services, including prepress, press, and binding services, as well as the ancillary services supporting them, including supply stores and engineering functions. Employing approximately 1,200 skilled men and women, these operations are responsible for producing the publications that are essential to the legislative operations of this House and the Senate in the discharge of our constitutional obligations—the daily CONGRESSIONAL RECORD, bills, reports, hearings, committee prints, and the host of other documents created as we conduct the people's business. Without them, there would be no publicly accessible record of our work, no documentation for the media, judiciary, educational and research institutions, and the American people to refer to and rely upon as the foundation for our government of laws and democracy. He also oversaw production of the daily Federal Register and Code of Federal Regulations, the annual Budget of the United States, and other significant Federal documents, including U.S. passports.

One of the many fundamental changes in GPO's printing systems which took place during Mr. Schwenk's career was the development of congressional and other Federal information databases that could be used not only for printing, but for online and other electronic dissemination. Since 1986, when Mr. Schwenk was appointed to head GPO's electronic photocomposition division, he played a major role in the development of GPO's information technology operations, guiding successive generations of upgrades to GPO's prepress systems, leading the implementation of computer-to-plate technology, and assisting in GPO's transition to online dissemination in the 1990's with the creation of GPO Access, which quickly became one of the Federal Government's largest and most heavily used Web sites. GPO's transition to these systems has improved access to congressional information immeasurably, and yielded significant savings in congressional printing costs.

Mr. Schwenk's expertise in electronic systems and production operations were combined in his most recent achievement at GPO, in which he oversaw the implementation of electronic chips in U.S. passports and managed the growth in passport production from approximately 11 million total in 2003 to more than 2 million each month today. When the demand for passports increased exponentially over the past year, GPO quietly fulfilled its role, increasing both its staffing and productivity to meet the State Department's requirements. Mr. Schwenk leaves the GPO with the staffing, equipment, and plans in place to meet the future demand for this important document.

During his career at the GPO, Mr. Schwenk witnessed and participated in vast changes in Federal printing operations, as the impact of new technologies reduced GPO's staffing needs from its peak of nearly 8,500 in the mid-1970's to 2,300 today, while at the same time leading to an explosion in the access to Government information via the Internet. During that period, Mr. Schwenk saw history being made—and helped record it for posterity—at the GPO, as that office worked to produce the official versions of the Warren Report, historic civil rights and other legislation, photographs of the first landing on the moon, transcripts of hearings on Vietnam, Watergate, and Iran-Contra, the report on the Challenger space shuttle disaster, and many more.

Next month, he will retire from a long and distinguished career of public service. I ask my colleagues to join me in conveying our thanks to Mr. Schwenk and best wishes for a healthy and happy retirement.

TRIBUTE TO MR. RONALD F. DEATON

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. BERMAN. Madam Speaker, I rise today to honor the career of Mr. Ronald F. Deaton. Mr. Deaton retired December 1, 2007 from the city of Los Angeles after 42 years of dedicated service to the people of Los Angeles. While Mr. Deaton is officially retiring as General Manager of the Los Angeles Department of Water and Power (LADWP), the Nation's largest municipally owned utility, he spent 11 years as the Chief Legislative Analyst (CLA), reporting directly to the Los Angeles City Council. In this position he was the chief advisor to the City Council and, with a staff of 50 professionals who researched and analyzed public policy issues, played a leading role in the critical decisions, actions and initiatives facing the city of Los Angeles during that period. He was one of the most clear-sighted, intelligent, and effective public servants I have had the opportunity to engage with in my 35 years in elected office. I consider him a good friend as well.

Mr. Deaton began his career in public service for the city of Los Angeles in 1965, when he first joined the LADWP and worked in budget preparation and market research. From there he moved to the City Administrative Office (CAO) in 1969, where again he was responsible for budget analysis and management audits. In 1976, he accepted a position in the office of the Chief Legislative Analyst (CLA). He continued his work on budget issues affecting all the city departments. In addition, he oversaw the city's State and Federal legislative program.

In 1993, he was picked by the Council to be the CLA. In that position he was given the lead role in guiding the seismic rehabilitation and restoration of the historic Los Angeles City Hall and the Van Nuys City Hall. Additionally, he provided analysis and guidance in crafting the city's response to such challenging and complex issues as City Charter reform, secession, energy deregulation and redistricting.

Other programs which benefited from his involvement and dedication included the Proposition "O" bond measure for Stormwater and Water Quality projects; Proposition K which benefited parks and recreation programs for young people; police and fire bonds for public facilities; creation of the Grifith Park Festival of Lights; relocation of the Children's museum; emergency rehabilitation and improvement of the Los Angeles Zoo; coordination of the National League of Cities convention in Los Angeles; bringing the City Council's information technology into the 21st Century; Parker Center replacement; the Police Consent Decree; the downtown arena agreement; Los Angels River improvement and beautification plan; ethics legislation, and eleven balanced City budgets.

Mr. Deaton's dedication to public service was complimented by a sense of humor and his extraordinary ability to deal effectively, ethically and creatively with the challenges before him. He brought these qualities with him to the Department of Water and Power in 2004 when he was appointed to be the General Manager by the Mayor and confirmed by the City Council. In that capacity he initiated diversification of power generation resources; implemented significant infrastructure improvements and operational efficiencies; enhanced customer service and public outreach; and increased education programs for school children studying environmental issues.

A graduate of California State University at Long Beach, with a B.A. degree in Economics, Deaton holds an MBA degree from the University of Southern California. He and his wife, Ellery, whom he met at LADWP in 1965, reside in Seal Beach, California. Their family includes four grown children and ten grandchildren.

HONORING PINNACLES 100TH ANNIVERSARY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. FARR. Madam Speaker, I rise today to celebrate the 100th Anniversary of Pinnacles National Monument. The extraordinary geology of the landscape has captured the imagination of Central California homesteaders, ranchers, naturalists, and philanthropists since the 1800s. A remnant volcano, the Pinnacles Volcanic Formation of rocky fingers of stone, talus caves, and lofty cliffs create a stark contrast to the smooth rolling hills of the surrounding Gabilan Range.

More than 14,000 acres of congressionally designated wilderness together with its multiple ecological niches provides the best remaining refuge for floral and faunal species representative of the Central California Coast. Located within the Pacific Flyway migratory route, Pinnacles has the highest concentration of nesting Prairie Falcons of any National Park site, and provides a safe haven for 20 species holding special Federal or State status.

Pinnacles is the only National Park site within the ancestral home range of the California condor that releases and maintains this Nation's largest bird species. There are nearly 400 species of bees at Pinnacles, the highest known bee diversity per unit area of any place on Earth. The monument sustains a showcase example of chaparral, a unique miniature forest ecosystem that elsewhere in coastal California is losing ground to ever-increasing urban expansion.

Life flourishes in the protective shadow of this remnant volcano whose location along the San Andreas fault zone has carried it nearly 195 miles northward from its place of origin and contains the Nation's largest talus caves. Research on Pinnacles' geology has helped revolutionize the theory of plate tectonics.

In this landscape Pinnacles National Monument preserves natural and cultural resources whose stories are woven into the fabric of this Nation's history and heritage. On January 16, 1908, under the authority of the newly created Antiquities Act, Theodore Roosevelt proclaimed 2,080 acres of the Pinnacles National Forest Reserve as Pinnacles National Monument. Today Pinnacles covers over 26,000 acres across both Monterey and San Benito Counties. Surrounding lands are still grazed by cattle, ridden by cowboys and vaqueros, and farmed by descendants of the first settlers who homesteaded the region.

Madam Speaker, I know the Members of this House will join me in noting this important milestone for Pinnacles National Monument: a haven for solitude; a recreational getaway for climbers, hikers and lovers of open space; a springboard for personal journeys of enrichment; and a continuing reminder of America's history preserved for future generations to study and enjoy.

HOUSE OF REPRESENTATIVES—*Wednesday, December 19, 2007*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Let the Nation be the land of promise and the citadel of freedom for the world. Let all the people rejoice to find the Lord their God in their midst.

It is not only our children who live with dreams and take delight in this season filled with blessing. Lord, all Your people look to Your visitation which takes away the dark days and fills them with light. Older and wiser, understanding, Your full embrace of our humanity, we seek deeper truth and lasting gifts.

Stir again within us the longing for family life secure in faithfulness. Give us brazen dignity in the work undertaken and achieved. Freed from the discontent of false expectations, bless us with the contentment that the reality of Your love reveals to us.

Let the feast begin when heaven and Earth are united in the song "A Child is born for us." "The Word becomes flesh." Divine presence is found in our midst.

Promises and oaths fulfilled, You prove Yourself our lasting hope, Lord. For You are the Lord our God and have become all in all, both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore (Mrs. TAUSCHER). The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Arkansas (Mr. BOOZMAN) come forward and lead the House in the Pledge of Allegiance.

Mr. BOOZMAN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 366. An act to designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the "Ernest Childers Department of Veterans Affairs Outpatient Clinic".

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 2135. An act to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes.

S. 2260. An act to extend the existing provisions regarding the eligibility for essential air service subsidies through fiscal year 2008.

S. 2436. An act to amend the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue.

The message also announced that the Senate has agreed to concurrent resolutions of the following titles in which the concurrence of the House is requested:

S. Con. Res. 53. Concurrent resolution condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release.

S. Con. Res. 61. Concurrent resolution providing for conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives.

S. Con. Res. 62. Concurrent resolution to correct the enrollment of H.R. 660.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

A GREAT YEAR IN CONGRESS

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, today, this Congress will adjourn. I want to thank the people of the Ninth District of Tennessee for giving me the honor to represent them in this Congress.

From the first vote that we, as freshmen, took to break the glass ceiling and elect Speaker PELOSI to whatever the last vote is today, during this year we passed historic legislation on energy, on ethics, and the environment. We've done things on children's health care that hasn't come to fruition, but we've tried, and the same thing in ending the war.

This has been a Congress that has tried to accomplish a lot, has accomplished some, brought change for the American people, and will continue to do so next year.

I have had the honor to stand up in my district for The MED, for LeMoyne-Owen College, for the COPS program, for Blue Cross at the University of Memphis, and for our largest employer, Federal Express.

Madam Speaker, it's been a grand year. I am proud to be a Member of this United States Congress and to represent this great country.

God bless the United States of America.

IN RECOGNITION OF GEORGE HARPER

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, I rise today to wish a fond farewell to a member of the Second District staff, George Harper. George has been a member of our team for almost 2 years, and he has brought a strong level of professionalism and personal integrity to the job. I am happy to report that George will not be traveling far as he joins Congressman JON PORTER's office as a legislative assistant.

A graduate of the University of Nebraska, George first came to Capitol Hill as a summer intern in the office of Senator JIM DEMINT of South Carolina. After serving as a deputy legislative assistant to Senator CHUCK HAGEL of Nebraska, he joined our office, first as a scheduler and then as legislative correspondent.

George's hard work, dedication and pleasant demeanor have made him an invaluable member of our staff as we work hard to address the needs and concerns of the people of the Second Congressional District. Our office will miss George tremendously. And we wish him all the best in all his future endeavors.

In conclusion, God bless our troops. And we will never forget September 11th.

HONORING THE HEROICS OF HASSAN ASKARI

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Madam Speaker, I rise to applaud the bravery of a young man, Hassan Askari. On December 9 of

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

this year, Hassan Askari risked his own safety and his life to defend a group of strangers who were attacked on a New York City subway.

What started as an exchange of Merry Christmas and Happy Hanukkah between two fellow passengers ignited into a violent exchange of anti-Semitic slurs and violence.

A group of men and women attacked the Jewish passengers, and only one passenger came to their defense, Hassan Askari. Hassan, like the men he was trying to help, was beaten and pummeled by the attackers. But as he said with regard to his actions, "I believe we are all members of one family, and my religion teaches me always to come to the aid of my fellow man in distress."

Hassan is a Muslim from Bangladesh. He was taught, as we all should be, that we are humans first, first and foremost. And no matter what our faith or race, we should treat each other with respect.

Hassan's actions on the subway were human nature at its best, and I applaud him for interceding to stop a senseless act of violence and hate. I hope his actions will serve as an example for all of us.

PASS A CLEAN AMT FIX

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Madam Speaker, how much longer do American taxpayers have to wait for Congress to pass a sensible and fair fix to the alternative minimum tax? This highly punitive tax, originally intended to catch only the worst of tax scofflaws, will hit 23 million middle-class taxpayers next year if Congress doesn't act now. Unfortunately, the majority's delay tactics have already caused a cascade effect that will delay the tax refunds of 50 million Americans. If Congress keeps stalling, things will go from bad to worse.

The Senate already rejected a poorly conceived plan that temporarily patches the AMT, but on the condition of enacting a permanent tax hike. Only in Washington does it make sense to make a temporary 1-year tax patch and counter it with a permanent tax hike.

Let's stop the charade and pass an AMT fix that protects millions of middle-class Americans from a huge tax increase. If Congress delays any longer, those 23 million taxpayers will be saddled with an unexpected and severe $2,000 tax increase.

The Senate sent us a clean AMT bill nearly 2 weeks ago. Before we go home, we need to do the right thing and pass it. American taxpayers deserve no less.

COACH BROYLES

(Mr. SNYDER asked and was given permission to address the House for 1 minute.)

Mr. SNYDER. Penn, my 18-month-old little boy, thanks to his mother's teachings, can now do the official signs for touchdown, illegal procedure, blocking the back, and of course his favorite, Who is number one? The Arkansas Razorbacks.

I say thanks to his mother because, while she is now a full-time Methodist minister, I am convinced for several decades of her life the Holy Trinity was the Father, the Son and the Holy "Coach," with the coach, of course, being Frank Broyles of the Arkansas Razorbacks.

Coach Broyles' career is coming to an end at the end of this month as both a great coach and an outstanding athletic director. He has also been very active and may have visited with Members here in the Congress about his work on behalf of Alzheimer's research and the treatment with respect and dignity of Alzheimer's patients.

We wish Coach Broyles well as his career is ending, although it wouldn't surprise me that another college might try to pick him up.

IN HONOR OF JOHN FRANKLIN "FRANK" BROYLES, UNIVERSITY OF ARKANSAS

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOOZMAN. Madam Speaker, I proudly rise with my Arkansas colleagues this morning to recognize a man who meant a great deal in my life and a great deal to those who are fans of college football and the University of Arkansas.

I rise to honor the legacy and career of Frank Broyles, the athletic director of the university and former head football coach who will end his 50-year run with the Razorbacks on December 31.

Frank Broyles is an icon in Arkansas and a legend in the world of collegiate athletics. His new mission, among other things, will be to educate Americans on caring for loved ones suffering with Alzheimer's.

The names of those associated with Coach Broyles are impressive: Jerry Jones, Jimmy Johnson, Barry Switzer, Johnny Majors, Joe Gibbs, Raymond Berry, and the list goes on and on, all played or coached for Broyles over his career. He even teamed with the legendary broadcaster Keith Jackson for several years to bring the college games to our homes every weekend.

I will be forever proud to be a Razorback and to have had the opportunity to be one under Coach Broyles. I congratulate him on his career, and sincerely thank him for his service to the great State of Arkansas. And as we say in Arkansas, Wooo, Pig Sooey.

PAYING TRIBUTE TO COACH BROYLES

(Mr. BERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERRY. Madam Speaker, first, I would encourage everyone to remember our men and women in uniform and their families and reach out to them.

The Arkansas delegation rises this morning to pay tribute to a man that has made magnificent contributions to the State of Arkansas, to college athletics, to this country. His leadership, working together with the people of Arkansas, has demonstrated the great value of the people working together for the common good.

His contributions are unmatched. He has demonstrated beyond a shadow of a doubt the value of integrity and decency, always take the high road. He has made us all very proud to be Razorbacks, as has just been alluded to from my colleague in northwest Arkansas, but he has also demonstrated to the human race what it means to not only be a Razorback, but to be a man of great class and integrity and always take the high road.

☐ 1015

BURMA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, the world has watched over recent months as the brutal dictatorship in Burma has arrested and killed Buddhist monks and democracy activists and as it continues to attack, rape and kill ethnic minorities. The House has just passed an excellent bill imposing further sanctions on Burma, the JADE Act.

Amazingly, in the Senate, leading Democrats don't want the House version of the bill. Instead, they want to allow for cash money to go to the ruling regime for humanitarian purposes. Hello? Aid that goes through the regime does not get to the people of Burma. The rulers simply enrich themselves with any moneys coming into the country.

In addition, certain Senators wish to give the Treasury Department an opening one could drive a Mack truck through so that Treasury could make any regulation it likes regarding U.S. money going into Burma. I hope those Senators will read the reports and look at the photos from Burma. The democracy activists, monks and ethnic minorities are the ones who should get our support, not the brutal military regime.

RECOGNIZING ATHLETIC DIRECTOR AND FORMER COACH FRANK BROYLES ON HIS RETIREMENT FROM THE UNIVERSITY OF ARKANSAS

(Mr. ROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSS. Madam Speaker, as he prepares for retirement at the end of this year, it is impossible to think about Razorback athletics and imagine what it would be like without Coach Frank Broyles. His achievements on the field are numerous and distinctive. However, it is his battle off the field that inspires me even more. In 1999, Coach Broyles' wife was diagnosed with Alzheimer's disease and, needless to say, this battle changed his family forever. Studying defenses on the football field for decades prepared Coach Broyles as he looked for a way to attack perhaps his greatest challenge yet.

After years of caring for his wife and receiving calls and letters from supporters, he sat down and compiled his most impressive playbook ever: "The Coach Broyles' Playbook for Alzheimer's Caregivers: A Practical Tip Guide." His playbook has helped countless families caring for loved ones with Alzheimer's, letting them know that their fight with this disease is not something they must face alone. In 2004, Coach Broyles' wife, Barbara Broyles, succumbed to the disease, which still has no cure.

His accomplishments in college football will never be forgotten, but the hope and faith he has given to families across this Nation coping with Alzheimer's will leave a lasting impact on our society for generations to come.

EARMARKS FOR REELECTION CAMPAIGNS

(Mr. FLAKE asked and was given permission to address the House for 1 minute.)

Mr. FLAKE. Madam Speaker, one of my astute colleagues recently said, "One of the toughest parts of being a Member of Congress is remembering what we are supposed to be outraged about." I thought about this yesterday when I heard the report that surprise, surprise, earmarks were being used to help Members get reelected. The reason that is treated with kind of a ho-hum is because, as it turns out, that is one of the more noble explanations as to why earmarks are used.

With the reporting that is going on about earmarks being tied to campaign contributions, or chairmen, or people in leadership positions getting tens of millions of dollars in earmarks for favored companies or organizations in their district, it seems that we have simply gone too far when we don't recognize this as a problem.

I would call on my colleagues in the new year to have a moratorium on earmarks. Let's put a brake on this process until we can put a process in place to adequately vet these. There is no noble purpose for the contemporary practice of earmarking. Try as we might, we aren't coming up with one.

THE DEMOCRATIC YEAR IN REVIEW

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. The first year of the new Democratic majority is coming to a close, and we have already set our Nation in a new direction. We increased the minimum wage, improving the lives of millions of American workers. We increased fuel efficiency standards and set a new path for energy independence that will create new jobs and enhance our economic competitiveness. We enacted the largest college financial aid expansion since 1944, bringing the American Dream within the reach of millions of children in our country. And we are about to pass the largest increase in veterans health care in American history in honor of the service and commitment of all of our veterans.

We accomplished all of this in spite of the stubborn resistance of Republican obstructionists who have tried to undermine our efforts at every opportunity. We did this despite the President's refusal to compromise.

This year is coming to a close, but our commitment to change will continue. Hard-working American families can be assured that when we return in January, the Democratic majority will continue to fight for their and our priorities.

Best wishes for a happy, healthy, secure and hopeful new year to all Americans. God bless our great Nation.

THE OKLAHOMA STANDARD

(Ms. FALLIN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FALLIN. Madam Speaker, this past week the State of Oklahoma experienced a severe ice storm that left over 600,000 homes and businesses without power or heat. As you can imagine, Oklahomans have had a very challenging time. Today, I want to thank the people of Oklahoma for helping each other and commend the various generous volunteers and organizations that came to their aid.

Since the disaster of the Murrah Federal Building in 1995, the people of my great State are said to have created what is known as "the Oklahoma standard," rallying to help each other in times of need, and certainly this past week, to week and a half, has been no exception.

I want to personally thank Governor Henry and President Bush for working together to ensure that the proper Federal aid disaster relief has come to Oklahoma. And I would also like to commend the State Office of Emergency Management, FEMA representatives and the State Corporation Commission who kept us informed and on track as power loss was reported and power was restored.

I especially want to commend the utility crews who worked tirelessly in their efforts to restore power. I want to thank the hundreds of utility workers from other States who came to help. Thank you for leaving your homes and families during this holiday season.

Madam Speaker, there are so many organizations to thank who went above and beyond to help the State of Oklahoma, churches, synagogues and charities. The Southern Baptist Convention, United Way of Central Oklahoma, the Salvation Army and the Red Cross, to name just a few, worked to provide food, shelter and other supplies, and all went beyond their usual call of duty to clear the road to recovery.

Thank you so much, and may God bless you.

MINERALS MANAGEMENT SERVICE REFORM

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRALEY of Iowa. Madam Speaker, I rise today to express my serious concerns that inadequate oversight, deficient procedures, and ethical lapses at the Department of Interior's Minerals Management Service (MMS) are costing the Federal Government millions of dollars each year.

The MMS is responsible for negotiating, implementing and overseeing all Federal leases for resources removed by private companies from public lands, and it is supposed to be a guardian of our Nation's precious public resources.

Unfortunately, evidence suggests that the cozy relationships between MMS officials and oil and gas companies have allowed these companies to underreport the resources they remove from Federal lands and underpay the royalties they owe to the Federal Government. Evidence that MMS has failed to detect and pursue these violations by oil and gas companies is especially troubling as gas prices continue to rise, corporations make record profits, and average Americans are struggling to fill their gas tanks and make ends meet.

Most hard-working, taxpaying Americans would be outraged to know that these companies are cheating the Government out of these royalties which are a critical source of revenue for the U.S. Treasury and which would allow us to invest in other priorities.

IN RECOGNITION OF THE EXTRAORDINARY SERVICE OF JANIE GALMON

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Madam Speaker, it is a great honor, we all know, to represent the American people here in the people's House. We all work long hours. We spend a great deal of time here. And I would like to, at this moment, mark the extraordinary service of a woman who has chosen to retire after nearly 50 years of working here in the Capitol. I am referring, of course, to the very famous Janie Galmon.

My colleagues may not know her last name, but they are very familiar with Janie's fried chicken, which has been prepared for us on Wednesdays on a regular basis. She is someone who was working in this Capitol when President Kennedy was assassinated, and she regularly has shared with us stories about that.

She always showed up to work at 5 a.m. regardless of how late we were in the night before. We could be here, and she can be working downstairs midnight, 1 o'clock, but she was always back here coming in with our friend, Sally, at 5 o'clock in the morning.

She has provided extraordinary service and sustenance to so many of us. Janie, after a half century, has chosen to retire. I want to wish her congratulations, a very happy retirement, and a very, very merry Christmas.

CARING FOR OUR NATION'S VETERANS

(Mr. HALL of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HALL of New York. Madam Speaker, first let me wish a happy and safe holiday to all our men and women in uniform who are serving here and abroad.

After watching the Department of Veterans Affairs face a $1 billion shortfall during a time of war, I came into this Congress convinced that if we had the money to fight a war, we must have the money to treat the warrior.

One of the first votes that this Congress took was to increase funding for the Department of Veterans Affairs. And one of our last votes of the year will be to provide $6.7 billion in new funding to the Department to ensure that our Nation's veterans get the care they have earned.

The way the government spends its money is a true indication of its priorities. With this appropriations bill, our new Congress has shown that America's veterans are a top priority.

CONGRATULATING MAYOR CECIL PRUETT

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, I rise today to honor and to congratulate Mayor Cecil Pruett of Canton, Georgia, on a tremendous career and a well-deserved retirement. A true public servant and outstanding leader, Mayor Pruett will be retiring this month after 12 years as mayor of the City of Canton in Cherokee County, Georgia.

Mayor Pruett has always strived to better his community, and his broad experience has served his constituents well. The mayor was formerly the president of the Georgia Municipal Association, president of the Cherokee County Chamber of Commerce, and a member of the Atlanta Regional Executive Committee.

An educator, he remains active in leadership posts at Reinhardt College, Georgia Baptist Children's Home, North Georgia Regional Development Center, and his own church where he serves as a deacon.

Mayor Pruett oversaw substantial economic growth in Canton over his 12 years, but he has always worked to preserve the small town charm that is a hallmark of Cherokee County. A southern gentleman in every way, Mayor Pruett and his honest leadership will be sincerely missed. We wish Cecil and his wife, Myrna, a happy and a healthy retirement.

DEMOCRATIC ACHIEVEMENTS OVER THE LAST YEAR

(Mr. HODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HODES. Madam Speaker, as we prepare to complete this first year of the new Democratic Congress, I would like to take a moment to reflect on some of the major accomplishments that we have achieved on behalf of the American people. As a member of the majority makers, the historic class of 2006, we have helped to restore integrity, idealism and imagination to the people's House. We increased the minimum wage for the first time in a decade and fully implemented the 9/11 Commission recommendations to better protect our Nation.

Since then, we have worked to ease the financial burdens that middle-class families face, passing the most sweeping college affordability package in more than 60 years, and yesterday, we approved an historic energy bill to declare our energy independence and help us address global warming, saving Americans anywhere from $700 to $1,000 a year in gas prices.

Madam Speaker, I am proud to stand with fellow Democrats for an American agenda, real security, healthy families, a thriving economy, with opportunity for all, not just a few at the top, and a sustainable future for our planet. I look forward to 2008.

SCHIP

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, it is so interesting to look at today's Whipping Post and see the myriad and vast range of the issues that are coming before us. And many of these are issues that should have been addressed months ago.

One of those that we are going to address first off this morning will be S. 2499. This is an issue that is going to deal with Medicare, Medicaid and SCHIP, the State Children's Health Insurance Program. This should have been handled months ago. It has been running under a continuing resolution.

Madam Speaker, I am so pleased that the congressional leadership has decided to finally take the politics out of this and to support SCHIP as it was currently put in place in 1997 by a Republican Congress and to keep the focus on children of the working poor who need access to health care.

I support this bill, and I encourage my colleagues to do likewise and to continue to support SCHIP as it was originally put in place in 1997 by a Republican Congress.

□ 1030

PRESIDENT BUSH IS OUT OF TOUCH WHEN HE SAYS THE ECONOMY IS STRONG

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Madam Speaker, earlier this week President Bush showed us that his view of the economy does not match that of the overwhelming majority of Americans. That is when he tried to convince the Nation that the economy was strong for everyone.

Does the President realize that on his watch, poverty has increased every single year, and that overall household income has decreased?

Does the President realize that at a time when Americans have less money in their wallets, they are trying to squeeze every dollar to pay higher food, gas, education and health care bills?

Madam Speaker, how bad does the economy have to get for the average working man and woman before the President realizes that there is a problem?

This Democratic Congress is not satisfied with the status quo. Over the last year, we have made progress to ease the economic crunch for middle-class, working-class families. We have passed legislation to make college education more affordable, increased the minimum wage, addressed the subprime mortgage crisis, and cut taxes for middle-class families.

We are proud of these accomplishments. We also realize that with most Americans struggling, this economy is just not working.

DEMOCRATIC CONGRESS ONCE AGAIN SUPPORTS ENERGY INDEPENDENCE AND SECURITY

(Mr. CLEAVER asked and was given permission to address the House for 1 minute.)

Mr. CLEAVER. Madam Speaker, yesterday the Democratic Congress once again supported energy independence and security. This legislation, which the President is now expected to sign, includes an historic increase in fuel economy standards for vehicles and significant new support for alternative fuels.

This comprehensive Democratic energy bill provides a dramatic shift in our Nation's energy policy, including new standards for buildings, homes, lighting and appliances, and makes great strides in our fight against global warming. It is also something that we can feel good about, because it reduces the price at the pump through increased efficiency standards that reach 35 miles per gallon by 2020. This is the first increase in CAFE standards in 32 years and will save the average driver between $700 and $1,000 a year.

Madam Speaker, the protection of our environment is both a spiritual and moral issue, and Congress has failed for too many years to address this issue. I am proud that the Democratic Congress has worked to bring this historic legislation to the floor.

DEMOCRATS CONTINUE TO MOVE OUR NATION FORWARD, BUT PRESIDENT BUSH IS BLOCKING THE WAY

(Mr. ARCURI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARCURI. Madam Speaker, all year this Democratic Congress has worked to live up to our promise to move the Nation in a new direction. In many ways, we have been successful, raising the minimum wage, fully implementing the 9/11 Commission recommendations, and making college more affordable. We are proud of these accomplishments, but there are many other important bills that have been passed with strong bipartisan support here in Congress, only to be vetoed by President Bush.

We sent the President a bipartisan bill that restored harmful cuts to No Child Left Behind, job training programs, and research grants for cures for life-threatening diseases. President Bush said no with his veto pen.

We sent him a bipartisan bill that would ensure 10 million children have access to quality health care. President Bush said no with his veto pen.

We sent him a bill that would bring our troops home from Iraq by the end of next year. Again, President Bush said no with his veto pen.

Madam Speaker, President Bush has stood in the way of real progress, but know that we in Congress will continue to fight to move our Nation in a new direction.

IN STRONG SUPPORT OF THE ENERGY INDEPENDENCE AND SECURITY ACT

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute.)

Mr. CARNAHAN. Madam Speaker, I rise today in strong support of the energy bill that will finally take our energy policy in a new direction, and I urge the President to sign it into law. This bill makes a big step toward greater energy independence and energy security.

The bill includes an historic increase in fuel economy standards, the first since 1975. This increase will save American families an estimated $700 to $1,000 a year at the pump and reduce our dependence on foreign oil. We must pursue an energy policy that moves the U.S. towards energy independence, reduces the cost of gasoline to consumers, enhances the development of alternative energy, and substantially reduces threats of global warming.

This bill also sends a clear signal to the rest of the world that the U.S. is finally serious about getting our energy and environmental policy in order. However, we still have more work to do on this issue, and this new Congress is committed to get the job done.

A COMMITMENT TO PASSING A GOOD SCHIP PROGRAM

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Madam Speaker, I first want to thank Speaker PELOSI, Majority Leader HOYER and all the Members who are so committed to the SCHIP program. This Congress sent the President very good legislation that would have ensured that millions of low-income children of hardworking Americans could keep health coverage, and it would allow States to enroll millions more who qualified for the CHIP program but aren't covered because the States have not received enough funding. We also had a way to pay for this.

But each time, the President has vetoed that legislation, and here in Congress a number of my colleagues on the other side of the aisle continue to stand with the President blocking the way for this vital program to reach more children. We wanted to insure 10 million children. The President and the Republican leaders only want to insure 6 million children. And that is the crux of the problem here.

Today, we will extend the SCHIP program through March of 2009, but an important aspect of these earlier bills is not included. This past August, the Center for Medicare and Medicaid Services issued a directive to State SCHIP directors effectively informing them that they would no longer be able to insure children in families where incomes exceed 250 percent of the poverty level, $43,000 for a family of three. This is a tragedy, and we will fix it.

TRIBUTE TO THE HONORABLE TRENT LOTT

(Mr. BARTON of Texas asked and was given permission to address the House for 1 minute and revise and extend his remarks.)

Mr. BARTON of Texas. Madam Speaker, I hadn't intended to give a 1-minute today, but I just got off the telephone with one of my dear friends, the Senator from the great State of Mississippi, the Honorable TRENT LOTT.

Today is his last day in the United States Senate. After a distinguished career in both the House of Representatives and the U.S. Senate, he is resigning effective, I assume, today or tomorrow, whenever the other body goes out.

I have known TRENT LOTT for the 23 years that I have been in the House of Representatives. When I first got elected, he was the minority whip here in the House. He is one of the wisest, in terms of political knowledge, men that I have ever been around in my political career. He is a great guy personally. He has a great family. He has served not only his State, but his country, with exemplary distinction for the many-odd years that he has been in the House and the Senate.

We are going to miss the Honorable TRENT LOTT of the Magnolia State of Mississippi, and I want to wish him and his family the very best this holiday season and in the years ahead.

God bless TRENT LOTT and his family.

COMMENDING HEATHER LASHER TODD FOR HER SERVICE TO THE HOUSE OF REPRESENTATIVES

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Madam Speaker, today is the last day of this year of the session of Congress, and I just wanted to take the opportunity to thank my press secretary, Heather Lasher Todd, who is actually leaving today and going back to St. Louis, where she is from, with her husband. Both of them used to work for Congressman CARNAHAN, who was here before on the floor.

Many of my colleagues on the Democratic side of the aisle see Heather on a daily basis when she is down here with me trying to get Members to do 1-minutes and other message opportunities, and also worked very hard to have our weekly message meetings and come up with timely topics and people who would speak.

I am going to sorely miss her. I know that many of my colleagues will as well. I just want to wish her and her husband a great future back in St. Louis where they are from.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

MEDICARE, MEDICAID, AND SCHIP EXTENSION ACT OF 2007

Mr. PALLONE. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 2499) to amend titles XVIII, XIX, and XXI of the Social Security Act to extend provisions under the Medicare, Medicaid, and SCHIP programs, and for other purposes.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 2499

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) IN GENERAL.—This Act may be cited as the "Medicare, Medicaid, and SCHIP Extension Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—MEDICARE

Sec. 101. Increase in physician payment update; extension of the physician quality reporting system.
Sec. 102. Extension of Medicare incentive payment program for physician scarcity areas.
Sec. 103. Extension of floor on work geographic adjustment under the Medicare physician fee schedule.
Sec. 104. Extension of treatment of certain physician pathology services under Medicare.
Sec. 105. Extension of exceptions process for Medicare therapy caps.
Sec. 106. Extension of payment rule for brachytherapy; extension to therapeutic radiopharmaceuticals.
Sec. 107. Extension of Medicare reasonable costs payments for certain clinical diagnostic laboratory tests furnished to hospital patients in certain rural areas.
Sec. 108. Extension of authority of specialized Medicare Advantage plans for special needs individuals to restrict enrollment.
Sec. 109. Extension of deadline for application of limitation on extension or renewal of Medicare reasonable cost contract plans.
Sec. 110. Adjustment to the Medicare Advantage stabilization fund.
Sec. 111. Medicare secondary payor.
Sec. 112. Payment for part B drugs.
Sec. 113. Payment rate for certain diagnostic laboratory tests.
Sec. 114. Long-term care hospitals.
Sec. 115. Payment for inpatient rehabilitation facility (IRF) services.
Sec. 116. Extension of accommodation of physicians ordered to active duty in the Armed Services.
Sec. 117. Treatment of certain hospitals.
Sec. 118. Additional Funding for State Health Insurance Assistance Programs, Area Agencies on Aging, and Aging and Disability Resource Centers.

TITLE II—MEDICAID AND SCHIP

Sec. 201. Extending SCHIP funding through March 31, 2009.
Sec. 202. Extension of transitional medical assistance (TMA) and abstinence education program.
Sec. 203. Extension of qualifying individual (QI) program.
Sec. 204. Medicaid DSH extension.
Sec. 205. Improving data collection.
Sec. 206. Moratorium on certain payment restrictions.

TITLE III—MISCELLANEOUS

Sec. 301. Medicare Payment Advisory Commission status.
Sec. 302. Special Diabetes Programs for Type I Diabetes and Indians.

TITLE I—MEDICARE

SEC. 101. INCREASE IN PHYSICIAN PAYMENT UPDATE; EXTENSION OF THE PHYSICIAN QUALITY REPORTING SYSTEM.

(a) INCREASE IN PHYSICIAN PAYMENT UPDATE.—

(1) IN GENERAL.—Section 1848(d) of the Social Security Act (42 U.S.C. 1395w–4(d)) is amended—

(A) in paragraph (4)(B), by striking "and paragraphs (5) and (6)" and inserting "and the succeeding paragraphs of this subsection"; and

(B) by adding at the end the following new paragraph:

"(8) UPDATE FOR A PORTION OF 2008.—

"(A) IN GENERAL.—Subject to paragraph (7)(B), in lieu of the update to the single conversion factor established in paragraph (1)(C) that would otherwise apply for 2008, for the period beginning on January 1, 2008, and ending on June 30, 2008, the update to the single conversion factor shall be 0.5 percent.

"(B) NO EFFECT ON COMPUTATION OF CONVERSION FACTOR FOR THE REMAINING PORTION OF 2008 AND 2009.—The conversion factor under this subsection shall be computed under paragraph (1)(A) for the period beginning on July 1, 2008, and ending on December 31, 2008, and for 2009 and subsequent years as if subparagraph (A) had never applied.".

(2) REVISION OF THE PHYSICIAN ASSISTANCE AND QUALITY INITIATIVE FUND.—

(A) REVISION.—Section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)) is amended—

(i) by striking subparagraph (A) and inserting the following:

"(A) AMOUNT AVAILABLE.—

"(i) IN GENERAL.—Subject to clause (ii), there shall be available to the Fund the following amounts:

"(I) For expenditures during 2008, an amount equal to $150,500,000.

"(II) For expenditures during 2009, an amount equal to $24,500,000.

"(III) For expenditures during 2013, an amount equal to $4,960,000,000.

"(ii) LIMITATIONS ON EXPENDITURES.—

"(I) 2008.—The amount available for expenditures during 2008 shall be reduced as provided by subparagraph (A) of section 225(c)(1) and section 524 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008 (division G of the Consolidated Appropriations Act, 2008).

"(II) 2009.—The amount available for expenditures during 2009 shall be reduced as provided by subparagraph (B) of such section 225(c)(1).

"(III) 2013.—The amount available for expenditures during 2013 shall only be available for an adjustment to the update of the conversion factor under subsection (d) for that year."; and

(ii) in subparagraph (B), by striking "entire amount specified in the first sentence of subparagraph (A)" and all that follows and inserting the following: "entire amount available for expenditures, after application of subparagraph (A)(ii), during—

"(i) 2008 for payment with respect to physicians' services furnished during 2008;

"(ii) 2009 for payment with respect to physicians' services furnished during 2009; and

"(iii) 2013 for payment with respect to physicians' services furnished during 2013.".

(B) EFFECTIVE DATE.—

(i) IN GENERAL.—Subject to clause (ii), the amendments made by subparagraph (A) shall take effect on the date of the enactment of this Act.

(ii) SPECIAL RULE FOR COORDINATION WITH CONSOLIDATED APPROPRIATIONS ACT, 2008.—If the date of the enactment of the Consolidated Appropriations Act, 2008, occurs on or after the date described in clause (i), the amendments made by subparagraph (A) shall be deemed to be made on the day after the effective date of sections 225(c)(1) and 524 of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2008 (division G of the Consolidated Appropriations Act, 2008).

(C) TRANSFER OF FUNDS TO PART B TRUST FUND.—Amounts that would have been available to the Physician Assistance and Quality Initiative Fund under section 1848(l)(2) of the Social Security Act (42 U.S.C. 1395w–4(l)(2)) for payment with respect to physicians' services furnished prior to January 1, 2013, but for the amendments made by subparagraph (A), shall be deposited into, and made available for expenditures from, the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t).

(b) EXTENSION OF THE PHYSICIAN QUALITY REPORTING SYSTEM.—

(1) SYSTEM.—Section 1848(k)(2)(B) of the Social Security Act (42 U.S.C. 1395w–4(k)(2)(B)) is amended—

(A) in the heading, by inserting "AND 2009" after "2008";

(B) in clause (i), by inserting "and 2009" after "2008"; and

(C) in each of clauses (ii) and (iii)—

(i) by striking ", 2007" and inserting "of each of 2007 and 2008"; and

(ii) by inserting "or 2009, as applicable" after "2008".

(2) REPORTING.—Section 101(c) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w-4 note) is amended—

(A) in the heading, by inserting "AND 2008" after "2007";

(B) in paragraph (5), by adding at the end the following:

"(F) EXTENSION.—For 2008 and 2009, paragraph (3) shall not apply, and the Secretary shall establish alternative criteria for satisfactorily reporting under paragraph (2) and alternative reporting periods under paragraph (6)(C) for reporting groups of measures under paragraph (2)(B) of section 1848(k) of the Social Security Act (42 U.S.C. 1395w-4(k)) and for reporting using the method specified in paragraph (4) of such section."; and

(C) in paragraph (6), by striking subparagraph (C) and inserting the following new subparagraph:

"(C) REPORTING PERIOD.—The term 'reporting period' means—

"(i) for 2007, the period beginning on July 1, 2007, and ending on December 31, 2007; and

"(ii) for 2008, all of 2008.".

(c) IMPLEMENTATION.—For purposes of carrying out the provisions of, and amendments made by subsections (a) and (b), in addition to any amounts otherwise provided in this title, there are appropriated to the Centers for Medicare & Medicaid Services Program Management Account, out of any money in the Treasury not otherwise appropriated, $25,000,000 for the period of fiscal years 2008 and 2009.

SEC. 102. EXTENSION OF MEDICARE INCENTIVE PAYMENT PROGRAM FOR PHYSICIAN SCARCITY AREAS.

Section 1833(u) of the Social Security Act (42 U.S.C. 1395l(u)) is amended—

(1) in paragraph (1), by striking "before January 1, 2008" and inserting "before July 1, 2008"; and

(2) in paragraph (4)—

(A) by redesignating subparagraph (D) as subparagraph (E); and

(B) by inserting after subparagraph (C) the following new subparagraph:

"(D) SPECIAL RULE.—With respect to physicians' services furnished on or after January 1, 2008, and before July 1, 2008, for purposes of this subsection, the Secretary shall use the primary care scarcity counties and the specialty care scarcity counties (as identified under the preceding provisions of this paragraph) that the Secretary was using under this subsection with respect to physicians' services furnished on December 31, 2007.".

SEC. 103. EXTENSION OF FLOOR ON WORK GEOGRAPHIC ADJUSTMENT UNDER THE MEDICARE PHYSICIAN FEE SCHEDULE.

Section 1848(e)(1)(E) of the Social Security Act (42 U.S.C. 1395w-4(e)(1)(E)), as amended by section 102 of division B of the Tax Relief and Health Care Act of 2006, is amended by striking "before January 1, 2008" and inserting "before July 1, 2008".

SEC. 104. EXTENSION OF TREATMENT OF CERTAIN PHYSICIAN PATHOLOGY SERVICES UNDER MEDICARE.

Section 542(c) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (as enacted into law by section 1(a)(6) of Public Law 106-554), as amended by section 732 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w-4 note) and section 104 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395w-4 note), is amended by striking "and 2007" and inserting "2007, and the first 6 months of 2008".

SEC. 105. EXTENSION OF EXCEPTIONS PROCESS FOR MEDICARE THERAPY CAPS.

Section 1833(g)(5) of the Social Security Act (42 U.S.C. 1395l(g)(5)) is amended by striking "December 31, 2007" and inserting "June 30, 2008".

SEC. 106. EXTENSION OF PAYMENT RULE FOR BRACHYTHERAPY; EXTENSION TO THERAPEUTIC RADIOPHARMACEUTICALS.

(a) EXTENSION OF PAYMENT RULE FOR BRACHYTHERAPY.—Section 1833(t)(16)(C) of the Social Security Act (42 U.S.C. 1395l(t)(16)(C)), as amended by section 107(a) of division B of the Tax Relief and Health Care Act of 2006, is amended by striking "January 1, 2008" and inserting "July 1, 2008".

(b) PAYMENT FOR THERAPEUTIC RADIOPHARMACEUTICALS.—Section 1833(t)(16)(C) of the Social Security Act (42 U.S.C. 1395l(t)(16)(C)), as amended by subsection (a), is amended—

(1) in the heading, by inserting "AND THERAPEUTIC RADIOPHARMACEUTICALS" before "AT CHARGES";

(2) in the first sentence—

(A) by inserting "and for therapeutic radiopharmaceuticals furnished on or after January 1, 2008, and before July 1, 2008," after "July 1, 2008,";

(B) by inserting "or therapeutic radiopharmaceutical" after "the device"; and

(C) by inserting "or therapeutic radiopharmaceutical" after "each device"; and

(3) in the second sentence, by inserting "or therapeutic radiopharmaceuticals" after "such devices".

SEC. 107. EXTENSION OF MEDICARE REASONABLE COSTS PAYMENTS FOR CERTAIN CLINICAL DIAGNOSTIC LABORATORY TESTS FURNISHED TO HOSPITAL PATIENTS IN CERTAIN RURAL AREAS.

Section 416(b) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395l-4), as amended by section 105 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395l note), is amended by striking "the 3-year period beginning on July 1, 2004" and inserting "the period beginning on July 1, 2004, and ending on June 30, 2008".

SEC. 108. EXTENSION OF AUTHORITY OF SPECIALIZED MEDICARE ADVANTAGE PLANS FOR SPECIAL NEEDS INDIVIDUALS TO RESTRICT ENROLLMENT.

(a) EXTENSION OF AUTHORITY TO RESTRICT ENROLLMENT.—Section 1859(f) of the Social Security Act (42 U.S.C. 1395w-28(f)) is amended by striking "2009" and inserting "2010".

(b) MORATORIUM.—

(1) AUTHORITY TO DESIGNATE OTHER PLANS AS SPECIALIZED MA PLANS.—During the period beginning on January 1, 2008, and ending on December 31, 2009, the Secretary of Health and Human Services shall not exercise the authority provided under section 231(d) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (42 U.S.C. 1395w-21 note) to designate other plans as specialized MA plans for special needs individuals under part C of title XVIII of the Social Security Act. The preceding sentence shall not apply to plans designated as specialized MA plans for special needs individuals under such authority prior to January 1, 2008.

(2) ENROLLMENT IN NEW PLANS.—During the period beginning on January 1, 2008, and ending on December 31, 2009, the Secretary of Health and Human Services shall not permit enrollment of any individual residing in an area in a specialized Medicare Advantage plan for special needs individuals under part C of title XVIII of the Social Security Act to take effect unless that specialized Medicare Advantage plan for special needs individuals was available for enrollment for individuals residing in that area on January 1, 2008.

SEC. 109. EXTENSION OF DEADLINE FOR APPLICATION OF LIMITATION ON EXTENSION OR RENEWAL OF MEDICARE REASONABLE COST CONTRACT PLANS.

Section 1876(h)(5)(C)(ii) of the Social Security Act (42 U.S.C. 1395mm(h)(5)(C)(ii)), in the matter preceding subclause (I), is amended by striking "January 1, 2008" and inserting "January 1, 2009".

SEC. 110. ADJUSTMENT TO THE MEDICARE ADVANTAGE STABILIZATION FUND.

Section 1858(e)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395w-27a(e)(2)(A)(i)), as amended by section 3 of Public Law 110-48, is amended by striking "the Fund" and all that follows and inserting "the Fund during 2013, $1,790,000,000."

SEC. 111. MEDICARE SECONDARY PAYOR.

(a) IN GENERAL.—Section 1862(b) of the Social Security Act (42 U.S.C. 1395y(b)) is amended by adding at the end the following new paragraphs:

"(7) REQUIRED SUBMISSION OF INFORMATION BY GROUP HEALTH PLANS.—

"(A) REQUIREMENT.—On and after the first day of the first calendar quarter beginning after the date that is 1 year after the date of the enactment of this paragraph, an entity serving as an insurer or third party administrator for a group health plan, as defined in paragraph (1)(A)(v), and, in the case of a group health plan that is self-insured and self-administered, a plan administrator or fiduciary, shall—

"(i) secure from the plan sponsor and plan participants such information as the Secretary shall specify for the purpose of identifying situations where the group health plan is or has been a primary plan to the program under this title; and

"(ii) submit such information to the Secretary in a form and manner (including frequency) specified by the Secretary.

"(B) ENFORCEMENT.—

"(i) IN GENERAL.—An entity, a plan administrator, or a fiduciary described in subparagraph (A) that fails to comply with the requirements under such subparagraph shall be subject to a civil money penalty of $1,000 for each day of noncompliance for each individual for which the information under such subparagraph should have been submitted. The provisions of subsections (e) and (k) of section 1128A shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a). A civil money penalty under this clause shall be in addition to any other penalties prescribed by law and in addition to any Medicare secondary payer claim under this title with respect to an individual.

"(ii) DEPOSIT OF AMOUNTS COLLECTED.—Any amounts collected pursuant to clause (i) shall be deposited in the Federal Hospital Insurance Trust Fund under section 1817.

"(C) SHARING OF INFORMATION.—Notwithstanding any other provision of law, under terms and conditions established by the Secretary, the Secretary—

"(i) shall share information on entitlement under Part A and enrollment under Part B under this title with entities, plan administrators, and fiduciaries described in subparagraph (A);

"(ii) may share the entitlement and enrollment information described in clause (i) with entities and persons not described in such clause; and

"(iii) may share information collected under this paragraph as necessary for purposes of the proper coordination of benefits.

"(D) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement this paragraph by program instruction or otherwise.

"(8) REQUIRED SUBMISSION OF INFORMATION BY OR ON BEHALF OF LIABILITY INSURANCE (INCLUDING SELF-INSURANCE), NO FAULT INSURANCE, AND WORKERS' COMPENSATION LAWS AND PLANS.—

"(A) REQUIREMENT.—On and after the first day of the first calendar quarter beginning after the date that is 18 months after the date of the enactment of this paragraph, an applicable plan shall—

"(i) determine whether a claimant (including an individual whose claim is unresolved) is entitled to benefits under the program under this title on any basis; and

"(ii) if the claimant is determined to be so entitled, submit the information described in subparagraph (B) with respect to the claimant to the Secretary in a form and manner (including frequency) specified by the Secretary.

"(B) REQUIRED INFORMATION.—The information described in this subparagraph is—

"(i) the identity of the claimant for which the determination under subparagraph (A) was made; and

"(ii) such other information as the Secretary shall specify in order to enable the Secretary to make an appropriate determination concerning coordination of benefits, including any applicable recovery claim.

"(C) TIMING.—Information shall be submitted under subparagraph (A)(ii) within a time specified by the Secretary after the claim is resolved through a settlement, judgment, award, or other payment (regardless of whether or not there is a determination or admission of liability).

"(D) CLAIMANT.—For purposes of subparagraph (A), the term 'claimant' includes—

"(i) an individual filing a claim directly against the applicable plan; and

"(ii) an individual filing a claim against an individual or entity insured or covered by the applicable plan.

"(E) ENFORCEMENT.—

"(i) IN GENERAL.—An applicable plan that fails to comply with the requirements under subparagraph (A) with respect to any claimant shall be subject to a civil money penalty of $1,000 for each day of noncompliance with respect to each claimant. The provisions of subsections (e) and (k) of section 1128A shall apply to a civil money penalty under the previous sentence in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a). A civil money penalty under this clause shall be in addition to any other penalties prescribed by law and in addition to any Medicare secondary payer claim under this title with respect to an individual.

"(ii) DEPOSIT OF AMOUNTS COLLECTED.—Any amounts collected pursuant to clause (i) shall be deposited in the Federal Hospital Insurance Trust Fund.

"(F) APPLICABLE PLAN.—In this paragraph, the term 'applicable plan' means the following laws, plans, or other arrangements, including the fiduciary or administrator for such law, plan, or arrangement:

"(i) Liability insurance (including self-insurance).

"(ii) No fault insurance.

"(iii) Workers' compensation laws or plans.

"(G) SHARING OF INFORMATION.—The Secretary may share information collected under this paragraph as necessary for purposes of the proper coordination of benefits.

"(H) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary may implement this paragraph by program instruction or otherwise.".

(b) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to limit the authority of the Secretary of Health and Human Services to collect information to carry out Medicare secondary payer provisions under title XVIII of the Social Security Act, including under parts C and D of such title.

(c) IMPLEMENTATION.—For purposes of implementing paragraphs (7) and (8) of section 1862(b) of the Social Security Act, as added by subsection (a), to ensure appropriate payments under title XVIII of such Act, the Secretary of Health and Human Services shall provide for the transfer, from the Federal Hospital Insurance Trust Fund established under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund established under section 1841 of such Act (42 U.S.C. 1395t), in such proportions as the Secretary determines appropriate, of $35,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for the period of fiscal years 2008, 2009, and 2010.

SEC. 112. PAYMENT FOR PART B DRUGS.

(a) APPLICATION OF ALTERNATIVE VOLUME WEIGHTING IN COMPUTATION OF ASP.—Section 1847A(b) of the Social Security Act (42 U.S.C. 1395w-3a(b)) is amended—

(1) in paragraph (1)(A), by inserting "for a multiple source drug furnished before April 1, 2008, or 106 percent of the amount determined under paragraph (6) for a multiple source drug furnished on or after April 1, 2008" after "paragraph (3)";

(2) in each of subparagraphs (A) and (B) of paragraph (4), by inserting "for single source drugs and biologicals furnished before April 1, 2008, and using the methodology applied under paragraph (6) for single source drugs and biologicals furnished on or after April 1, 2008," after "paragraph (3)"; and

(3) by adding at the end the following new paragraph:

"(6) USE OF VOLUME-WEIGHTED AVERAGE SALES PRICES IN CALCULATION OF AVERAGE SALES PRICE.—

"(A) IN GENERAL.—For all drug products included within the same multiple source drug billing and payment code, the amount specified in this paragraph is the volume-weighted average of the average sales prices reported under section 1927(b)(3)(A)(iii) determined by—

"(i) computing the sum of the products (for each National Drug Code assigned to such drug products) of—

"(I) the manufacturer's average sales price (as defined in subsection (c)), determined by the Secretary without dividing such price by the total number of billing units for the National Drug Code for the billing and payment code; and

"(II) the total number of units specified under paragraph (2) sold; and

"(ii) dividing the sum determined under clause (i) by the sum of the products (for each National Drug Code assigned to such drug products) of—

"(I) the total number of units specified under paragraph (2) sold; and

"(II) the total number of billing units for the National Drug Code for the billing and payment code.

"(B) BILLING UNIT DEFINED.—For purposes of this subsection, the term 'billing unit' means the identifiable quantity associated with a billing and payment code, as established by the Secretary.".

(b) TREATMENT OF CERTAIN DRUGS.—Section 1847A(b) of the Social Security Act (42 U.S.C. 1395w-3a(b)), as amended by subsection (a), is amended—

(1) in paragraph (1), by inserting "paragraph (7) and" after "Subject to"; and

(2) by adding at the end the following new paragraph:

"(7) SPECIAL RULE.—Beginning with April 1, 2008, the payment amount for—

"(A) each single source drug or biological described in section 1842(o)(1)(G) that is treated as a multiple source drug because of the application of subsection (c)(6)(C)(ii) is the lower of—

"(i) the payment amount that would be determined for such drug or biological applying such subsection; or

"(ii) the payment amount that would have been determined for such drug or biological if such subsection were not applied; and

"(B) a multiple source drug described in section 1842(o)(1)(G) (excluding a drug or biological that is treated as a multiple source drug because of the application of such subsection) is the lower of—

"(i) the payment amount that would be determined for such drug or biological taking into account the application of such subsection; or

"(ii) the payment amount that would have been determined for such drug or biological if such subsection were not applied.".

SEC. 113. PAYMENT RATE FOR CERTAIN DIAGNOSTIC LABORATORY TESTS.

Section 1833(h) of the Social Security Act (42 U.S.C. 1395l(h)) is amended by adding at the end the following new paragraph:

"(9) Notwithstanding any other provision in this part, in the case of any diagnostic laboratory test for HbA1c that is labeled by the Food and Drug Administration for home use and is furnished on or after April 1, 2008, the payment rate for such test shall be the payment rate established under this part for a glycated hemoglobin test (identified as of October 1, 2007, by HCPCS code 83036 (and any succeeding codes)).".

SEC. 114. LONG-TERM CARE HOSPITALS.

(a) DEFINITION OF LONG-TERM CARE HOSPITAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end the following new subsection:

"Long-Term Care Hospital

"(ccc) The term 'long-term care hospital' means a hospital which—

"(1) is primarily engaged in providing inpatient services, by or under the supervision of a physician, to Medicare beneficiaries whose medically complex conditions require a long hospital stay and programs of care provided by a long-term care hospital;

"(2) has an average inpatient length of stay (as determined by the Secretary) of greater than 25 days, or meets the requirements of clause (II) of section 1886(d)(1)(B)(iv);

"(3) satisfies the requirements of subsection (e); and

"(4) meets the following facility criteria:

"(A) the institution has a patient review process, documented in the patient medical record, that screens patients prior to admission for appropriateness of admission to a long-term care hospital, validates within 48 hours of admission that patients meet admission criteria for long-term care hospitals, regularly evaluates patients throughout their stay for continuation of care in a long-term care hospital, and assesses the available discharge options when patients no longer meet such continued stay criteria;

"(B) the institution has active physician involvement with patients during their treatment through an organized medical staff, physician-directed treatment with physician on-site availability on a daily basis to review patient progress, and consulting physicians on call and capable of being at the patient's side within a moderate period of time, as determined by the Secretary; and

"(C) the institution has interdisciplinary team treatment for patients, requiring interdisciplinary teams of health care professionals, including physicians, to prepare and carry out an individualized treatment plan for each patient.".

(b) STUDY AND REPORT ON LONG-TERM CARE HOSPITAL FACILITY AND PATIENT CRITERIA.—

(1) IN GENERAL.—The Secretary of Health and Human Services (in this section referred to as the "Secretary") shall conduct a study on the establishment of national long-term care hospital facility and patient criteria for purposes of determining medical necessity, appropriateness of admission, and continued stay at, and discharge from, long-term care hospitals.

(2) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under paragraph (1), together with recommendations for such legislation and administrative actions, including timelines for implementation of patient criteria or other actions, as the Secretary determines appropriate.

(3) CONSIDERATIONS.—In conducting the study and preparing the report under this subsection, the Secretary shall consider—

(A) recommendations contained in a report to Congress by the Medicare Payment Advisory Commission in June 2004 for long-term care hospital-specific facility and patient criteria to ensure that patients admitted to long-term care hospitals are medically complex and appropriate to receive long-term care hospital services; and

(B) ongoing work by the Secretary to evaluate and determine the feasibility of such recommendations.

(c) PAYMENT FOR LONG-TERM CARE HOSPITAL SERVICES.—

(1) NO APPLICATION OF 25 PERCENT PATIENT THRESHOLD PAYMENT ADJUSTMENT TO FREESTANDING AND GRANDFATHERED LTCHS.—The Secretary shall not apply, for cost reporting periods beginning on or after the date of the enactment of this Act for a 3-year period—

(A) section 412.536 of title 42, Code of Federal Regulations, or any similar provision, to freestanding long-term care hospitals; and

(B) such section or section 412.534 of title 42, Code of Federal Regulations, or any similar provisions, to a long-term care hospital identified by the amendment made by section 4417(a) of the Balanced Budget Act of 1997 (Public Law 105–33).

(2) PAYMENT FOR HOSPITALS-WITHIN-HOSPITALS.—

(A) IN GENERAL.—Payment to an applicable long-term care hospital or satellite facility which is located in a rural area or which is co-located with an urban single or MSA dominant hospital under paragraphs (d)(1), (e)(1), and (e)(4) of section 412.534 of title 42, Code of Federal Regulations, shall not be subject to any payment adjustment under such section if no more than 75 percent of the hospital's Medicare discharges (other than discharges described in paragraph (d)(2) or (e)(3) of such section) are admitted from a co-located hospital.

(B) CO-LOCATED LONG-TERM CARE HOSPITALS AND SATELLITE FACILITIES.—

(i) IN GENERAL.—Payment to an applicable long-term care hospital or satellite facility which is co-located with another hospital shall not be subject to any payment adjustment under section 412.534 of title 42, Code of Federal Regulations, if no more than 50 percent of the hospital's Medicare discharges (other than discharges described in paragraph (c)(3) of such section) are admitted from a co-located hospital.

(ii) APPLICABLE LONG-TERM CARE HOSPITAL OR SATELLITE FACILITY DEFINED.—In this paragraph, the term "applicable long-term care hospital or satellite facility" means a hospital or satellite facility that is subject to the transition rules under section 412.534(g) of title 42, Code of Federal Regulations.

(C) EFFECTIVE DATE.—Subparagraphs (A) and (B) shall apply to cost reporting periods beginning on or after the date of the enactment of this Act for a 3-year period.

(3) NO APPLICATION OF VERY SHORT-STAY OUTLIER POLICY.—The Secretary shall not apply, for the 3-year period beginning on the date of the enactment of this Act, the amendments finalized on May 11, 2007 (72 Federal Register 26904, 26992) made to the short-stay outlier payment provision for long-term care hospitals contained in section 412.529(c)(3)(i) of title 42, Code of Federal Regulations, or any similar provision.

(4) NO APPLICATION OF ONE-TIME ADJUSTMENT TO STANDARD AMOUNT.—The Secretary shall not, for the 3-year period beginning on the date of the enactment of this Act, make the one-time prospective adjustment to long-term care hospital prospective payment rates provided for in section 412.523(d)(3) of title 42, Code of Federal Regulations, or any similar provision.

(d) MORATORIUM ON THE ESTABLISHMENT OF LONG-TERM CARE HOSPITALS, LONG-TERM CARE SATELLITE FACILITIES AND ON THE INCREASE OF LONG-TERM CARE HOSPITAL BEDS IN EXISTING LONG-TERM CARE HOSPITALS OR SATELLITE FACILITIES.—

(1) IN GENERAL.—During the 3-year period beginning on the date of the enactment of this Act, the Secretary shall impose a moratorium for purposes of the Medicare program under title XVIII of the Social Security Act—

(A) subject to paragraph (2), on the establishment and classification of a long-term care hospital or satellite facility, other than an existing long-term care hospital or facility; and

(B) subject to paragraph (3), on an increase of long-term care hospital beds in existing long-term care hospitals or satellite facilities.

(2) EXCEPTION FOR CERTAIN LONG-TERM CARE HOSPITALS.—The moratorium under paragraph (1)(A) shall not apply to a long-term care hospital that as of the date of the enactment of this Act—

(A) began its qualifying period for payment as a long-term care hospital under section 412.23(e) of title 42, Code of Federal Regulations, on or before the date of the enactment of this Act;

(B) has a binding written agreement with an outside, unrelated party for the actual construction, renovation, lease, or demolition for a long-term care hospital, and has expended, before the date of the enactment of this Act, at least 10 percent of the estimated cost of the project (or, if less, $2,500,000); or

(C) has obtained an approved certificate of need in a State where one is required on or before the date of the enactment of this Act.

(3) EXCEPTION FOR BED INCREASES DURING MORATORIUM.—

(A) IN GENERAL.—Subject to subparagraph (B), the moratorium under paragraph (1)(B) shall not apply to an increase in beds in an existing hospital or satellite facility if the hospital or facility—

(i) is located in a State where there is only one other long-term care hospital; and

(ii) requests an increase in beds following the closure or the decrease in the number of beds of another long-term care hospital in the State.

(B) NO EFFECT ON CERTAIN LIMITATION.—The exception under subparagraph (A) shall not effect the limitation on increasing beds under sections 412.22(h)(3) and 412.22(f) of title 42, Code of Federal Regulations.

(4) EXISTING HOSPITAL OR SATELLITE FACILITY DEFINED.—For purposes of this subsection, the term "existing" means, with respect to a hospital or satellite facility, a hospital or satellite facility that received payment under the provisions of subpart O of part 412 of title 42, Code of Federal Regulations, as of the date of the enactment of this Act.

(5) JUDICIAL REVIEW.—There shall be no administrative or judicial review under section 1869 of the Social Security Act (42 U.S.C. 1395ff), section 1878 of such Act (42 U.S.C. 1395oo), or otherwise, of the application of this subsection by the Secretary.

(e) LONG-TERM CARE HOSPITAL PAYMENT UPDATE.—

(1) IN GENERAL.—Section 1886 of the Social Security Act (42 U.S.C. 1395ww) is amended by adding at the end the following new subsection:

"(m) PROSPECTIVE PAYMENT FOR LONG-TERM CARE HOSPITALS.—

"(1) REFERENCE TO ESTABLISHMENT AND IMPLEMENTATION OF SYSTEM.—For provisions related to the establishment and implementation of a prospective payment system for payments under this title for inpatient hospital services furnished by a long-term care hospital described in subsection (d)(1)(B)(iv), see section 123 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 and section 307(b) of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

"(2) UPDATE FOR RATE YEAR 2008.—In implementing the system described in paragraph (1) for discharges occurring during the rate year ending in 2008 for a hospital, the base rate for such discharges for the hospital shall be the same as the base rate for discharges for the hospital occurring during the rate year ending in 2007.".

(2) DELAYED EFFECTIVE DATE.—Subsection (m)(2) of section 1886 of the Social Security Act, as added by paragraph (1), shall not apply to discharges occurring on or after July 1, 2007, and before April 1, 2008.

(f) EXPANDED REVIEW OF MEDICAL NECESSITY.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall provide, under contracts with one or more appropriate fiscal intermediaries or medicare administrative contractors under section 1874A(a)(4)(G) of the Social Security Act (42 U.S.C. 1395kk-1(a)(4)(G)), for reviews of the medical necessity of admissions to long-term care hospitals (described in section 1886(d)(1)(B)(iv) of such Act) and continued stay at such hospitals, of individuals entitled to, or enrolled for, benefits under part A of title XVIII of such Act consistent with this subsection.

Such reviews shall be made for discharges occurring on or after October 1, 2007.

(2) REVIEW METHODOLOGY.—The medical necessity reviews under paragraph (1) shall be conducted on an annual basis in accordance with rules specified by the Secretary. Such reviews shall—

(A) provide for a statistically valid and representative sample of admissions of such individuals sufficient to provide results at a 95 percent confidence interval; and

(B) guarantee that at least 75 percent of overpayments received by long-term care hospitals for medically unnecessary admissions and continued stays of individuals in long-term care hospitals will be identified and recovered and that related days of care will not be counted toward the length of stay requirement contained in section 1886(d)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395ww(d)(1)(B)(iv)).

(3) CONTINUATION OF REVIEWS.—Under contracts under this subsection, the Secretary shall establish an error rate with respect to such reviews that could require further review of the medical necessity of admissions and continued stay in the hospital involved and other actions as determined by the Secretary.

(4) TERMINATION OF REQUIRED REVIEWS.—

(A) IN GENERAL.—Subject to subparagraph (B), the previous provisions of this subsection shall cease to apply for discharges occurring on or after October 1, 2010.

(B) CONTINUATION.—As of the date specified in subparagraph (A), the Secretary shall determine whether to continue to guarantee, through continued medical review and sampling under this paragraph, recovery of at least 75 percent of overpayments received by long-term care hospitals due to medically unnecessary admissions and continued stays.

(5) FUNDING.—The costs to fiscal intermediaries or medicare administrative contractors conducting the medical necessity reviews under paragraph (1) shall be funded from the aggregate overpayments recouped by the Secretary of Health and Human Services from long-term care hospitals due to medically unnecessary admissions and continued stays. The Secretary may use an amount not in excess of 40 percent of the overpayments recouped under this paragraph to compensate the fiscal intermediaries or Medicare administrative contractors for the costs of services performed.

(g) IMPLEMENTATION.—For purposes of carrying out the provisions of, and amendments made by, this title, in addition to any amounts otherwise provided in this title, there are appropriated to the Centers for Medicare & Medicaid Services Program Management Account, out of any money in the Treasury not otherwise appropriated, $35,000,000 for the period of fiscal years 2008 and 2009.

SEC. 115. PAYMENT FOR INPATIENT REHABILITATION FACILITY (IRF) SERVICES.

(a) PAYMENT UPDATE.—

(1) IN GENERAL.—Section 1886(j)(3)(C) of the Social Security Act (42 U.S.C. 1395ww(j)(3)(C)) is amended by adding at the end the following: "The increase factor to be applied under this subparagraph for each of fiscal years 2008 and 2009 shall be 0 percent.".

(2) DELAYED EFFECTIVE DATE.—The amendment made by paragraph (1) shall not apply to payment units occurring before April 1, 2008.

(b) INPATIENT REHABILITATION FACILITY CLASSIFICATION CRITERIA.—

(1) IN GENERAL.—Section 5005 of the Deficit Reduction Act of 2005 (Public Law 109–171; 42 U.S.C. 1395ww note) is amended—

(A) in subsection (a), by striking "apply the applicable percent specified in subsection (b)" and inserting "require a compliance rate that is no greater than the 60 percent compliance rate that became effective for cost reporting periods beginning on or after July 1, 2006,"; and

(B) by amending subsection (b) to read as follows:

"(b) CONTINUED USE OF COMORBIDITIES.—For cost reporting periods beginning on or after July 1, 2007, the Secretary shall include patients with comorbidities as described in section 412.23(b)(2)(i) of title 42, Code of Federal Regulations (as in effect as of January 1, 2007), in the inpatient population that counts toward the percent specified in subsection (a).".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1)(A) shall apply for cost reporting periods beginning on or after July 1, 2007.

(c) RECOMMENDATIONS FOR CLASSIFYING INPATIENT REHABILITATION HOSPITALS AND UNITS.—

(1) REPORT TO CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Health and Human Services, in consultation with physicians (including geriatricians and physiatrists), administrators of inpatient rehabilitation, acute care hospitals, skilled nursing facilities, and other settings providing rehabilitation services, Medicare beneficiaries, trade organizations representing inpatient rehabilitation hospitals and units and skilled nursing facilities, and the Medicare Payment Advisory Commission, shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report that includes the following:

(A) An analysis of Medicare beneficiaries' access to medically necessary rehabilitation services, including the potential effect of the 75 percent rule (as defined in paragraph (2)) on access to care.

(B) An analysis of alternatives or refinements to the 75 percent rule policy for determining criteria for inpatient rehabilitation hospital and unit designation under the Medicare program, including alternative criteria which would consider a patient's functional status, diagnosis, co-morbidities, and other relevant factors.

(C) An analysis of the conditions for which individuals are commonly admitted to inpatient rehabilitation hospitals that are not included as a condition described in section 412.23(b)(2)(iii) of title 42, Code of Federal Regulations, to determine the appropriate setting of care, and any variation in patient outcomes and costs, across settings of care, for treatment of such conditions.

(2) 75 PERCENT RULE DEFINED.—For purposes of this subsection, the term "75 percent rule" means the requirement of section 412.23(b)(2) of title 42, Code of Federal Regulations, that 75 percent of the patients of a rehabilitation hospital or converted rehabilitation unit are in 1 or more of 13 listed treatment categories.

SEC. 116. EXTENSION OF ACCOMMODATION OF PHYSICIANS ORDERED TO ACTIVE DUTY IN THE ARMED SERVICES.

Section 1842(b)(6)(D)(iii) of the Social Security Act (42 U.S.C. 1395u(b)(6)(D)(iii)), as amended by Public Law 110–54 (121 Stat. 551) is amended by striking "January 1, 2008" and inserting "July 1, 2008".

SEC. 117. TREATMENT OF CERTAIN HOSPITALS.

(a) EXTENDING CERTAIN MEDICARE HOSPITAL WAGE INDEX RECLASSIFICATIONS THROUGH FISCAL YEAR 2008.—

(1) IN GENERAL.—Section 106(a) of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note) is amended by striking "September 30, 2007" and inserting "September 30, 2008".

(2) SPECIAL EXCEPTION RECLASSIFICATIONS.—The Secretary of Health and Human Services shall extend for discharges occurring through September 30, 2008, the special exception reclassifications made under the authority of section 1886(d)(5)(I)(i) of the Social Security Act (42 U.S.C. 1395ww(d)(5)(I)(i)) and contained in the final rule promulgated by the Secretary in the Federal Register on August 11, 2004 (69 Fed. Reg. 49105, 49107).

(3) USE OF PARTICULAR WAGE INDEX.—For purposes of implementation of this subsection, the Secretary shall use the hospital wage index that was promulgated by the Secretary in the Federal Register on October 10, 2007 (72 Fed. Reg. 57634), and any subsequent corrections.

(b) DISREGARDING SECTION 508 HOSPITAL RECLASSIFICATIONS FOR PURPOSES OF GROUP RECLASSIFICATIONS.—Section 508 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173, 42 U.S.C. 1395ww note) is amended by adding at the end the following new subsection:

"(g) DISREGARDING HOSPITAL RECLASSIFICATIONS FOR PURPOSES OF GROUP RECLASSIFICATIONS.—For purposes of the reclassification of a group of hospitals in a geographic area under section 1886(d) of the Social Security Act for purposes of discharges occurring during fiscal year 2008, a hospital reclassified under this section (including any such reclassification which is extended under section 106(a) of the Medicare Improvements and Extension Act of 2006) shall not be taken into account and shall not prevent the other hospitals in such area from continuing such a group for such purpose.".

(c) CORRECTION OF APPLICATION OF WAGE INDEX DURING TAX RELIEF AND HEALTH CARE ACT EXTENSION.—In the case of a subsection (d) hospital (as defined for purposes of section 1886 of the Social Security Act (42 U.S.C. 1395ww)) with respect to which—

(1) a reclassification of its wage index for purposes of such section was extended for the period beginning on April 1, 2007, and ending on September 30, 2007, pursuant to subsection (a) of section 106 of division B of the Tax Relief and Health Care Act of 2006 (42 U.S.C. 1395 note); and

(2) the wage index applicable for such hospital during such period was lower than the wage index applicable for such hospital during the period beginning on October 1, 2006, and ending on March 31, 2007,

the Secretary shall apply the higher wage index that was applicable for such hospital during the period beginning on October 1, 2006, and ending on March 31, 2007, for the entire fiscal year 2007. If the Secretary determines that the application of the preceding sentence to a hospital will result in a hospital being owed additional reimbursement, the Secretary shall make such payments within 90 days after the settlement of the applicable cost report.

SEC. 118. ADDITIONAL FUNDING FOR STATE HEALTH INSURANCE ASSISTANCE PROGRAMS, AREA AGENCIES ON AGING, AND AGING AND DISABILITY RESOURCE CENTERS.

(a) STATE HEALTH INSURANCE ASSISTANCE PROGRAMS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall use amounts made available under paragraph (2) to make grants to States for State health insurance assistance programs receiving assistance under

section 4360 of the Omnibus Budget Reconciliation Act of 1990.

(2) FUNDING.—For purposes of making grants under this subsection, the Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t), in the same proportion as the Secretary determines under section 1853(f) of such Act (42 U.S.C. 1395w–23(f)), of $15,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for fiscal year 2008.

(b) AREA AGENCIES ON AGING AND AGING AND DISABILITY RESOURCE CENTERS.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall use amounts made available under paragraph (2) to make grants—

(A) to States for area agencies on aging (as defined in section 102 of the Older Americans Act of 1965 (42 U.S.C. 3002)); and

(B) to Aging and Disability Resource Centers under the Aging and Disability Resource Center grant program.

(2) FUNDING.—For purposes of making grants under this subsection, the Secretary shall provide for the transfer, from the Federal Hospital Insurance Trust Fund under section 1817 of the Social Security Act (42 U.S.C. 1395i) and the Federal Supplementary Medical Insurance Trust Fund under section 1841 of such Act (42 U.S.C. 1395t), in the same proportion as the Secretary determines under section 1853(f) of such Act (42 U.S.C. 1395w–23(f)), of $5,000,000 to the Centers for Medicare & Medicaid Services Program Management Account for the period of fiscal years 2008 through 2009.

TITLE II—MEDICAID AND SCHIP

SEC. 201. EXTENDING SCHIP FUNDING THROUGH MARCH 31, 2009.

(a) THROUGH THE SECOND QUARTER OF FISCAL YEAR 2009.—

(1) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended—

(A) in subsection (a)—

(i) by striking "and" at the end of paragraph (9);

(ii) by striking the period at the end of paragraph (10) and inserting "; and"; and

(iii) by adding at the end the following new paragraph:

"(11) for each of fiscal years 2008 and 2009, $5,000,000,000."; and

(B) in subsection (c)(4)(B), by striking "for fiscal year 2007" and inserting "for each of fiscal years 2007 through 2009".

(2) AVAILABILITY OF EXTENDED FUNDING.—Funds made available from any allotment made from funds appropriated under subsection (a)(11) or (c)(4)(B) of section 2104 of the Social Security Act (42 U.S.C. 1397dd) for fiscal year 2008 or 2009 shall not be available for child health assistance for items and services furnished after March 31, 2009, or, if earlier, the date of the enactment of an Act that provides funding for fiscal years 2008 and 2009, and for one or more subsequent fiscal years for the State Children's Health Insurance Program under title XXI of the Social Security Act.

(3) END OF FUNDING UNDER CONTINUING RESOLUTION.—Section 136(a)(2) of Public Law 110–92 is amended by striking "after the termination date" and all that follows and inserting "after the date of the enactment of the Medicare, Medicaid, and SCHIP Extension Act of 2007.".

(4) CLARIFICATION OF APPLICATION OF FUNDING UNDER CONTINUING RESOLUTION.—Section 107 of Public Law 110–92 shall apply with respect to expenditures made pursuant to section 136(a)(1) of such Public Law.

(b) EXTENSION OF TREATMENT OF QUALIFYING STATES; RULES ON REDISTRIBUTION OF UNSPENT FISCAL YEAR 2005 ALLOTMENTS MADE PERMANENT.—

(1) IN GENERAL.—Section 2105(g)(1)(A) of the Social Security Act (42 U.S.C. 1397ee(g)(1)(A)), as amended by subsection (d) of section 136 of Public Law 110–92, is amended by striking "or 2008" and inserting "2008, or 2009".

(2) APPLICABILITY.—The amendment made by paragraph (1) shall be in effect through March 31, 2009.

(3) CERTAIN RULES MADE PERMANENT.—Subsection (e) of section 136 of Public Law 110–92 is repealed.

(c) ADDITIONAL ALLOTMENTS TO ELIMINATE REMAINING FUNDING SHORTFALLS THROUGH MARCH 31, 2009.—

(1) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by adding at the end the following new subsections:

"(j) ADDITIONAL ALLOTMENTS TO ELIMINATE FUNDING SHORTFALLS FOR FISCAL YEAR 2008.—

"(1) APPROPRIATION; ALLOTMENT AUTHORITY.—For the purpose of providing additional allotments described in subparagraphs (A) and (B) of paragraph (3), there is appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary, not to exceed $1,600,000,000 for fiscal year 2008.

"(2) SHORTFALL STATES DESCRIBED.—For purposes of paragraph (3), a shortfall State described in this paragraph is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary as of November 30, 2007, that the Federal share amount of the projected expenditures under such plan for such State for fiscal year 2008 will exceed the sum of—

"(A) the amount of the State's allotments for each of fiscal years 2006 and 2007 that will not be expended by the end of fiscal year 2007;

"(B) the amount, if any, that is to be redistributed to the State during fiscal year 2008 in accordance with subsection (i); and

"(C) the amount of the State's allotment for fiscal year 2008.

"(3) ALLOTMENTS.—In addition to the allotments provided under subsections (b) and (c), subject to paragraph (4), of the amount available for the additional allotments under paragraph (1) for fiscal year 2008, the Secretary shall allot—

"(A) to each shortfall State described in paragraph (2) not described in subparagraph (B), such amount as the Secretary determines will eliminate the estimated shortfall described in such paragraph for the State; and

"(B) to each commonwealth or territory described in subsection (c)(3), an amount equal to the percentage specified in subsection (c)(2) for the commonwealth or territory multiplied by 1.05 percent of the sum of the amounts determined for each shortfall State under subparagraph (A).

"(4) PRORATION RULE.—If the amounts available for additional allotments under paragraph (1) are less than the total of the amounts determined under subparagraphs (A) and (B) of paragraph (3), the amounts computed under such subparagraphs shall be reduced proportionally.

"(5) RETROSPECTIVE ADJUSTMENT.—The Secretary may adjust the estimates and determinations made to carry out this subsection as necessary on the basis of the amounts reported by States not later than November 30, 2008, on CMS Form 64 or CMS Form 21, as the case may be, and as approved by the Secretary.

"(6) ONE-YEAR AVAILABILITY; NO REDISTRIBUTION OF UNEXPENDED ADDITIONAL ALLOTMENTS.—Notwithstanding subsections (e) and (f), amounts allotted to a State pursuant to this subsection for fiscal year 2008, subject to paragraph (5), shall only remain available for expenditure by the State through September 30, 2008. Any amounts of such allotments that remain unexpended as of such date shall not be subject to redistribution under subsection (f).

"(k) REDISTRIBUTION OF UNUSED FISCAL YEAR 2006 ALLOTMENTS TO STATES WITH ESTIMATED FUNDING SHORTFALLS DURING THE FIRST 2 QUARTERS OF FISCAL YEAR 2009.—

"(1) IN GENERAL.—Notwithstanding subsection (f) and subject to paragraphs (3) and (4), with respect to months beginning during the first 2 quarters of fiscal year 2009, the Secretary shall provide for a redistribution under such subsection from the allotments for fiscal year 2006 under subsection (b) that are not expended by the end of fiscal year 2008, to a fiscal year 2009 shortfall State described in paragraph (2), such amount as the Secretary determines will eliminate the estimated shortfall described in such paragraph for such State for the month.

"(2) FISCAL YEAR 2009 SHORTFALL STATE DESCRIBED.—A fiscal year 2009 shortfall State described in this paragraph is a State with a State child health plan approved under this title for which the Secretary estimates, on a monthly basis using the most recent data available to the Secretary as of such month, that the Federal share amount of the projected expenditures under such plan for such State for the first 2 quarters of fiscal year 2009 will exceed the sum of—

"(A) the amount of the State's allotments for each of fiscal years 2007 and 2008 that was not expended by the end of fiscal year 2008; and

"(B) the amount of the State's allotment for fiscal year 2009.

"(3) FUNDS REDISTRIBUTED IN THE ORDER IN WHICH STATES REALIZE FUNDING SHORTFALLS.—The Secretary shall redistribute the amounts available for redistribution under paragraph (1) to fiscal year 2009 shortfall States described in paragraph (2) in the order in which such States realize monthly funding shortfalls under this title for fiscal year 2009. The Secretary shall only make redistributions under this subsection to the extent that there are unexpended fiscal year 2006 allotments under subsection (b) available for such redistributions.

"(4) PRORATION RULE.—If the amounts available for redistribution under paragraph (1) are less than the total amounts of the estimated shortfalls determined for the month under that paragraph, the amount computed under such paragraph for each fiscal year 2009 shortfall State for the month shall be reduced proportionally.

"(5) RETROSPECTIVE ADJUSTMENT.—The Secretary may adjust the estimates and determinations made to carry out this subsection as necessary on the basis of the amounts reported by States not later than May 31, 2009, on CMS Form 64 or CMS Form 21, as the case may be, and as approved by the Secretary.

"(6) AVAILABILITY; NO FURTHER REDISTRIBUTION.—Notwithstanding subsections (e) and (f), amounts redistributed to a State pursuant to this subsection for the first 2 quarters of fiscal year 2009 shall only remain available for expenditure by the State through

March 31, 2009, and any amounts of such redistributions that remain unexpended as of such date, shall not be subject to redistribution under subsection (f).

"(l) Additional Allotments To Eliminate Funding Shortfalls for the First 2 Quarters of Fiscal Year 2009.—

"(1) APPROPRIATION; ALLOTMENT AUTHORITY.—For the purpose of providing additional allotments described in subparagraphs (A) and (B) of paragraph (3), there is appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary, not to exceed $275,000,000 for the first 2 quarters of fiscal year 2009.

"(2) SHORTFALL STATES DESCRIBED.—For purposes of paragraph (3), a shortfall State described in this paragraph is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary, that the Federal share amount of the projected expenditures under such plan for such State for the first 2 quarters of fiscal year 2009 will exceed the sum of—

"(A) the amount of the State's allotments for each of fiscal years 2007 and 2008 that will not be expended by the end of fiscal year 2008;

"(B) the amount, if any, that is to be redistributed to the State during fiscal year 2009 in accordance with subsection (k); and

"(C) the amount of the State's allotment for fiscal year 2009.

"(3) ALLOTMENTS.—In addition to the allotments provided under subsections (b) and (c), subject to paragraph (4), of the amount available for the additional allotments under paragraph (1) for the first 2 quarters of fiscal year 2009, the Secretary shall allot—

"(A) to each shortfall State described in paragraph (2) not described in subparagraph (B) such amount as the Secretary determines will eliminate the estimated shortfall described in such paragraph for the State; and

"(B) to each commonwealth or territory described in subsection (c)(3), an amount equal to the percentage specified in subsection (c)(2) for the commonwealth or territory multiplied by 1.05 percent of the sum of the amounts determined for each shortfall State under subparagraph (A).

"(4) Proration Rule.—If the amounts available for additional allotments under paragraph (1) are less than the total of the amounts determined under subparagraphs (A) and (B) of paragraph (3), the amounts computed under such subparagraphs shall be reduced proportionally.

"(5) Retrospective Adjustment.—The Secretary may adjust the estimates and determinations made to carry out this subsection as necessary on the basis of the amounts reported by States not later than May 31, 2009, on CMS Form 64 or CMS Form 21, as the case may be, and as approved by the Secretary.

"(6) AVAILABILITY; NO REDISTRIBUTION OF UNEXPENDED ADDITIONAL ALLOTMENTS.—Notwithstanding subsections (e) and (f), amounts allotted to a State pursuant to this subsection for fiscal year 2009, subject to paragraph (5), shall only remain available for expenditure by the State through March 31, 2009. Any amounts of such allotments that remain unexpended as of such date shall not be subject to redistribution under subsection (f).".

SEC. 202. EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE (TMA) AND ABSTINENCE EDUCATION PROGRAM.

Section 401 of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432, 120 Stat. 2994), as amended by section 1 of Public Law 110–48 (121 Stat. 244) and section 2 of the TMA, Abstinence, Education, and QI Programs Extension Act of 2007 (Public Law 110–90, 121 Stat. 984), is amended—

(1) by striking "December 31, 2007" and inserting "June 30, 2008"; and

(2) by striking "first quarter" and inserting "third quarter" each place it appears.

SEC. 203. EXTENSION OF QUALIFYING INDIVIDUAL (QI) PROGRAM.

(a) Extension.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv)) is amended by striking "December 2007" and inserting "June 2008".

(b) Extending Total Amount Available for Allocation.—Section 1933(g)(2) of the Social Security Act (42 U.S.C. 1396u–3(g)(2)) is amended—

(1) in subparagraph (G), by striking "and" at the end;

(2) in subparagraph (H), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(I) for the period that begins on January 1, 2008, and ends on June 30, 2008, the total allocation amount is $200,000,000.".

SEC. 204. MEDICAID DSH EXTENSION.

Section 1923(f)(6) of the Social Security Act (42 U.S.C. 1396r–4(f)(6)) is amended—

(1) in the heading, by inserting "AND PORTIONS OF FISCAL YEAR 2008" after "FISCAL YEAR 2007"; and

(2) in subparagraph (A)—

(A) in clause (i), by adding at the end (after and below subclause (II)) the following:

"Only with respect to fiscal year 2008 for the period ending on June 30, 2008, the DSH allotment for Tennessee for such portion of the fiscal year, notwithstanding such table or terms, shall be ¾ of the amount specified in the previous sentence for fiscal year 2007.";

(B) in clause (ii)—

(i) by inserting "or for a period in fiscal year 2008 described in clause (i)" after "fiscal year 2007"; and

(ii) by inserting "or period" after "such fiscal year"; and

(C) in clause (iv)—

(i) in the heading, by inserting "AND FISCAL YEAR 2008" after "FISCAL YEAR 2007";

(ii) in subclause (I)—

(I) by inserting "or for a period in fiscal year 2008 described in clause (i)" after "fiscal year 2007"; and

(II) by inserting "or period" after "for such fiscal year"; and

(iii) in subclause (II)—

(I) by inserting "or for a period in fiscal year 2008 described in clause (i)" after "fiscal year 2007"; and

(II) by inserting "or period" after "such fiscal year" each place it appears; and

(3) in subparagraph (B)(i), by adding at the end the following: "Only with respect to fiscal year 2008 for the period ending on June 30, 2008, the DSH allotment for Hawaii for such portion of the fiscal year, notwithstanding the table set forth in paragraph (2), shall be $7,500,000.".

SEC. 205. IMPROVING DATA COLLECTION.

Section 2109(b)(2) of the Social Security Act (42 U.S.C. 1397ii(b)(2)) is amended by inserting before the period at the end the following "(except that only with respect to fiscal year 2008, there are appropriated $20,000,000 for the purpose of carrying out this subsection, to remain available until expended)".

SEC. 206. MORATORIUM ON CERTAIN PAYMENT RESTRICTIONS.

Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to June 30, 2008, take any action (through promulgation of regulation, issuance of regulatory guidance, use of Federal payment audit procedures, or other administrative action, policy, or practice, including a Medical Assistance Manual transmittal or letter to State Medicaid directors) to impose any restrictions relating to coverage or payment under title XIX of the Social Security Act for rehabilitation services or school-based administration and school-based transportation if such restrictions are more restrictive in any aspect than those applied to such areas as of July 1, 2007.

TITLE III—MISCELLANEOUS

SEC. 301. MEDICARE PAYMENT ADVISORY COMMISSION STATUS.

Section 1805(a) of the Social Security Act (42 U.S.C. 1395b–6(a)) is amended by inserting "as an agency of Congress" after "established".

SEC. 302. SPECIAL DIABETES PROGRAMS FOR TYPE I DIABETES AND INDIANS.

(a) Special Diabetes Programs for Type I Diabetes.—Section 330B(b)(2)(C) of the Public Health Service Act (42 U.S.C. 254c–2(b)(2)(C)) is amended by striking "2008" and inserting "2009".

(b) Special Diabetes Programs for Indians.—Section 330C(c)(2)(C) of the Public Health Service Act (42 U.S.C. 254c–3(c)(2)(C)) is amended by striking "2008" and inserting "2009".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. Pallone) and the gentleman from Texas (Mr. Barton) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Madam Speaker, I yield 10 minutes to the gentleman from California (Mr. Stark) and ask unanimous consent that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, when this Congress was first gaveled into session by Speaker Pelosi, she declared it the Children's Congress. With that in mind, we set out to enact an ambitious agenda that included legislation to provide health care to 10 million low-income American children. But we were forced to go it alone. Instead of working with us, the President and his Republican foot soldiers in Congress chose to fight us tooth and nail.

We were not deterred by the President or the opposition that we faced from congressional Republicans. Earlier this summer, the House passed the

CHAMP Act, which would have strengthened the Children's Health Insurance Program, CHIP, and helped secure health care coverage for 10 million American children, 4 million of which are presently uninsured and come from hardworking families.

The CHAMP Act also included dramatic improvements for beneficiaries and providers under Medicare, which, if enacted, would have put the program on a more stable financial footing and ensured that seniors have access to the medical care they need and deserve. The CHAMP Act would have also protected Medicaid from harmful regulations which are now about to go into effect and will cut billions of dollars in critical services for low-income and disabled citizens of all ages.

Now, some may see the defeat of the CHAMP Act this year as a great victory for the President and his Republican allies in Congress. But they may have succeeded in being nothing more than obstructionists. No one has gained anything from these actions by the President or my Republican colleagues, least of all the people who rely on these programs for their health care.

This year, we had a chance to strengthen our Nation's health care safety net and improve the lives of our most vulnerable citizens, the elderly, the young, the poor and the disabled. Instead, both the administration and congressional Republicans are content on leaving here this year with doing the bare minimum on CHIP and Medicare when we could have accomplished so much more to improve the health of millions of Americans.

So now, Madam Speaker, we are left with a package that addresses the most immediate concerns, but leaves any real health care improvements for another day, and I think that is very unfortunate. But with the current President and the current Senate, sadly, this is the best we can do. But I will say, Madam Speaker, the Democrats are determined in the next year to revive the CHAMP Act and the provisions that we care so much about, because we know that that is the best for the American people.

Madam Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I yield myself 2½ minutes.

Madam Speaker, it is difficult to speak on this subject because we have debated it so many times in the last 1½ months. Suffice it to say that all is well that ends well, and today we have a bill before us that is going to temporarily fix the physician reimbursement issue. It is going to extend the SCHIP program through March of 2009. It is going to extend the special diabetes program for another year and a number of other things.

These are all good things and people on both sides of the aisle support them. It shouldn't have taken all year to do these things, but it has.

I want to speak very briefly about the SCHIP program. The language in the bill before us is essentially the Barton-Deal language, which Congressman DEAL of Georgia, the ranking member of the Health Subcommittee, and myself introduced 7 or 8 months ago to extend the existing SCHIP program for 18 months, to make sure that all children currently receiving coverage continue to receive coverage, to have a slight increase in funding so that some new enrollments could occur. It is a commonsense approach to an issue while we debate with our friends on the majority side the extent to which we want to expand or change the program.

We have had two Presidential vetoes. We have had enough speeches on the House floor and the other body to probably populate a national forest in terms of the amount of paper that has been used to cover those speeches. And yet we are here today doing what we could have done 11 months ago.

I am very pleased that the SCHIP program is going to be extended. I am very pleased that no State is going to lose funding. I am very pleased that we are going to continue to cover the children that have been covered. And I look forward in the next year to the same offer that Congressman DEAL and Mr. MCCRERY and Mr. CAMP and I have made to our friends on the majority, let's have some hearings.

We now have 15 months. We could hold regular hearings. We could introduce draft bills. We could circulate those bills. We could have a bipartisan dialogue. We could have an actual open, transparent committee markup in both the Ways and Means Committee and the Energy and Commerce Committee. It is still possible in this Congress to have the meetings of the mind on SCHIP in terms of changes to the program, and I hope, Madam Speaker, that that occurs in the next 12 months.

□ 1045

Mr. STARK. Madam Speaker, I yield myself such time as I may consume.

I wish I could say I was pleased to be here today to support this important legislation, but you can't say that about this bill the Republicans have brought us.

Last July we sent to the Senate the CHAMP Act, a strong bill that preserved and improved both the Medicare and SCHIP program. The CHAMP Act extended health coverage to 10 million children nationwide. This bill doesn't even come close.

This bill was designed by the Republicans to support their rich friends, the pharmaceutical industry, the for-profit insurance industry, and to destroy Medicare as millions of American seniors have known it, to harm children, and to cast blame at illegal immigrants and working single parents. It shows the Republicans in their truest form: Help the rich at the expense of the poor; to deny government services to anyone, and only help the profit industries who pay them so generously through their campaign contributions, which will be useless, because the public will realize that we don't need them anymore.

The CHAMP Act provided Medicare benefits for all, and it increased protections for low-income beneficiaries. It extended the physicians' reimbursement above par for 2 years and it protected rural providers for those same periods of time. The CHAMP Act overwrote provisions enacted by the former Republican majority designed to end Medicare as an entitlement program. The CHAMP Act was paid for by reducing overpayments to the substandard private plans in Medicare, plans designed to privatize the program by Republicans.

For this effort, House Members, five Republican Members and the Democrats, and our staffs are to be congratulated. They worked hard and took tough and reasoned positions. The Senate failed to act on our legislation and the irresponsible Republicans in the House of Representatives failed to help the children in this country as is their wont.

What we have before us gives the lowest common denominator a bad name. The Senate has sent us a bill that extends otherwise expiring Medicare provisions by a mere 6 months, meaning that we will be back here next summer, next spring trying to fix a system which the Republicans consistently try and privatize and destroy. That is Medicare and SCHIP. For the next 6 months, the bill delays the 10 percent physicians cut, prevents some therapy caps from going into effect, and protects rural providers by extending a host of particular provisions that would otherwise expire.

There are some provisions that run longer. SCHIP will go for 15 months, moving it forward in time when we have a new President, whom we hope will be willing to work with Congress to protect children's health and expand access to care. It also makes longer term reforms to Medicare payment policies for long-term care hospitals and rehab hospitals, two changes that are long overdue.

What is wrong with the bill is what it fails to do. It flat out fails to address real improvements needed for Medicare beneficiaries, many of which we had addressed in the CHAMP Act. It lacks increased protections for low-income beneficiaries; it lacks Medicare mental health parity; it lacks overdue improvements in preventive benefits and nonpayment related reforms to the HMO program. It lacks limits on physician hospital ownership and self-referral. And the list goes on.

Adding insult to injury, this legislation also lets HMOs in the insurance industry off virtually scot free, even though MedPAC, CBO, GAO, the Office of the Inspector General and even the administration's own actuaries confirm that we overpay these second-rate, for-profit plans relative to the rest of Medicare.

I would hope that those of you learned, as I learned, that if you don't like the food, don't eat it, but don't complain about it.

We still have a strong bill pending in the Senate, the CHAMP Act. The Senate must act early in 2008 so that we can reach a better outcome for Medicare. We just can't keep subsidizing the for-profit providers and failing to serve our own children and seniors. So we must proceed as best we can.

I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, may I inquire how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Texas has 17½ minutes.

Mr. BARTON of Texas. Madam Speaker, I ask unanimous consent to yield 10 minutes of that time to the gentleman from Louisiana (Mr. MCCRERY), the ranking member of the Ways and Means Committee, for him to control.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MCCRERY. Madam Speaker, I agree with some of the comments that have been made by the majority today, not all of them, of course, but some of them.

I think it is a shame that we were not able to reach a bipartisan agreement on a longer term extension of the SCHIP program. As Ranking Member BARTON has pointed out on more than one occasion, though, this process was pretty much doomed from the start because the majority failed to include the minority at all in the early stages of putting together legislation for this important program.

And I understand, it is difficult being in the majority for the first time in 12 years and not really knowing how to get things done. It's tough to govern. It's tough to have the responsibility to actually pass legislation and make law. We did it for 12 years, and we had some troubles ourselves in the first year or so that we were in the majority. So I understand. But I hope the majority will learn from this experience.

We have two choices, the majority has two choices, really, insofar as dealing with the SCHIP program. And that is, number one, next year they could do as Ranking Member BARTON suggested and have hearings on the SCHIP program and work with the minority hand in hand to try to come up with a reasonable extension reauthorization of this important program.

Number two, they could try the same thing next year that they did this year and get the same result, and then just wait until after the elections and hope that they would have a Democratic President, a Democratic majority, and can do what they want, maybe.

I would submit that the better course is the former, and that is to work with the minority next year. We certainly made that offer this calendar year. I would extend it, at least from my committee's standpoint, that invitation again for next year. And I am hopeful that we can do that.

This bill before us today covers a lot of other things besides the SCHIP program. As Chairman STARK said, we do have in here kind of a stalling of the cliff that physicians find themselves looking over as far as Medicare reimbursement. We only do that for 6 months. We do several other things for 6 months, including therapy caps which I think are very important. So we are under the gun, this Congress is under the gun, and I would submit that means both the majority and the minority early next year to get some things done in the Medicare field.

Again, I certainly want to extend my hand to the majority and offer to work together to get these very important things that are only extended or only dealt with for 6 months in this bill, a more certain future with legislation next year.

Madam Speaker, I reserve the balance of my time.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Madam Speaker, December is a month of holidays, holidays about families; Hanukkah, the Festival of Lights; Kwanzaa about family traditions. At this time of year I always think about my children when they were little, their beautiful faces staring into the creche at the baby Jesus. But during this special time, the very best present we could give 4 million children in this country is the gift of health care.

Every parent knows that quality health care is the foundation for a happy and successful life. Sadly, at this special time, Congress is denying this gift to 4 million children who are eligible right now under the SCHIP program but are not enrolled. Although the House and Senate passed great legislation that would have expanded the coverage to these children, the President has vetoed it twice. And so, reluctantly, I stand here today in full support of current law.

The current SCHIP program is a great one that has worked for 10 years, one that we should all stand up for and be proud of. It will guarantee that the 6 million kids currently enrolled will not lose their health insurance until March 2009.

As the new year draws close though, Madam Speaker, we must recommit ourselves to ensuring that every child in this country who is eligible for SCHIP is enrolled. And that is why I ask the Speaker and my wonderful committee leadership to recommit ourselves to reauthorizing this program earlier than March 2009 so all these kids may be covered.

In addition, Madam Speaker, this bill contains protections for seniors. But, again, it is only a start. There is much more to be done, and I am committed to working with my colleagues to develop a comprehensive bill that will do more than extend protections to doctors and seniors for only 6 months.

Finally, Madam Speaker, I want to commend my colleagues for including extension of the special diabetes program in this bill. This will ensure cures for millions of Americans.

Mr. BARTON of Texas. Madam Speaker, I yield 2½ minutes to the distinguished ranking member of the Health Subcommittee, Mr. DEAL of Georgia, who has worked tirelessly on these issues this year.

Mr. DEAL of Georgia. I thank the gentleman from Texas for yielding.

Madam Speaker, I am pleased to rise today in support of S. 2499. This vital legislation will help preserve Medicare beneficiaries' access to their physicians' services, in addition to providing States certainty as to their ability to cover their SCHIP children for the next 13 months and to continue to enroll eligible children in their programs.

While this bill does not contain the needed reform of the sustainable growth rate formula in Medicare, it averts a payment cut for physicians which, I fear, would have dramatically impacted physician participation in Medicare. Moving forward, I hope that we would work in a bipartisan way to reform this SGR system rather than continuing these short fix programs that we have seen for the last several years. The physicians who serve this Nation's elderly population should not be subject to this annual uncertainty, constantly wondering whether or not they will be able to afford to see their Medicare patients.

On the second subject, for months I have supported a long-term extension of the SCHIP program to ensure that children currently enrolled would continue to have health care services, and to allow States the certainty of funding so that they can continue to enroll eligible children.

In the coming months there should be ample opportunity for SCHIP legislation to move through a regular legislative process without the pressures created by last-minute expiration of the program. I look forward to working with my colleagues on both sides of the aisle on this bill, which would help put and continue to put low-income children first, and continues the purpose of the original program: To serve the neediest children with health care. As a supporter of the program, it is unfortunate to me that we have not been able to reauthorize it for a longer period of time, but this extension should give us the opportunity to do so in a thoughtful and appropriate process. I would hope to work on these issues in a bipartisan fashion next year, and I urge my colleagues to support this bill.

Mr. STARK. Madam Speaker, I am delighted to yield 2 minutes to the distinguished gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. A lot of people have mentioned that in fact this extension will cover the children that presently are in the program. That is half true and half not true. Kids who are on the program will be covered. But if you live in 14 States in the United States, because of the President's executive order, if you live in California, Connecticut, Washington, D.C., Hawaii, Maryland, Massachusetts, Minnesota, Missouri, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, or Washington, kids in those States will actually come off the rolls in August because of the President's executive order. And in those States, the Governors will have to begin to develop plans to notify those kids and their parents because of the President's executive order.

So not all kids who are on the program will actually stay on the program. And that is just a consequence, after passing two bills to give 10 million children health care, two bills with 45 Republicans and 220 plus Democrats here in the House, and 18 Republicans in the Senate and every Democrat in the Senate, we were unable, which is unique around here, but we were unable to get the President to sign this legislation. And so what we couldn't resolve, the American people will resolve in November.

President Kennedy once said, to govern is to choose. We have made our choice, the President and some on your side made your choice, and in November the American people will make their choice. And that is how differences get resolved here. I think we should understand that.

And so, as the President has said, a lot of children will have universal health care in this country because we have an emergency room in hospitals. A lot of kids will end up in emergency rooms that didn't need to go to emergency rooms.

We did right in a bipartisan fashion to get a bill. In my own view, this will be the first thing that the new Democratic President will get done. We don't need March 9. It will get done within the first month. It will be a major accomplishment for a Democratic Congress, a Democratic Senate, and a Democratic President.

□ 1100

Starting this August in those 14 States, kids and their parents that did have health care will be notified they will no longer get health care. Now, there is a consequence to that, because August 2008 is 2 months before the election. And I don't think that is a problem. As a matter of fact, we can't protect the American people from the consequences of the President's decision, and a number of Republicans stand by him. We did right. There was a bipartisan bill to resolve a major problem to give 10 million children health care. We didn't accomplish it. We will be back and we will get it done because the American people deserve and the kids deserve the same health care that their Members of Congress and their kids get. This is what that would have done.

Mr. McCRERY. Madam Speaker, before I recognize the gentleman from Pennsylvania (Mr. ENGLISH), I would just point out under the President's executive order, those States do have the option of covering the low-income children in their States first. If they do that, then they can certainly expand it to higher income children.

At this time I yield 1 minute to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Thank goodness they are not going to have to wait a generation for a Democratic President.

This bill, Madam Speaker, is a good resolution to a political impasse and a good solution to the hindering cuts that impede our Nation's physicians and would impact on the health care of our young people and our seniors.

It makes a substantial adjustment for physicians who participate in the Medicare program, albeit only temporary. Although I would have liked to have seen a more permanent and comprehensive solution to a range of Medicare issues, we just couldn't wait and allow 10 percent cuts in payments to physicians to occur. I hope to work with my colleagues on both sides of the aisle on a more permanent solution in the upcoming year to this particularly thorny issue.

The legislation before us also endorses important issues that I have fought hard to be involved with and to make progress on, including extending the exceptions process for therapy caps and a revision of the policy structure for long-term care hospitals. Those are legacy issues that we are going to have to take up sooner rather than later.

I am glad we have a final resolution temporarily on SCHIP. Thank you. I urge a vote for the bill.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Madam Speaker, I thank the gentleman for yielding me this time. Today I stand boldly in support of this Medicare, Medicaid and SCHIP Extension Act.

Madam Speaker, 800,000 children, as you know, in the State of California are covered by this program. It is essential that we continue to provide that coverage. But many, many low-income and minority children will not be covered because previously this President vetoed our bill twice where we would have taken this farther. Instead of the 6 million that are currently in the program, it would have gone to 10 million children. But we can't talk about that now.

But one thing is sure, our constituents, our seniors, are telling us we also need to provide a fix for our doctors because many of our seniors that are on low-income assistance now need to see their doctors, and we know how vitally important that is.

Each and every one of us has an obligation to provide support for the very vulnerable in our communities. And I think there is a saying somewhere, maybe in the Bible, that says we will be judged by how we deal with those that are most vulnerable. And those are our frail, elderly and our children.

I know we can do better. I also pray that we have better outcomes after 2008, because I do believe that our public, our constituents, are demanding that we step up to the plate on health care. That is the number one priority that we are reading about throughout this country, that we cannot stand behind and not speak up here on the House, on the floor and demand that we have better coverage for all of our populations. I speak not only as a Latina and as a woman representing a low-income community, but I think I speak for many millions of people who would like to hear their Congresspeople speaking out loud and shouting out loud about the need for better health care coverage. They are demanding it. Yes, as my former colleague said on the floor, we will probably see those results change once November 2008 arrives.

Merry Christmas to the Congress.

Mr. BARTON of Texas. Madam Speaker, I yield myself 15 seconds just to point out that the subregulatory deadline that Mr. EMANUEL referred to requires States to show a good-faith effort to cover 95 percent of those children below 200 percent of poverty before they cover children above 250 percent of poverty.

I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN), a member of the committee.

Mrs. BLACKBURN. Madam Speaker, I want to compliment Mr. BARTON and Mr. DEAL for the extraordinary amount of work they have done on this issue this entire year. I know that they are pleased that the congressional leadership has joined them in working to be certain that we take the politics out of this issue and we keep the focus on how we address the health care needs of our Nation's most vulnerable, our children and our elderly.

A couple of things that we are going to see in this bill, as you have already heard, the Medicare physician payment schedule, the cut that was to take place is not going to. They are going to see a half percent increase through June 2008. My hope is that we will be able to have the majority work with us to resolve this issue.

I think it is just unconscionable that every single year this SGR gets revisited and we try to work it through. We know that this is something that we are going to be providing. It is a service. Health care is going to be provided for our Medicare enrollees. And, Madam Speaker, this needs to be dealt with and the problem needs to be solved.

I am also pleased that SCHIP is going to be extended through March 2009 and that we are keeping the focus there on standing in the gap between those children that are not eligible for Medicare and those that have the ability to afford private health insurance. This gets back to the original intent of that program to be certain that the children of the working poor are covered.

I am also pleased that this contains the 6-month extension of critical funding for the Tennessee Medicaid DSH payments to our hospitals.

Madam Speaker, there should be some lessons learned from the 1115 waiver process that my State of Tennessee has been through and through the experiment of HILLARY CLINTON health care and the failures of that. As we move forward, I hope we look at those lessons learned.

I appreciate this legislation does provide those DSH payments to these hospitals. I look forward to working with the majority.

Mr. PALLONE. Madam Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Madam Speaker, I rise in strong support of the Medicare, Medicaid and SCHIP Extension Act of 2007.

This bill includes a provision based on legislation I introduced with Representatives TANNER, LoBIONDO and HULSHOF that would not only freeze compliance thresholds under the 75 percent rule at 60 percent, it would require CMS to consult rehabilitation facilities in developing recommendations on more appropriate criteria than the 75 percent rule for determining IRF admission policy.

The legislation will stop CMS in its tracks from continuing to implement an out-of-date 75 percent rule that is 100 percent wrong for Americans, and ensure that millions of individuals will continue to have access to the critical care and medical services provided by rehabilitation facilities.

There are a number of individuals I would like to thank for their tireless work on this legislation: Chairman RANGEL and the entire Ways and Means staff, particularly Jon Sheiner, Cybele Bjorklund, and Janice Mays; my partners on this legislation, Representatives TANNER, LoBIONDO, HULSHOF, and their staffs, Vicki Walling, Dana Richter, and Erik Rasmussen; and my legislative director, Jean Doyle.

And last but certainly not least, the key advocates from hospitals in my district in New York: Dr. Walsh from Burke Rehabilitation Center, Maggie Ramirez from Helen Hayes Hospital, and Keith Safian from Phelps Memorial Hospital.

Your tireless work along with the support of Chairman RANGEL and others in Congress helped us get to where we are today. I urge my colleagues to support this very important legislation.

Mr. McCRERY. Madam Speaker, how much time remains on each side?

The SPEAKER pro tempore. The gentleman from Louisiana (Mr. McCRERY) has 6 minutes. The gentleman from New Jersey (Mr. PALLONE) has 2 minutes remaining. The gentleman from California has 2½ minutes remaining. The gentleman from Texas has 3¼ minutes remaining.

The Chair will recognize in reverse order the closing arguments, beginning with the gentleman from Louisiana (Mr. McCRERY), the gentleman from California (Mr. STARK), the gentleman from Texas (Mr. BARTON), and the gentleman from New Jersey (Mr. PALLONE).

Mr. McCRERY. Madam Speaker, at this time I recognize the distinguished ranking member of the Health Subcommittee of the Ways and Means Committee, the gentleman from Michigan (Mr. CAMP), for 2 minutes.

Mr. CAMP of Michigan. Madam Speaker, I appreciate the distinguished gentleman yielding me this time.

I am glad we have the opportunity to vote on this legislation today which is critical to protecting doctors from receiving the 10 percent Medicare cut and providing certainty to the SCHIP program, the State Children's Health Insurance.

But let's not kid ourselves. This is the bare minimum and we are capable of much more. It is disappointing that the majority would not work in a bipartisan fashion to craft at least a 1-year reprieve from the Medicare cuts for physicians, as Republicans were able to do in previous years. This 6-month extension is simply putting the problem off and not solving it. The majority knew this 10 percent cut was coming. So what did they do? They passed a CHAMP bill that was fraught with problems that cut home health, skilled nursing facilities, devastated Medicare Advantage and the individual care, and would have left 22 States without one senior receiving Medicare Advantage. That was nearly 6 months ago. And what has happened since then? Nothing.

It is unfortunate that we could not come to a bipartisan compromise on SCHIP, which was and is within reach. A simple extension, while better than what the majority offered, and their offer was transforming a program to assist low-income children to an entitlement for families earning $80,000 a year, is much worse than what was possible.

As I said before on this floor, I stand ready to work in a bipartisan fashion to address the looming cuts faced by physicians in Medicare. I hope we can see this legislation for the Band-Aid that it is and return next year with a commitment from leaders in both parties to enact real long-term Medicare payment reform.

Mr. BARTON of Texas. Madam Speaker, I yield 1¼ minutes to the gentleman from Alabama (Mr. ADERHOLT) who is one of the negotiators of an attempt at a compromise.

Mr. ADERHOLT. Madam Speaker, I would like to thank every Member who has worked on this piece of legislation, and there has been a lot, especially Mr. BARTON and Mr. DEAL who have gone beyond the call of duty in their work. I have been in meetings with them for many hours, so I appreciate their work.

I think we are all disappointed that it has taken so long to come up with a solution, but in the end we have arrived at a correct decision.

When SCHIP was first brought to the floor in 1997, I was a new Member of Congress. It was a bipartisan bill that was enacted by a Republican House and Senate. And it was signed into law by a Democrat President.

This year's process has been anything but bipartisan. I think it would be fair to say that the political rancor in the debate that has occurred over the last several months has surpassed anything that most of us have seen while we have been in Congress. But it is time to move forward and it is time that we remember what is important in this whole process, and that is the children that need health care in America, that are simply the poor in this country.

In my home State of Alabama, SCHIP has been a tremendous success and has helped a new generation of children live happier and healthier lives.

□ 1115

I'm pleased that this Congress has decided to extend this vital program into 2009 and provide a level of certainty to State health directors that did not exist under our previous resolutions. This is a good solution, and I encourage my colleagues to support it.

Mr. McCRERY. Madam Speaker, I yield 1½ minutes to the gentleman from Texas, the ranking member of the Social Security Subcommittee of the Ways and Means Committee, Mr. JOHNSON.

Mr. SAM JOHNSON of Texas. Madam Speaker, today we're considering a bill that does some important things. One, it stops the 2008 physician cuts. Two, it extends the Children's Health Insurance Program past the politics of the Presidential election; and three, it helps physicians who are called up for active duty to serve their country. But in reality, this isn't the best bill Congress could have put together, and y'all need to know that.

For the first time, physicians don't know what Medicare will pay them next year. In 6 short months, doctors will once again be facing more than a 10 percent cut in their reimbursements. That uncertainty is no help when you're trying to run a business.

When it comes to physicians who are called up to serve their country and their community, this bill does deliver temporary relief.

Earlier this year Congress moved in a bipartisan fashion to temporarily fix an oversight in Medicare. Previously, the law created a red tape nightmare for any Medicare physician who needed to leave his practice for more than 60 days at a time. The bill before us today continues this fix for just 6 months by allowing our Reservists to have one substitute doctor for their entire deployment.

I look forward to working with my colleagues next year on a permanent fix for this problem. We need to support our troops and the docs that are called up.

Mr. PALLONE. Madam Speaker, I just want to inquire if the other side is prepared to close or has any additional speakers.

Mr. BARTON of Texas. Madam Speaker, I am the only speaker remaining for my portion of the time, so I am prepared to close.

Mr. McCRERY. Madam Speaker, I have two remaining speakers.

The SPEAKER pro tempore. The gentleman from Louisiana has 3 minutes remaining.

Mr. McCRERY. Madam Speaker, I would yield 1½ minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Madam Speaker, I appreciate the gentleman yielding. And I stand today in full support of this 18-month extension of the Children's Health Insurance Program, and also the 6-month mitigation of the payment cut to our physicians under Medicare.

But, Madam Speaker, let me say in regard to that 6-month mitigation, we have done this the whole time that I've been in this Congress, the past 5 years, with a Band-Aid. We're literally doing it this time with a spot Band-Aid, and first thing you know we're going to do a 3-month mitigation and a month-to-month mitigation. It's time to end this flawed sustainable growth rate, just like it's time to end the alternative minimum tax that was not indexed for inflation. They're both flawed, and we need to strike both of them dead permanently.

In regard to the Children's Health Insurance Program, Madam Speaker, the distinguished chairman of the Democratic Conference spoke a little earlier, talking about certain children are going to lose their coverage during this 18-month extension. Well, certain children should lose their coverage if their families make up to 300 percent of the Federal poverty level, which is about $65,000 a year, and it crowds out those children from needy families who are not being covered.

So this extension, I want to commend my colleague from Georgia, NATHAN DEAL, and Ranking Member BARTON. This is their bill, and this is exactly what we need to do. We need to make sure we have 90 percent coverage saturation and those children up to 250 percent of the poverty level before we consider anything else. I support this extension.

Mr. McCRERY. Madam Speaker, I have two remaining speakers. I promise this will be the last time I will have two remaining speakers.

At this time I would yield 30 seconds to the gentleman from Missouri, the distinguished minority whip, Mr. BLUNT. And I believe my colleague, Mr. BARTON, is going to also give him 30 seconds.

Mr. BARTON of Texas. Madam Speaker, I would like to yield 30 of my seconds to the gentleman from Missouri (Mr. BLUNT).

The SPEAKER pro tempore. The gentleman from Missouri is recognized for 1 minute.

Mr. BLUNT. Madam Speaker, I thank the gentlemen for yielding.

I'm just here to say that I think this 18-month extension gives us the time we need to make SCHIP an even better program. It extends the current program. It increases funding for the current program. It helps the States that have a shortfall. It ensures that kids who don't have Medicaid, who are in that second 100 percentile, the families who are closest to the Medicaid number, get their coverage first, by not reversing the policies the administration has lately put in place on waivers. It does important things to ensure that the qualifying standards for SCHIP don't change. On those areas that extend Medicare payments to doctors, I would remind my friends here that we're paying for those, most of that, through the stabilization fund on the last big fight here we had. This was the fund we thought we might need to make part D addition to Medicare as a competitive and innovative addition to Medicare work. We didn't need that money because it's working on its own. The last fight we had this big on a health care issue, we kept hearing how terrible it would be for seniors. Eighty-seven percent of the seniors don't think it's terrible at all.

I think we're going to see that this debate also leads to better results for SCHIP, not worse results for SCHIP. I'm glad to see this extension.

The SPEAKER pro tempore. The gentleman from Louisiana has 1 minute remaining.

Mr. McCRERY. Madam Speaker, I assume all managers of time have one remaining speaker?

Mr. STARK. I have one.

Madam Speaker, I would yield, at this point, 1½ minutes to the distinguished gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Madam Speaker, this pathetic excuse for a Medicare bill is made necessary by a Republican refusal to tackle waste, fraud and abuse. To fulfill an ideological dream, taxpayers are compelled to continue wasting billions of dollars to fund abusive private Medicare Advantage plans run by Bush administration buddies, rather than less expensive, more effective traditional Medicare.

And while doctors are rightly protected from a scheduled payment cut, how about the millions of poor seniors who are cut off from access to extra help for prescription drug coverage? As with so many battles in this Congress, where it is a contest between the poor and a well-financed special interest, guess who gets knocked out?

This shell of a bill actually means that millions of our youngest Americans will still be barred from access to the Children's Health Insurance Program, and, of course, it will enable my State, Texas, to maintain its dubious distinction of being number one, the number one State in the country with children who have no health insurance, due largely to the indifference of then Governor George Bush, now the "vetoer in chief" when it comes to children's health insurance.

This House had approved the CHAMP Act. Today, about all that remains of it, thanks to continued Republican obstructionism and one veto after another, is what could be called the CHUMP Act because it reeks of fiscal irresponsibility and social inequity. Something may be better than nothing, but this is barely something. In 18 months we'll correct it.

Mr. McCRERY. Madam Speaker, I would yield 1 minute to the gentleman from Georgia (Mr. PRICE) and note that I still believe bipartisanship is the way to solving these problems, especially in the next year.

Mr. PRICE of Georgia. I thank my friend for yielding and for his leadership.

There's a recurrent theme that we've heard this month and that is from this majority party that continues to lament the work product of this 110th Congress. You'd think they weren't in the majority.

But it's time to set the record straight about a couple of items. One is SCHIP. The reason that SCHIP hasn't moved forward in the way that they envisioned is because the American people didn't believe that over half of the American children ought to be on a government-run system.

Were there alternatives? Absolutely. The alternative that we put on the table was to reauthorize the program, provide premium assistance for families up to $63,000 and give States greater flexibility. That's a positive solution.

In the area of SGR or the physician reimbursement in Medicare, it's important to appreciate that this 6-month extension is wrong. Medicare is woefully flawed. The 6-month extension is an insult to both patients and physicians.

What we call for is for bipartisanship, for working together to solve the Medicare physician payment program that works well for patients and works for physicians and makes certain that patients and their families control health care, not government.

Mr. STARK. Madam Speaker, I yield myself the balance of the time and agree with the gentleman from Georgia that the fix for the physicians is an abomination, but it was written by the Republicans in the Senate, and with concurrence with Republicans in the House. So I congratulate you for at least recognizing a lousy piece of legislation when it's drafted by Republicans.

The distinguished gentleman from Texas (Mr. BARTON) suggested that all's well that ends well, and that pretty much sums up the Republican philosophy. They've kept 4 million kids from getting health care. They've endangered the health care of many of the 6 million kids on SCHIP now, and they've protected the for-profit insurance industry and other special interests who fund their campaigns to the detriment of the children and the seniors in this country.

You might call that all well, but the Democrats don't.

Madam Speaker, I yield back the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I yield myself the remainder of my time.

The SPEAKER pro tempore. The gentleman is recognized for 1½ minutes.

Mr. BARTON of Texas. I want to compliment Congresswoman LOWEY of New York for working to include the 60 percent fix for the rehabilitation hospitals. I wasn't aware that that was in the bill. I'm very pleased that that is.

I would like to, I guess, compliment my friend from California, Chairman STARK, for at least agreeing that this bill is worthy of coming to the floor.

I would like to point out that the whole purpose of SCHIP is to cover low- and moderate-income kids. That was the original intent. There are many of us on this side of the aisle that still think that should be the intent. If you want to go to some of the larger numbers of coverage of children that are currently not covered, you have to go above 250 and, in some cases, above 300 percent of poverty.

You also are covering right now six to 700,000 adults. There are those like myself that don't think adults need to be covered by SCHIP because those same adults can be covered by Medicaid, which is the coverage for low-income Americans, regardless of how old they are.

I would like to point out the obvious. When you're in the minority, the only way you can get anything passed is to work with the majority. That's self-evident. When you're in the majority you can pass things in the House just by yourself, but if you want them to become law, you normally have to work with the minority. And I hope this debate on SCHIP has shown people on both sides of the aisle that we should be trying to legislate and work together instead of scoring political points for one particular side.

With that, Madam Speaker, I yield back the balance of my time.

Mr. PALLONE. Madam Speaker, I yield myself such time as I may consume.

The SPEAKER pro tempore. The gentleman from New Jersey is recognized for 2 minutes.

Mr. PALLONE. Madam Speaker, this bill is the result of Republican intransigence. This is a Band-Aid. And I would remind my Republican colleagues who seem to think that this is good legislation, that every day that goes by, more kids are going to get off SCHIP.

They put out that directive of August 17 that says that if a kid's parents lose their job, they would have to wait 1 year before they could get SCHIP coverage.

So the bottom line is more kids are going to go off SCHIP. We're just barely paying for the kids that are on it now.

They're not willing to do anything. They said that they were willing to negotiate. Well, we had negotiations, our majority leader said, for over 100 hours, and they still could not come up with an agreement.

□ 1130

The President refuses to fund anything. He won't pay through a tobacco increase, the only tax increase. The only thing he says he will do is cut programs to pay for expanded SCHIP that would even make it harder, like cutting Medicare.

So the fact of the matter is we are stuck with this lousy bill that was negotiated between the White House and the Republicans in the Senate. We don't like it. It's simply a temporary measure, and we as Democrats are committed to the fact that in the beginning of next year we're going to take up SCHIP again. We're going to take up the issue of Medicare to try to prevent the privatization that takes place under the current program. We're determined to correct these programs.

But it won't happen if the Republicans continue their intransigence, both at the White House and here in the House of Representatives. There is no reason to believe, based on what they've done in the last 6 months, that this Republican minority wants to work with us to achieve a better result.

So we are stuck with this bill today. It is a Band-Aid approach. We have to pass it so we can continue with the existing programs. But every day that goes by, Medicare suffers because fewer and fewer doctors are likely to take Medicare and fewer and fewer kids are going to get coverage because they're going to have to go to the emergency room because they can't see a doctor on a regular basis. That's not the way to operate. And I have to say that it's totally due to the fault, in my opinion, of the President and the Republicans here in the House of Representatives. I hope this changes in the next year.

Mr. LEVIN. Madam Speaker, it has become clear, not only to my colleagues in Congress, but also to the American people, that the intransigence of President Bush and his supporters in the House and Senate have made it difficult to advance long-needed bills to improve Medicare and expand the Children's Health Insurance Program.

The bill we are considering today in no way reflects negotiations with the Senate on the CHAMP Act that the House approved with a bi-partisan majority on August 1st, and the Senate's Medicare and SCHIP priorities. Rather, it is a skinny health extenders package that generally extends some provisions in current law for only 6 months.

Shoring up Medicare from years of neglect under the Republican Congress and expanding the Children's Health Insurance Program to cover 10 million low-income children are top priorities for me and the New Democratic Majority in Congress. That is why the House approved the CHAMP Act of 2007 to eliminate the scheduled Medicare physician payment cuts for the next 2 years and expand the Children's Health Insurance Program to cover 10 million low-income children nationwide. The only reason that the legislation we approved in August to improve the Medicare and SCHIP programs has not been signed into law is because President Bush and his allies in Congress oppose it.

There are several provisions of importance back home that I wish to recognize. We were able to keep in the health extenders bill a moratorium on cuts to school-based Medicaid services that the Administration has proposed. We have included a 6-month extension of a wage-reclassification program in the Medicare program, and have provided funding to extend the Special Diabetes Program for research, treatment and prevention of diabetes through September 30, 2009.

Unfortunately, imperative improvements to the Medicare program have been dropped from the bill. Improvements approved in the House in August include mental health parity for seniors, making prevention more accessible by eliminating co-pays and deductibles for preventative services like mammograms and colonoscopy screenings, and expanding programs that help low-income seniors pay for their health care and prescription drugs.

The Children's Health Insurance expansion that has been dropped from the bill would have extended children's health insurance to enroll 6 million kids that are currently eligible for the program and not yet enrolled. That's in addition to the 6 million low-income children already receiving health care under the SCHIP program nationwide, including 55,000 kids in my home state of Michigan whose parents make between $20,535 and $41,300 a year.

I urge my colleagues to support the short-term extensions in the legislation before us today, and to join me in addressing long-needed reforms to Medicare and SCHIP in the new year.

Ms. WOOLSEY. Madam Speaker, I support S. 2499, the Medicare, Medicaid and SCHIP Extension Act of 2007. It's important that Congress pass this legislation today to ensure that our Nation's poorest children retain their health insurance and doctors who take care of our seniors on Medicare do not receive a 10 percent cut in reimbursements.

It's deeply disappointing that this bill doesn't address the issue of the Medicare physician geographic payment discrepancy that is faced by many areas in California and across the country. One of these areas is Sonoma County, in my District. This inconsistency has led to doctor's reimbursements being based upon their geographic location and not the true cost of providing services. Because of this discrepancy, doctors in Sonoma County receive a lower payment for the same services than doctors in next door Marin County and this discrepancy is causing doctors to leave Sonoma County. Congress needs to act to fix this discrepancy and ensure that physicians with Medicare patients can continue to afford to see their patients regardless of where their practice is located.

Because of the Republican led efforts, the bill only delays a real solution to the Medicare physician payment cuts that all doctors are facing. We can and must do better for our seniors. When the Medicare extension expires in June, we owe it to our seniors and physicians to replace it with a permanent fix to the physician payment cuts and payment discrepancies.

With this bill, the State Children's Health Insurance Program (SCHIP) will be extended and states will receive enough funding to keep all the children currently enrolled on SCHIP from being removed from the program. But, this bill doesn't help the millions more children whose families cannot afford health insurance and who should be covered under SCHIP. Earlier this year, Congress passed an SCHIP bill that would have given 4 million more children healthcare, for a total of 10 million children receiving healthcare on SCHIP. However, the Administration showed that its priorities are completely out of line with the rest of this country when it vetoed that legislation. We need to do better for our nation's children and provide all of them with the healthy start and security that SCHIP can provide.

I urge my colleagues to support this bill and look forward to working with them to provide a permanent solution to the Medicare physician payment issues and in ensuring that every child in America is insured.

Mr. LANGEVIN. Madam Speaker, I rise today to express my support for S. 2499, the Medicare, Medicaid and SCHIP Extension Act. This bill includes a number of provisions that are essential to the continued delivery of vital healthcare programs to our Nation's most vulnerable citizens.

This measure offers much-needed relief to physicians that serve our Medicare population by providing a 6-month suspension of the 10-percent cut in Medicare payments scheduled to occur on January 1, providing instead a modest increase of 0.5 percent. It also extends important incentive payment programs that provide a 5-percent bonus to physicians serving areas with a shortage of doctors, while ensuring that Medicare beneficiaries have continued access to therapy services through June 30, 2008.

Also included in this bill is a vital extension for the State Children's Health Insurance Program (SCHIP) through March 31, 2009. Currently, 24,900 Rhode Islanders are enrolled in the SCHIP portion of Rhode Island's model RITE Care program. As a proud Representative of Rhode Island and a longtime supporter of SCHIP, I cannot stress enough how important this program is to the health and well-being of our children, expectant mothers and parents alike. Although this was not the outcome that I and many of my colleagues originally envisioned for SCHIP, this extension is crucial for States like Rhode Island that are facing tremendous budgetary shortfalls.

Madam Speaker, access to quality, affordable healthcare is integral to the prosperity of every American. While I am pleased that this Congress was able to reach a compromise to provide temporary relief for our country's most important safety net programs, I believe that we have the potential to do so much more. Health care providers that have pledged to continue serving the aging, disabled, and low-income citizens deserve more than stopgap measures and temporary relief. This Congress has an obligation to take meaningful action to reform and stabilize the Medicare provider payment system, as well as to ensure the continued strength and success of our Medicaid and SCHIP programs. To that end, I will continue to work in a bipartisan manner with my colleagues in an effort to guarantee that these issues are properly addressed in this and future Congresses.

Mr. ETHERIDGE. Madam Speaker, I rise in support of this legislation and the critical services provided by Medicare, Medicaid, and the State Children's Health Insurance Program (SCHIP). This legislation ensures continued access to our nation's health care system for our most vulnerable citizens—children, seniors, the poor, and the disabled. It also extends incentives that allow health care providers to maintain practices in rural areas. These federal efforts are critical to maintaining healthy and productive communities across the country, and particularly in North Carolina's 2nd District.

North Carolina's citizens are at risk when reimbursements to physicians fall below the cost of providing care, and doctors must shut their doors or turn away patients because they cannot afford to attend to them. North Carolina's citizens are at risk when children go without care, and untreated illnesses or foregone preventative care reduces the health and productivity of those who will build our future. North Carolina's citizens are at risk when Congress fails to act to preserve benefits that they depend on.

The health of Americans and the future health of America depend upon the availability of and access to health care. I applaud our leaders in the House and Senate for working in a bicameral, bipartisan manner to craft this legislation so that our doctors, hospitals, and other health care providers can continue their service to keep our citizens healthy.

This legislation improves physician quality and access by averting the planned 10 percent cut in physician payments and extending the Medicare physician quality reporting system. It continues Medicare policy that provides a measure of fairness to the payment system for rural providers so that they can continue providing valuable services to individuals in rural parts of the 2nd District and across the country. I am hopeful that when Congress returns in 2008, we make extending these provisions on a long-term basis a priority so that providers can plan to remain in our communities for the long-term.

As the only former State schools chief serving in Congress, my life's work has been to provide for a better future for the next generation, and health care is critically important to that effort. This legislation averts the threat that States will run out of funds for the State Children's Health Insurance Program, or SCHIP. North Carolina's Health Choice, which serves over 250,000 needy children, will now be able to plan enrollment for the next year, whereas without this legislation it would have run out of money next March. While I am disappointed that this legislation does not enable the coverage of additional children, we owe it to the children currently served by SCHIP to ensure that they are continuously covered and can get the health care they need when they need it. I look forward to working with my colleagues in the future to fulfill the vision of health access for all children.

Madam Speaker, a lack of access to health care has impact beyond the individual who suffers a sickness without treatment. Untreated illnesses have long-term consequences, and ensuring access to health care contributes to a healthy and productive society and heads off expensive treatments down the road. This legislation is necessary to keep providers in our communities, and I urge my colleagues to join me in supporting it.

Mr. SPACE. Madam Speaker, I rise today in support of the legislation before us that will help both seniors and children alike receive the health care that they deserve, and continue our national investment in combating chronic disease.

I am particularly pleased to see that the legislation includes an extension of the Special Diabetes Program, which affords critical research funding to research into type one diabetes. Every year, thousands of parents receive the tragic news that their child will have to bear the burden of juvenile diabetes. With this news comes the realities of a life permanently changed by a disease for which we currently have no cure.

As I have shared with the House before, I am one of these parents. Nearly a decade ago, my wife and I learned that my son Nick would have to face the challenge of type one diabetes. We have been blessed and fortunate that Nick has lived an active and normal life. His successes are in large part thanks to the insulin pump he wears and other innovations that help type one diabetes patients manage their disease.

While Nick and so many other children have been able to manage their disease, they still worry about their future. It is the obligation of Congress to work towards finding a cure. The Special Diabetes Program provides the guarantee of continued, groundbreaking research into this disease. The yields of this research hold unquestioned promise for a better future.

I am disappointed that the extension of the program prescribed in this legislation is only one year. An overwhelming bipartisan group of my colleague in both the House and Senate expressed support for a longer extension of the program. Unfortunately, those who carry the weight of type one diabetes were casualties of partisan warfare over other, unrelated issues.

I look forward to working with my colleagues next year to ensure a longer renewal of this legislation. Congress has an obligation to lead the charge against this disease. I know that we can meet this challenge if we work together.

Mr. CASTLE. Madam Speaker, I rise today in support of S. 2499, the Medicare, Medicaid, and State Children's Health Insurance Program Extension Act of 2007. The measure includes an important, albeit limited, delay of the scheduled 10 percent cut to Medicare's physician payment rates, which will help ensure quality care and access for Medicare patients without the cuts to vital Medicare programs I opposed previously. While not the expansion to reach an additional 4 million children I had hoped for, S. 2449 also extends the authorization for the State Children's Health Insurance Program until March 31, 2009, ensuring the needs of the 6 million children currently enrolled are met. I hope Congress will again forge ahead and continue negotiations to reach more of these eligible and uninsured children.

As co-chair of the Congressional Diabetes Caucus, I was extremely pleased to see the reauthorization of the Special Diabetes Program to fund type 1 diabetes research and type 2 treatment and prevention programs for Native Americans and Alaska Natives included in S. 2449. I am the lead Republican sponsor, with my colleague Representative DIANA DEGETTE, of legislation in the U.S. House of Representatives, H.R. 2762, to reauthorize the Special Diabetes Program for Type I Research and the Special Diabetes Program for Indians for 5 years and to increase the authorized funding level to $200 million annually for each program. While a long-term extension is needed, in this difficult budget environment a short-term extension is a step in the right direction and I will continue to work next year with my colleagues to finish the job and secure a multi-year renewal so the critical long-term projects supported by this program can continue.

Since their creation in 1997, the Special Diabetes Programs have led to research breakthroughs through the Special Diabetes Program for Type 1 Research and have increased diabetes treatment and prevention programs for Native Americans and Alaska Natives through the Special Diabetes Program for Indians. Before this time, efforts on both fronts were in short supply. The Special Diabetes Programs have been reauthorized twice and have enjoyed broad bipartisan support in both the House and Senate; and H.R. 2762 continues in this spirit with 225 cosponsors.

The reauthorization of the Special Diabetes Programs is vitally important and an extension to September 30, 2009 is welcome.

With over 20 million adults and children in the U.S. affected by diabetes, the cost to the U.S. economy is estimated at $132 billion per year in direct and indirect medical costs alone. Continued funding of the Special Diabetes Programs will ensure that the Federal effort to combat diabetes remains strong, as we ardently work to ensure that accelerated diabetes research, treatment, and prevention efforts with on the ground results in improving the lives of millions of people burdened with diabetes continue. I will continue to push for a longer extension of the Special Diabetes Programs.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the Senate bill, S. 2499.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. BARTON of Texas. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECT, ATLANTA, GEORGIA

Mr. FILNER. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1396) to authorize a major medical facility project to modernize inpatient wards at the Department of Veterans Affairs Medical Center in Atlanta, Georgia.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1396

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECT, ATLANTA, GEORGIA.

The Secretary of Veterans Affairs may carry out a major medical facility project for modernization of inpatient wards at the Department of Veterans Affairs Medical Center, Atlanta, Georgia, in an amount not to exceed $20,534,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 20 minutes.

The Chair recognizes the gentleman from California.

Mr. FILNER. Madam Speaker, I yield myself such time as I might consume.

I want to thank all the Congress colleagues from Georgia, especially my Atlanta colleagues Mr. JOHNSON and Mr. LEWIS, and especially the Senator from Georgia, Senator ISAKSON, for making sure this is on the floor today.

The poor state of a lot of the infrastructure of the Veterans Affairs is well-known.

Through what we call the CARES process, the Capital Asset Realignment for Enhanced Services, the department found that the existing inpatient wards at the Atlanta VA Medical Center are far below community standards.

This renovation project will go a long way to address the American with Disabilities Act accessibility requirements, the needs of women veterans, particularly as they relate to privacy issues, and the improvements in efficient functional design.

These deficiency corrections are long overdue, and we think they will be met here. These infrastructure improvements to utility systems will include the plumbing, electrical, fire and safety concerns on the inpatient floors.

With the ongoing conflicts in Afghanistan and Iraq, it is even more important that the VA is able to provide the best health care available in the most updated and modern facilities.

In fiscal year 2005, this project received $20.5 million, and S. 1396 provides the reauthorization of this project to move forward.

I urge my colleagues to support this bill, and I want to thank the ranking member, Mr. BUYER, for his cooperation. I know that he has great respect for the CARES process and would like to consider all of the facilities in one construction bill. We are pledged to do that early next year, but I think this is an obvious need at this moment, and I look forward to working with the ranking member to make sure we meet the needs of VA infrastructure across the whole country, and we intend to work together and do that early next year.

Madam Speaker, I reserve the balance of my time.

Mr. BUYER. Madam Speaker, I also want to thank our committee chairman, Mr. FILNER, for working with me in a true bipartisan manner to expeditiously bring S. 1396 to the floor before we adjourn this year. I'd also like to thank the leadership of both parties for bringing this to the floor before we adjourn.

This bill would authorize $20.5 million for the Department of Veterans Affairs to carry out a major medical facility project to modernize patient wards at the VA Medical Center in Atlanta, Georgia.

The President's budget submission for VA for fiscal year 2008 identified this project as the Department's number one major construction authorization request. Without this authorization, the VA would be unable to move forward with this needed project to update and improve patient services for veterans at the Atlanta VA Medical Center.

I also want to thank Senator JOHNNY ISAKSON for his efforts to pass this legislation in the Senate, and for the efforts of Senator SAXBY CHAMBLISS, who I've also personally spoken with. Both of these Senators have an interest in this project. I'd also like to recognize my good friends, PHIL GINGREY and TOM PRICE, who both introduced a companion bill earlier this year, and for their work and advocacy on this legislation, to also include my colleagues NATHAN DEAL, JACK KINGSTON, JOHN LINDER and PAUL BROUN.

Madam Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Madam Speaker, I thank the gentleman for yielding, and I also want to thank Chairman FILNER and Mr. BUYER, Senators ISAKSON and CHAMBLISS, but also my Democratic colleagues. The chairman mentioned those, JOHN LEWIS, HANK JOHNSON, DAVID SCOTT and others, but TOM PRICE and I introduced this bill, H.R. 4143, many months ago, but we had unanimous support of the Georgia delegation on both sides of the aisle, and as we should, Madam Speaker, because this is the VA's number one priority for authorization in fiscal year 2008 veterans budget. So I am very pleased.

I know this is the 11th hour, but thank goodness, because of the leadership on both sides of the aisle and in both bodies, this is coming to fruition.

As Chairman FILNER pointed out, there are ADA requirement issues. There are patient privacy issues. There are female veterans issues. So this is a hugely important project, and I thank my colleagues for making this happen.

Mr. FILNER. Madam Speaker, I reserve the balance of my time.

Mr. BUYER. Madam Speaker, I yield 2½ minutes to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Madam Speaker, I thank my friend for yielding and for his leadership, and I want to thank the chairman as well for his leadership, commend my colleagues in the United States Senate, Senator ISAKSON and Senator CHAMBLISS, for their assistance on this as well, and thank my physician colleague from Georgia, Congressman GINGREY, for assisting in moving this forward, also.

As a physician, I clearly understand and appreciate the need for facility improvements at the facility in Decatur, in Atlanta, Georgia. I recognized that during my training, Madam Speaker, when I did some of my training at the VA hospital in Decatur, and that was nearly 30 years ago, so it's high time that we finally get around to providing the resources to improve the infrastructure within the VA facility in Atlanta, in Decatur.

I had the opportunity, Madam Speaker, to visit the VA hospital last week and delivered some Christmas cards, holiday cards to our veterans who were there, had a wonderful tour of the facility, and some of it had undergone significant refurbishment and improvement. Some of it had not.

There are many wonderful men and women who are working diligently there to provide the highest quality care for our veterans. That will be facilitated by the work that this bill will allow, and so I'm pleased to stand with my colleagues in support of this bill and urge its adoption.

Mr. FILNER. I'm prepared to yield back when the gentleman from Indiana yields back.

Mr. BUYER. Madam Speaker, I also would like to mention the work of LYNN WESTMORELAND, also of Georgia, and once again, I think the clashes over the years between Mr. FILNER and myself are legend.

We had a very good discussion yesterday. So I want all of our colleagues to know that Mr. FILNER and I sat down. We had a good lunch. We had very good substantive discussions about a way forward, and we've come to the floor with this bill in a bipartisan manner.

We both recognize as we go into next year that the construction bill will be one of the top priorities for both of us to work together. It is very unusual to sever any construction projects out of a bill. I don't care whether it's the MilCon bill or out of the VA construction bill; this is highly unusual what we're doing here today.

But Mr. FILNER and I are going to work together in a bipartisan manner for the greater interests of veterans in this country, and we're going to use this bill as a springboard to greater things.

In the end, I also want to reiterate my comments. Senators CHAMBLISS and ISAKSON are strong supporters of our men and women in uniform and our Nation's veterans during their distinguished careers both in the House and the Senate.

With that, I yield back the balance of my time.

GENERAL LEAVE

Mr. FILNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on S. 1396.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. FILNER. Madam Speaker, again, I thank Mr. BUYER for his comments. Putting this bill on the floor as quickly as we did shows what can happen when we work together. I'm looking forward to that mutual discussion of priorities. We are pledged to deal with this aging infrastructure of the VA. It has got to be remedied as quickly as possible, and we're both committed to working to do that.

So I urge my colleagues to support S. 1396.

Mr. BROUN of Georgia. Madam Speaker, as a young man, I came to believe that it was simply my duty as a citizen to serve in our Nation's Armed Forces. So, it was just a natural thing for me to volunteer for service back in the early 60s. I joined the Marines, later also served as a medical officer in the Navy, and finally took a billet in the Georgia Air National Guard.

My military experiences, I believe, helped make me a better man. It certainly gave me an understanding of military life, and first-hand knowledge of the needs facing military personnel, military families, and our veterans. Those insights guide me as the Congressman for Georgia's 10th Congressional District.

The Federal Government must fulfill its promises to our veterans. We must give them the very best quality health care that is available anywhere in this country. It's important not only to the current veterans but also to the troops that are on active duty today, as well as the volunteers that we need to recruit to serve their country in the military.

As a medical student in Augusta, GA, and during my residency training, I worked in a number of VA hospitals. This experience gives me a unique perspective toward the veterans' needs, which most Members of Congress are not privileged to have. Consequently I have a tremendous desire to get the Federal Government to fulfill the promises it has broken to our national heroes, the veterans. This bill is a step in that direction.

It is critical that the VA facilities in our Nation are modern, best equipped, and able to give the kind of care that our veterans deserve.

This bill will help to do that by giving veterans in Georgia and the Southeast a modem, up-to-date facility.

I am very sure that keeping the United States the freest Nation in the history of the world means that we must maintain the most powerful military on Earth.

As a member of Congress my priorities regarding military issues are these:

1. Provide our troops with the best training and the best technology.
2. Provide adequate compensation and benefits.
3. Do everything I can to help promote high morale and espirit de corps.
4. Support the spouses and children of military personnel.
5. Improve medical care for our wounded warriors and our veterans.
6. Keep the commitments made to our veterans regarding benefits.

I want to take just a moment of your time to provide you with an update on what I have done since I won the Special Election and was sworn into office last July:

1. Co-sponsored H.R. 3793 Veterans Guaranteed Bonus Act of 2007 requiring the secretary of Defense to continue to pay to a

member of the armed forces who is retired or separated from the armed forces due to a combat-related injury certain bonuses that the member was entitled to before the retirement or separation and would continue to be entitled to if the member was not retired or separated.

2. Co-sponsored H.R. 1110 amending the Internal Revenue Code of 1986 to allow federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

3. Co-sponsored H. Res. 111 establishing a Select POW and MIA Affairs Committee.

4. Co-sponsored H.J. Res. 67 supporting a base defense budget that at the very minimum matches four percent of gross domestic product.

5. Co-sponsored H. Res. 784 recognizing and honoring, in community post offices, the service of men and women of the U.S. Armed Forces deployed overseas.

6. Co-sponsored H.R. 1808 designating the Department of Veterans Affairs Medical Center in Augusta, GA, as the 'Charlie Norwood Department of Veterans Affairs Medical Center.'

7. Supported and spoke in favor of this bill S. 1396 to authorize a major medical facility project to modernize inpatient wards at the Department of Veterans Affairs Medical Center in Atlanta, Georgia

I encourage all of my colleagues to support this bill as well as any future bills that will give veterans the kind of health care they deserve.

Mr. FILNER. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. FILNER) that the House suspend the rules and pass the Senate bill, S. 1396.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

□ 1145

OFFICER JEREMY TODD CHARRON POST OFFICE

Mr. DAVIS of Illinois. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1896) to designate the facility of the United States Postal Service located at 11 Central Street in Hillsborough, New Hampshire, as the "Officer Jeremy Todd Charron Post Office".

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 1896

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OFFICER JEREMY TODD CHARRON POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 11 Central Street in Hillsborough, New Hampshire, shall be known and designated as the "Officer Jeremy Todd Charron Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Officer Jeremy Todd Charron Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. DAVIS) and the gentleman from Georgia (Mr. WESTMORELAND) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. DAVIS of Illinois. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

As a member of the Government Reform Committee, I join my colleague in the consideration of Senate 1896, legislation naming a postal facility in Hillsborough, New Hampshire, after the late Officer Jeremy Todd Charron. This measure was sponsored by Senator JOHN SUNUNU, Republican of New Hampshire, on July 30, 2007, and unanimously reported by our committee on October 23, 2007.

A member of the New Hampshire Police Department, Officer Charron died in the line of duty, gunned down while questioning two individuals. He passed away on August 24, 1997. Naming a postal facility after Officer Charron is a fitting way for the Hillsborough community to honor his memory.

Madam Speaker, I urge swift passage of this bill.

Madam Speaker, I reserve the balance of my time.

Mr. WESTMORELAND. Madam Speaker, I yield myself such time as I may consume.

Jeremy Todd Charron was a dedicated protector of both his State and country. An intense, goal-oriented young man, he aspired to be a marine since the second grade. After graduating high school, Jeremy fulfilled that dream and joined the Marine Corps, where he proudly served his country for 4 years.

After his enlistment term ended, Jeremy's passion to serve his community and protect others led him to join the Epsom Police Department with the goal of ultimately becoming a State trooper.

Tragically, on August 24, 2007, after attending two fellow officers' funerals, Jeremy was gunned down while questioning two suspicious individuals. Despite his fatal wounds, Jeremy fought back. He returned fire until he collapsed, forcing his killers to flee and steal a nearby truck that was identified by police and ultimately led to their capture.

Leadership was a trait of Jeremy's throughout his short life, whether on the soccer field or as high school class president. He was also known as someone who would defend those who were unable to defend themselves.

Jeremy Charron proved his dedication to honorably serving others, both in the military and as a law enforcement officer who ultimately sacrificed himself in order to keep his community safe.

On this, the 10th anniversary of the death of Jeremy, it would be fitting to name the Hillsborough, New Hampshire, postal facility in his honor. So I join my colleague from Illinois in asking all Members to support the naming of this post office to honor this American hero.

Mr. HODES. Madam Speaker, I am pleased to rise in support of S. 1896, which would designate the U.S. Post Office located at Central Street in Hillsborough, New Hampshire, as the "Officer Jeremy Todd Charron Post Office." Officer Charron, " who died at the young age of 24, served the people of New Hampshire admirably, and this bill would be a fitting tribute to his courage and sacrifice to the Granite State.

Jeremy was a graduate of Hillsborough-Deering High School, where he was elected to be the president of his senior class. After graduating high school, he served in the United States Marine Corps from 1992 to 1996 and went on to attend the New Hampshire Police Academy.

Six weeks after graduating from the academy, in the early morning of August 24, 1997, Officer Charron noticed a suspicious car parked in Webster Park in Epsom. When the two people inside stepped out of the car, Officer Charron was fired upon three times, with one round entering his unprotected left side.

Although mortally wounded, Officer Charron was able to return fire. He struck the vehicle several times even as the car fled from the scene before succumbing to his wounds. The suspects were later captured by local law enforcement, and the gunman later pled guilty to capital murder and was sentenced to life without the possibility of parole.

Officer Charron is survived by his parents, Robert and Frances, his two brothers; Robert and Andrew, and his two sisters; Amanda and Bethany.

Madam Speaker, every day police officers throughout New Hampshire and the nation don their uniforms and serve with honor and courage. I urge my colleagues to support S. 1896 today to help ensure that we don't forget the sacrifice made by this brave young man, a hero in New Hampshire and a true American hero.

Mr. WESTMORELAND. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. DAVIS) that the House suspend the rules and pass the Senate bill, S. 1896.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. DAVIS of Illinois. Madam Speaker, I was unable to cast votes on the following legislative measures on the morning of December 18, 2007. If I were present for rollcall votes, I would have voted "yea" on each of the following bills: rollcall 1174, rollcall 1175, rollcall 1176, and rollcall 1177.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2764, THE DEPARTMENT OF STATE, FOREIGN OPERATIONS AND RELATED PROGRAMS APPROPRIATIONS ACT, 2008 (CONSOLIDATED APPROPRIATIONS ACT, 2008) AND FOR CONSIDERATION OF H.J. RES. 72, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2008

Mr. WELCH of Vermont, from the Committee on Rules, submitted a privileged report (Rept. No. 110–498) on the resolution (H. Res. 893) providing for the consideration of the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for consideration of the joint resolution (H.J. Res. 72) making further continuing appropriations for the fiscal year 2008, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 3996, TAX INCREASE PREVENTION ACT OF 2007

Mr. WELCH of Vermont, from the Committee on Rules, submitted a privileged report (Rept. No. 110–499) on the resolution (H. Res. 894) providing for consideration of the Senate amendment to the bill (H.R. 3996) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes, which was referred to the House Calendar and ordered to be printed.

WAIVING REQUIREMENT OF CLAUSE 6(a) OF RULE XIII WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. WELCH of Vermont. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 876 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 876

Resolved, That the requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on or before the legislative day of December 19, 2007, providing for consideration or disposition of any of the following measures:

(1) A bill relating to the Children's Health Insurance Program, or an amendment thereto.

(2) A bill relating to Medicare, or an amendment thereto.

(3) A bill relating to the alternative minimum tax, or an amendment thereto.

(4) A joint resolution making further continuing appropriations for the fiscal year 2008, or an amendment thereto.

(5) The bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes, or an amendment thereto.

The SPEAKER pro tempore. The gentleman from Vermont is recognized for 1 hour.

Mr. WELCH of Vermont. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. WELCH of Vermont. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and insert extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

Mr. WELCH of Vermont. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H. Res. 876 waives a requirement of clause 6(a) of rule XIII. That rule, as you know, requires a two-thirds vote to consider a rule on the same day it is reported from the Rules Committee. This will allow for the same-day consideration, today, of any resolution reported on or before the legislative day of December 19, 2007. It provides for the consideration or disposition of, one, a bill relating to the Children's Health Insurance Program and a bill relating to Medicare, something that at this point is moot in view of earlier proceedings today. But it also has an application on a bill relating to the alternative minimum tax; a joint resolution making further continuing appropriations for fiscal year 2008, the so-called CR; and the bill, H.R. 2764, making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, the so-called omnibus appropriations bill.

With passage of this rule, it allows the House to move one step closer to passing this omnibus appropriations bill that will fund the government outside of the Department of Defense. That, of course, we have already completed our work on and it has been signed into law by the President. And it will provide for funding for the entire fiscal year of 2008. It will also take us one step forward towards considering and passing a patch for the alternative minimum tax, which will affect, unnecessarily and unwisely, 23 million American families. They would be subject to paying a tax that was never intended for middle-class working families.

All of these bills, obviously, are crucially important pieces of legislation that Congress must act on before we go home, and we owe it, obviously, to the American people to get this work done.

The omnibus bill is going to reject enormous cuts that had been proposed by the President in his draft budget, cuts to essential domestic priorities such as health care, education, law enforcement, homeland security, highway infrastructure, and renewable energy programs. That omnibus bill instead does invest in crucial domestic priorities: medical research to study diseases like Alzheimer's, cancer, Parkinson's, and diabetes; health care access, including programs like the Community Health Centers that provide more access to health care to underinsured Americans. Small rural hospitals will be helped. Special education, teacher quality grants, afterschool programs, and Head Start; Pell Grants and other student aid programs; technical training at high schools and community colleges; State and local law enforcement for communities across the country; Homeland Security grants to help fight in the war on terror. This meets the guaranteed levels for higher infrastructure and adds funding to our Nation's bridges. It also provides funding for solar energy, wind energy, biofuels and energy efficiency with a careful blend of new scientific investments and conservation efforts.

This same-day rule will take us one step closer to completing our work this year.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. I want to thank the gentleman, my friend from Vermont, for yielding. And, Madam Speaker, I yield myself such time as I may consume.

"I rise in strong opposition to this martial law rule and in opposition to the outrageous process that continues to plague the United States House of Representatives. We have before us a martial law rule that allows the leadership to once again ignore the rules of the House and the procedures and the traditions of this House. Martial law is no way to run a democracy no matter what your ideology, no matter what your party affiliation."

Madam Speaker, those are not my words nor are they the words of my Republican colleague from the Rules Committee, Congressman LINCOLN DIAZ-BALART, who spoke these same words on the floor on Monday. They are not the words of my staff or some journalist who is covering the Democrat majority heavy-handed floor tactics. No. These are the clear and clever words of the gentleman from Massachusetts, our Rules Committee colleague, JIM MCGOVERN. He spoke these words on several occasions last year regarding what was then eloquently called "martial law rule."

I will also use this opportunity to point out another comment that the gentleman from Massachusetts made about martial law rules.

☐ 1200

His quote is particularly interesting because it was given to each of us on this floor last year on December 6, just a month before the Democrats took control of the House of Representatives, well after the election. He spoke about how the Democrats proposed to run the House, which today stands in sharp contrast to what they are actually doing.

About 1 year ago, the gentleman from Massachusetts said, "Mr. Speaker, there is a better way to run this body. The truth, Mr. Speaker, is that the American people expect and deserve better. That is why the 110th Congress must be different. I believe we need to rediscover openness and fairness in the House. We must insist on full and fair debate on the issues that come before this body."

Now, I and all of my Republican colleagues must ask, a year into the new Democrat majority, where is the openness and fairness that Mr. MCGOVERN spoke about? Where is the openness on the energy bill rule where over 90 amendments were prevented from being considered on the House floor, including a Republican substitute? Where was that openness when we considered SCHIP reauthorization and, what, we had a closed rule?

I can help my colleagues on the other side of the aisle to find out because I know exactly where it is; they left it off on the campaign trail. This, like their promises to disclose earmarks and to run the most ethical and open Congress in history, was an empty promise. It is an empty promise which is becoming more and more evident from the opening day of this new majority, when the Democrats wrote into the rules of the House closed rules for consideration of the first six bills that we were to take up, in effect, discharging the Rules Committee from its duties and setting a new partisan tone for this Congress. Not much has changed since then, Madam Speaker.

Lacking the courage of their convictions to change what they perceived to be problems with how Republicans ran the House, the Democrat remedy for changing unfair practices in the Rules Committee was to have no Rules Committee at all. And that trend of closing down the House to Members that started back then, sadly, continues to this day.

Madam Speaker, there is a better way to run this body. The truth is is that the American people expect and deserve better. That's why the 110th Congress must be different. I believe we must and we need to rediscover openness and fairness in this House. We must insist on full and fair debate on the issues that come before this body.

Oh, by the way, following the rules of the House of at least presenting a bill 24 hours before it comes to the House floor would be a great place to start, because I know it's on the Speaker's Web site saying that that's the way we should operate. We're still waiting.

Madam Speaker, a year ago at this time, despite the House passing all but one of our spending bills, Democrats were on the campaign trail railing against Republican leadership, calling it a "do-nothing" Congress. Well, if last year was a failure because of Congress' ability to get all but one appropriations bill to the President for his signature on time, then what does that mean that this year we should think about Democrats when Democrats have failed to get more than one to the President after holding back popular bipartisan bills like veterans funding for their own political partisan gamesmanship?

Madam Speaker, I agree with the Democrats of 2006, not the Democrats of 2007. So, I rise in opposition to this martial law rule.

Madam Speaker, I reserve the balance of my time.

Mr. WELCH of Vermont. Madam Speaker, we have no additional speakers on this side. I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I think we've said enough. I yield back the balance of my time.

Mr. WELCH of Vermont. Madam Speaker, I thank my friend from Texas. And I will respond and close.

A couple of things. First, let's be focused on the fact that the rule that is going to be before the House really applies to two things: consideration of the alternative minimum tax and consideration of the omnibus appropriations bill. And the rule is being brought up for same day consideration in recognition of the fact that there has been enormous work on both sides on the AMT. There is nothing new. And, in fact, the AMT bill that will be brought before the House for consideration today corresponds with the view of the minority as to that being passed without pay-fors.

And secondly, the omnibus appropriations bill is bringing before the House appropriations that had been passed in 11 separate appropriations bills but have now been consolidated as a result of the inability of our friends in the Senate to pass those bills individually as we did here in the House. So, there is nothing new that is coming up before the Members of the House. It's just the convenience of being able to act today rather than wait until tomorrow.

Secondly, my friend from Texas made some assertions about the conduct of this House in application to the rules. You know, context is everything. The reality is that virtually every piece of legislation that has been brought before the floor has received bipartisan support. Many of the items that the gentleman mentioned in the "Six for '06" legislative agenda, student loan cost reduction, price negotiations for prescription drugs, the restoration of the PAYGO rule, these were passed with overwhelming support on the Democratic side and substantial support on the Republican side. When they got to the other body, the Senate has been using, frankly, politics of obstruction to stop virtually anything from being considered: The filibuster, the hold. Every device available procedurally to avoid taking up a "yes" or "no" vote on a question has been employed by the Senate. And there is a sense by many on our side that the criticism that my friend from Texas is making that we have not done as much as we should in Congress, despite the fact that we in the House have passed substantial legislation helping the bottom line for American families, has been an explicit strategy on the part of the other side to use every rule, every device, every procedural opportunity basically to thwart passage of legislation. And they have the full and complete support of the President of the United States in that effort, who stands behind the whole agenda with the veto pen.

And the President appears to many of us to be operating on a one-third-plus-one approach where, as long as he can get his veto sustained, he will be able to block passage of legislation the American people need and then accuse the Congress of not getting anything done. And I think most Americans see through that.

So, Madam Speaker, with the passage of this rule, the House will move towards adjournment for this year and have an opportunity to pass the omnibus appropriations bill and the AMT fix.

I urge a "yes" vote on the previous question and the rule.

Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2764, THE DEPARTMENT OF STATE, FOREIGN OPERATIONS AND RELATED PROGRAMS APPROPRIATIONS ACT, 2008 (CONSOLIDATED APPROPRIATIONS ACT, 2008) AND FOR CONSIDERATION OF H.J. RES. 72, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2008.

Mr. McGOVERN. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 893 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 893

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes, with the Senate amendment to the House amendment to the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chairman of the Committee on Appropriations or his designee that the House concur in the Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 72) making further continuing appropriations for the fiscal year 2008, and for other purposes. All points of order against consideration of the joint resolution are waived except those arising under clause 9 or 10 of rule XXI. The joint resolution shall be considered as read. All points of order against provisions of the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 3. During consideration of House Joint Resolution 72 or the motion to concur pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of either measure to such time as may be designated by the Speaker.

SEC. 4. House Resolution 849 is laid upon the table.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. McGOVERN. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART). All time yielded during consideration of the rule is for debate only.

I yield myself such time as I may consume.

GENERAL LEAVE

Mr. McGOVERN. Madam Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 893.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. McGOVERN. Madam Speaker, H. Res. 893 provides for consideration of two measures, an amendment to the omnibus appropriations bill to provide funding for the wars in Iraq and Afghanistan and a continuing resolution. Each measure is debatable for 1 hour.

The continuing resolution is necessary to keep the government open and running while the omnibus bill is processed and sent to the White House for the President's signature.

Madam Speaker, while I have no problem with the rule that is before us, I cannot support the underlying funding for Iraq. The tens of billions in new money for the war in Iraq has no timetables for withdrawal, no limitations, no requirements that the Iraqi Government make progress towards reconciliation, no benchmarks, no conditionality, nothing. Madam Speaker, this is a blank check.

The new money in this bill represents one cave-in too many. It is an endorsement of George Bush's policy of endless war. It is stunning that so many have gone along for so long asking no questions, giving this President everything he wants.

After years of Bush ineptitude, how dare this Congress provide another blank check for this administration. No weapons of mass destruction, a constantly changing rationale for our occupation, benchmarks for the Iraqi Government that never get met, no democracy, no respect for human rights, no reconciliation, a government plagued with corruption, and no end in sight. All this, Madam Speaker, and some of my colleagues still say, "stay the course."

Our brave men and women in uniform have done their job. So many have sacrificed, and far too many have made the ultimate sacrifice. They have been successful in some areas of Iraq in quelling some of the violence, essentially providing the chance, the window of opportunity for the Iraqi Government to move ahead with efforts for reconciliation.

□ 1215

The response of the Iraqi Government has been to do nothing. No reconciliation.

Isn't our responsibility, as Members of Congress, to raise questions? Shouldn't we put pressure on the Iraqi Government to do more? And shouldn't we put pressure on our own government to not be such a cheap date? Don't we owe our soldiers whom we put in harm's way better than acquiescence to a Commander in Chief who is incapable of ever admitting error?

Madam Speaker, there is no military victory to be had in Iraq. To the extent that this awful situation becomes less awful depends on political progress, something the Maliki government doesn't want to do, and something our own leaders seem willing to keep putting off.

I want more, Madam Speaker, I expect more, for the sacrifice our troops have made. Quite frankly, the status quo is not worth one more American dollar or one more drop of American blood. I am sick to my stomach when I think of the hundreds of billions of dollars that we have already spent in Iraq while we nickel and dime our own people at home. None of this war is paid for. It is all borrowed money. It's all on the backs of our kids. It's all debt that is being bought up every day by China.

Madam Speaker, I long for the day when we have a President who will threaten a veto on a bill that fails to provide all our people with health care, or that fails to adequately fund education for our children. Instead, we have a White House that engages in blackmail tactics: Give me what I want on Iraq, with no strings attached, or I'll shut the government down.

Those who defend the status quo say that we need to give the President whatever he wants so we can assure "victory." "Victory" at the beginning of this war was ridding Saddam Hussein of weapons of mass destruction. When we found that there were none, the definition of "victory" changed. In fact, over the last 5 years, the definition of "victory" has changed several times.

For me, the closest thing to victory is ending this war, getting an Iraqi Government that puts national reconciliation above its own self-interest and getting our troops out of that country and home to their families where they belong. I believe the surest way to get that type of victory is setting a firm timetable for the U.S. occupation of Iraq to end. It will change the dynamic, and it will force the Iraqi Government to embrace, rather than avoid, reconciliation.

In fact, in today's Washington Post, the U.S. military has found that the strongest point of agreement among all Iraqis across all sectarian and ethnic groups is the belief that the U.S. military invasion of their country is the primary root of the violent differences among them and that the departure of "occupying forces," their words, is the key to national reconciliation.

Madam Speaker, the Iraqi people themselves firmly believe that reconciliation will not happen until we leave. If the Iraqi people want us to leave, and a majority of the Iraqi Government want us to leave, and a majority of the American people want us to leave, then why on Earth are we staying?

Let me also state, Madam Speaker, what "victory" is not. It is not allowing this President to kick the ball down the field and dump this war on the next President of the United States. That is called "passing the buck," and that is what we will be doing if we approve this new Iraq money.

One final observation. The war in Iraq has not only cost us dearly in terms of human life and treasure, it has also cost us in terms of our standing in the world. We have lost the support and the respect of so many who have looked to us as a force for what is good, decent and positive in world affairs. I warn my colleagues that our lost prestige and standing is also a threat to our national security. Madam Speaker, I want my country back.

I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, first I would like to thank the gentleman from Massachusetts (Mr. McGOVERN) for the time, and I yield myself such time as I may consume.

We are here 80 days into the new fiscal year, and one appropriations bill has been signed into law. Today, we are here to consider hopefully the last piece of the appropriations puzzle, as well as yet another continuing resolution before the omnibus appropriations bill is sent to the President.

What is so interesting about this process is that the omnibus bill that has finally come before the House in many ways is very similar to the proposals that the minority has advocated for months, and is very similar to what we predicted would, in fact, be the legislation that ultimately would become law. However, Madam Speaker, instead of working toward a compromise, a bipartisan resolution to this legislation, a bipartisan product, the majority decided to use the appropriations process to, in effect, score political points while funding for our troops in critical theaters of operation has been dangerously delayed.

Now, the underlying amendment we will consider today will finally help bring our appropriations process to a close, and it will do so in a fiscally responsible manner, funding the Federal Government and funding our troops in critical theaters of operation without preconditions and without strings. These funds will allow for the progress that we have recently seen to continue to take hold. It will allow for our men and women in uniform to continue to do their job as they have done so, so effectively, in fact, so heroically for so long.

I think commendation is due. I think congratulations is due to all who have worked on this process, and that congratulations I think is due to those on both sides of the aisle who have worked hard, have worked diligently, to come up with this final appropriations legislation work product that will fund the Federal Government for the next fiscal year, and especially, as I have said, will continue to fund in critical theaters of operation our men and women who are doing such an extraordinary job and who deserve our unrestricted support.

There are very important, very important endeavors, efforts and projects that are funded in this appropriations bill, in this omnibus appropriations bill. We cannot, I believe, emphasize sufficiently, especially at this critical time, our support and the continued need of our support for our great ally and friend, Israel, that lives in an area of the world that is extremely dangerous. And while we have the benefit of thousands of miles between, for example, the state sponsor of terrorism in Iran, the regime in Iran, Madam Speaker, while we have thousands of miles physically separating us from that state sponsor of terrorism, our friend and ally, Israel, does not. And so I have always felt very strongly about our need to support Israel. The fact that this appropriations legislation includes the support that it does for our friend and ally, Israel, is something that I think is very important. And there are many, many aspects of this legislation that we, on a bipartisan basis, can be very proud of. And we, I think, will have further opportunity to discuss them.

But today, I am told that there are some glitches that need to be worked out, and that the majority needs some time and the appropriators need some time on both sides of the aisle to work them out. So we will be hopefully seeing those glitches being resolved in the next minutes and hours.

As we wait for those glitches to be resolved, we are cognizant of the fact that we are finally bringing to the floor the rule that will allow for consideration of the final legislative product on the appropriations for this year.

With that in mind, Madam Speaker, I reserve the balance of my time.

Mr. McGOVERN. Madam Speaker, if I can inquire if the gentleman from Florida has additional speakers.

I will reserve my time at this point.

Mr. LINCOLN DIAZ-BALART of Florida. I would like, at this time, Madam Speaker, to yield such time as he may consume to the distinguished member of the Rules Committee, my friend, Mr. SESSIONS of Texas.

Mr. SESSIONS. I want to thank the gentleman from Florida, my friend, for yielding me the time.

Madam Speaker, we are here right now for the purpose of providing for the consideration of the Senate amendment to the House amendment to the Senate amendment to the bill, H.R. 2764. That is what we are here for. I will repeat that. We are here for providing for the consideration of the Senate amendment to the House amendment to the Senate amendment. It is rather confusing, not just to Members of Congress. It is confusing, I think, to the American people, also.

Madam Speaker, today, I would like to just read from the Calendar, Wednesday, December 19 on the back page, "Status of Major Bills, First Session." Here is essentially what it says.

It says that Homeland Security appropriations was completed on June 8 in the House and July 26 in the Senate. Never sent to conference.

Energy and Water appropriations, July 17. Never completed by the Senate.

Military Construction and VA, June 15 in the House, September 6 in the Senate.

The new fiscal year has already started. This new Democrat majority has been sitting on these bills, including the VA, since September 6. And yet they are coming to the floor today just a week before Christmas terribly upset, terribly upset, and yet it says here, let me see if I got this right, sent to conference, these are all blanks. They didn't go to conference. The Speaker of the House and the Senate majority leader never had a conference. They didn't get together to try and work out the differences that they had. What they did is they let Members sit day after day after day.

Just 1 year and 75 days ago, when Republicans had completed all but one of these bills, we were called irresponsible and we couldn't do the people's business. And yet here we are, 1 year later plus 75 days, and only one of the bills has made it to the President. I could keep going. Financial Services and General Government; Labor, Health, Human Services and Education.

My gosh, what is happening?

□ 1230

What is happening to this House of Representatives and the United States Congress? What is happening is that I believe we had what I would consider to be false hopes and promises that were established in the first place about all these problems that were going to go away. Just give our good friends, the Democrats, that ability to hold the House and Senate, and they will do it. But, Madam Speaker, they didn't even get the work done between themselves, forget blaming things on the President of the United States or Republicans. They couldn't even appoint their own conferees. They couldn't even do their own work.

Today, we sit here and listen to all the things that are still wrong and about how Republicans have stood in the way and been obstructionists. That is not the facts of the case. The facts of the case are all these bills that I have talked about were never even sent to a conference, and today, the reason why we are still talking is because allegedly there is a glitch, a glitch, because the negotiations between the majority in the House and the majority in the Senate couldn't get it right. Well, if you do things in the dark, if you do things where nobody else is involved, that is what you get. I am told it's a $70 billion mistake.

I just don't understand why business is done this way, when 1 year ago we had all but one bill done before the election. All but one. If you systematically go through a process and work through the bills in the light of day, where the information is posted on the Web site, where you give people time to read the bill, I think a better result happens.

I think it's deceptive. I think it's deceptive to say that this House would be the most honest, open, and ethical Congress in the history, when there was no attempt from the very beginning to even live up to that.

So here we are, just a few days before Christmas, still burning time, trying to burn time, because we know that the negotiators have to fix the problems, and that is a real problem to this House, and I think it is to the American people.

Madam Speaker, I would like to take just a few minutes to say this. The Republican Party congratulates our colleagues and all of us today for presumably ending what we are doing, and I am pleased to say that it was a victory for the taxpayers because we are not going to increase taxes, as our good friends the Democrats wanted to do and have bemoaned all week long about not getting that massive tax increase.

We are going to go and make sure in SCHIP that we don't take 2 million children from their own private insurance to a government-run program that is still overburdened. We are going to make sure that we don't do, I think, bad things in dealing with our ability to find terrorists with the FISA bill.

So it's a great victory today for the taxpayer, for the people who want to protect this country, because what has prevailed is what we said should happen, and that is that the Republican minority kept after this process to make sure that the taxpayers don't lose on this last day before we leave before Christmas, and we are going to stay after that because we believe we are doing the right thing.

I am proud of what we will accomplish here today if we can find this $70 billion mistake that has happened and we can close the books on the year and know we went home with no further damage.

Mr. McGOVERN. Madam Speaker, I yield myself such time as I may consume.

First, let me just respond to the gentleman from Texas by saying he is entitled to his own opinions, but he is not entitled to make up the facts. The facts are that the difference between this Congress under the Democratic majority and under the previous Congress under the Republican majority is they left Washington before their work was done. They kicked all their work onto the Democratic Congress that was elected last November. They didn't do their job. If the Congress could be sued for malpractice, they would have been sued for malpractice.

The bills that we are dealing with today the House of Representatives passed in a timely manner, all of the appropriations bills, as we were supposed to do. We did it, and they were good bills, and I commend Chairman OBEY for his work on those bills. We did that in spite of all the obstructionism and resistance from the Republicans in this House.

Unfortunately, because of the Senate rules, an individual Member, and in the case of the Senate, the Senate minority leader, was successful in slowing down the process and preventing conference committees from meeting and preventing the Senate from considering certain bills. Now they can be proud of that. That is just obstructionism. That is not doing the people's business. But the bottom line is that we are here today dealing with an omnibus appropriations bill to get the people's business done; not to kick the ball down the field and dump it on next year's Congress. It is to do it now.

One other thing, Madam Speaker, and that is one of the major differences with the new Democratic majority is that we have helped undo some of the damage that the Republicans have done to domestic spending over the years. Because of the Democratic majority and our ability to reorder priority, education is better off today than it would be if the Republicans were in control. Medical research, there is more money for medical research to find lifesaving drugs and to find cures to disease because the Democrats made that a priority, over the Republican objections. Our veterans are getting a better deal today. Under the Democratic majority, there is the largest single-year increase in veterans health in the history of the Veterans Administration. Those are the things that we have done.

Today, we are considering a Senate addition to what we did in the House, which I have an objection to, and that is the funding for the war in Iraq. The Republicans, while they were in control, gave the President a blank check; no accountability, no questions asked, nothing. And here we are, the fifth year into this war, with no end in sight, and there are some of us who believe the time has come to call the President to account, to start the process of bringing our troops home so they can be reunited with their families.

So there's a huge difference between the Democrats and the Republicans.

Madam Speaker, at this time I would like to yield 2 minutes to the gentleman from North Carolina, Mr. ETHERIDGE.

Mr. ETHERIDGE. Madam Speaker, I thank the gentleman for yielding.

Madam Speaker, I rise in support of this rule and the omnibus appropriations bill. Finally, some good news from Washington. I am very pleased that the House has scheduled to vote on the disaster assistance package to provide relief to our farmers suffering from a record drought and record heat in the Southeast. My farmers are hurting. This omnibus appropriations bill will provide some $600 million for disaster assistance.

My congressional district in North Carolina has been affected by what is called "exceptional drought." That is the most serious category that you can have. This aid will bring real relief to our rural communities. I have been proud to lead the charge on this effort. In September, I wrote a bipartisan letter to the President, signed by 54 of my colleagues from both political parties, to make the case for drought relief.

I have been very pleased to be able to work with Speaker PELOSI, Majority Leader HOYER, Majority Whip CLYBURN, Ag Chair PETERSON, and Appropriations Chairman OBEY to get this done. I want to thank them for their critical help. This is important to rural America. I also want to thank the Governor of North Carolina, Mike Easley, for his leadership.

Madam Speaker, I grew up in Johnston County and lived in farm country all my life. As a senior member of the House Ag Committee, I am also pleased that we have finally gotten this football to the end zone. This disaster assistance and the other things in this bill are a major achievement, and it's an important step forward, especially for America's farmers and the consumers of this country.

I urge my colleagues to join me in voting for it.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield 5½ minutes to the gentleman from Arizona, Mr. FLAKE.

Mr. FLAKE. Madam Speaker, I thank the gentleman for yielding.

I oppose this rule that will allow this omnibus to be brought to the floor. We had some discussion yesterday, and it should continue today, about the over 9,000 earmarks that are in this bill. It was mentioned by the majority leader yesterday, or the day before. He said, "Having said that," in justification for bringing this bill forward, when it was pointed out that many of these earmarks had been brought to the floor for the first time with this bill, he said, "this bill incorporates all of the bills that passed this House. This is not as if these are items of first impression. These are bills that we considered in this House and passed with essentially overwhelming bipartisan votes."

That is only partly true. Yes, these bills, many of them were brought to the House before. A few of them left the House earmark-free. One of them, the Department of Homeland Security bill, we were told we can let this one go and not have the earmarks added because it isn't traditionally earmarked. Guess what? There are more than 100 earmarks that have now been airdropped into that bill. We are sitting today with hundreds, literally hundreds of earmarks that have been airdropped into the bill that we have never seen before yesterday. Never seen before yesterday, or Monday, I should say. That is simply wrong.

Let me give you just a couple of examples. There was $1.6 million for the City of Bastrop, Louisiana. According to the Bastrop Daily Enterprise, "The money is officially earmarked for the purchase of bulletproof vests and body armor. Bulletproof vests only cost about $700 to $800, however, so $1.6 million would appear to be overkill." Police Chief Curtis Stephenson agrees, conceding, "There's no way we need that kind of money just to put all our people in vests." Again, this was an earmark for bulletproof vests for the police officers in this city, and the city comes back and says, We don't have that many police officers.

We are told that these earmarks are vetted. How are they vetted? The answer is they are really not. They are not vetted by that party; they aren't vetted by this party. It's more of a game of "Can you catch me with my hand in the cookie jar or not?"

Earlier this year, when I was challenging a couple of earmarks on the floor, one Member who had one of the earmarks I was going to challenge beat me to the floor to withdraw his own earmark because he didn't want the scrutiny that would come if that earmark were publicly debated. Later that same week, the Appropriations Committee, when they found out certain other earmarks might be challenged on the floor, called the Rules Committee and struck some other earmarks that were to be debated on the House floor because they couldn't withstand the scrutiny. That isn't vetting. That is hoping that your hand isn't caught in the cookie jar.

Now we have this bill today with over 9,000 of these earmarks. Now, the majority will say, Hey, that is a 17 percent reduction in the number of earmarks in our worst year. Put another way, that's like saying, You know, last year I smoked five packs a day and I am down to three this year. I darn-well quit. That is hardly something to pat ourselves on the back about.

Put another way, we have just 17 percent fewer earmarks than the worst year in congressional history for earmarking. Please don't use this side of the aisle as a bar with which to judge yourselves. That is a bar that a snake could crawl over. We didn't handle ourselves well in the majority with regard to earmarks. That is one of the big reasons we find ourselves in the minority today. But when the new majority came into power in January of this year, we were told that we would have transparency, that we would have names next to earmarks, that there would be time to actually discuss these earmarks and debate them, that if there were earmarks air-dropped into a bill, there would be an opportunity to strike all earmarks, at least one vote.

We don't have that today because this isn't a conference report. You simply have to change the name of the bill that is coming to the floor and you obviate your obligation to live by your own rules. That is simply not right. It's nothing that we should be proud of.

I mentioned earlier on the floor today that an astute Member of Congress told me yesterday one of the toughest parts of being a Member of Congress is to remember what we should be outraged about. I would submit that this is something that we should be outraged about, but we are not. We blithely pass it as if this is standard business. It shouldn't be. It shouldn't have been for us when we were in the majority, and it shouldn't be for the new majority.

It was in a press report yesterday that some Members were upset, I think justifiably, that there seemed to be just a few Members getting all the earmarks. They mentioned in the press article that a lot of the earmarks are going to the vulnerable Members instead of to the established Members in their district.

I would say that that is something I think outside of the Beltway people say that is just wrong, for money to go to Members just to be re-elected. But here, unfortunately, we see that and say, Hey, that is one of the noblest purposes we have seen for earmarks. Usually they're tied to campaign contributions or something else.

We need a moratorium on earmarks. We should pass a CR rather than this omnibus and go into next year without these 9,000 earmarks.

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COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 18, 2007.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 18, 2007, at 11:42 p.m.:

Senate concurred in House amendment No. (2) with an amendment H.R. 2764.

Senate concurred in House amendment No. (1) H.R. 2764.

With best wishes, I am
Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Secretary be directed to request the House to return to the Senate the bill and all accompanying papers relative to (H.R. 2764) "An Act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes.", and that upon the compliance of the request, the Secretary of the Senate be authorized to make corrections in the engrossment of the aforesaid bill.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2764, THE DEPARTMENT OF STATE, FOREIGN OPERATIONS AND RELATED PROGRAMS APPROPRIATIONS ACT, 2008 (CONSOLIDATED APPROPRIATIONS ACT, 2008) AND FOR CONSIDERATION OF H.J. RES. 72, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2008

Mr. McGOVERN. Madam Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman from Massachusetts.

As I stand here, I am looking at the lights in this Chamber and I must say to my colleagues that they are very bright. Symbolically, then, as we stand here on the floor of the House, we should be transparent, the lights should be on, and we should tell the truth. And so it is important for me to just hold up a summary of the works of the Democrats who worked without ceasing to reestablish priorities so that the maligned omnibus bill that my good friends on the other side of the aisle are talking about all the bad things, really, they are not shedding the light on the truth. Let me share with you simply what we have tried to do in the midst of opposition and obstructionism.

I wish the administration would have collaborated with us, but we fought hard. And so out of this work comes increased medical research, $607 million for Alzheimer's and Parkinson's disease and diabetes, which hits the 18th Congressional District in insurmountable numbers.

Health care of $1 billion above the President's request that will focus resources in St. Joseph's Hospital and Doctors Hospital and potentially community health clinics that have worked on, like the Martin Luther King Community Health Clinic which needs additional dollars because of the increasing numbers of health problems in my congressional district. In K–12, my congressional district has the highest percentage of those students on title I in the State of Texas, and we have been able to increase that by $767 million.

In addition, I went to the University of Houston to talk to those students who were standing in throngs asking about college aid, and I made a promise to them that we would not abandon their opportunity for their future and their desires and their dreams. And so this bill gives $1.7 billion above the President's request for Pell Grants and other student aid programs.

There is a surge in crime wherever you go. The violence in Omaha in the mall; the violence dealing with the church and mission school out west. We now have 20 extra million dollars for Cops on the Beat.

And then, of course, the tragedy of falling bridges, an inventory in my own district that suggested the falling bridges. We have increased dollars for that.

I am very glad that there is moneys in here for the Texas Southern University lab for domestic violence in the City of Houston, but I am disappointed, Madam Speaker, because we have fallen on the job. And because most of America wants our troops home, now we have money for Iraq in this bill.

We have a crisis. I sat in a hearing today to listen to a woman violated, abused, sexually violated in Iraq. No control. Recklessness going on. I went down the hall to another hearing, and members or representatives of the Iraqi Parliament said, how dare the United Nations cast a vote for more troops to be in Iraq without consulting with this new democratic government.

We need to bring the troops home. Our troops deserve honor. I have authored a bill, the Military Success Act of 2007, that says the troops have done everything they have been asked to do. Give them their honor, give them their awards, have a proclamation celebrating their heroism. But the troops need to come home. And this bill does not need to be filled with Iraqi money, because the American people, over 60 percent, have said, we are done, we are finished. We have committed the greatest sacrifice, our children, our husbands, our wives, our grandmothers, our grandfathers, our family members. We have said that we have done everything that we have been asked to do by the 2002 resolution, of which I voted against. It is now finished. It is over. The troops need to come home.

So, Madam Speaker, I think it is important that we acknowledge this bill and the work that we have tried to do. But, sadly, this bill needs to fall because of the Iraq dollars.

Mr. LINCOLN DIAZ-BALART of Florida. I reserve the balance of my time.

Mr. McGOVERN. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Yesterday's Senate vote for another blank check to President Bush for the Iraq war was as wrongheaded as the Senate's original 2002 blessing for that invasion, despite the strong opposition of most House Democrats.

Of course the Iraq surge has worked. Not the surge in Iraq. That surge has failed miserably, failed to achieve any of the political objectives, the benchmarks that the President set himself. No. The only surge that has worked is the propaganda surge here in Washington. Hemorrhaging more dollars and more blood into the sands of Iraq is not a formula for achieving success.

The taxpayers' price for Iraq is $3 billion every week of every month of the year. Take all the money that is used to research and seek a cure for cancer at the National Institute for Cancer, that is how much money we spend in Iraq in 2 weeks. But whether deaths are up or deaths are down, "the Administration's consistent response is the troops cannot come home."

We need to learn from the courage displayed by our troops. My colleagues in this House need to learn from that courage and vote to limit any more funding in this war to a fully funded, safe, redeployment from Iraq that begins today.

Mr. LINCOLN DIAZ-BALART of Florida. I continue to reserve the balance of my time.

Mr. McGOVERN. Madam Speaker, I withdraw the resolution.

The SPEAKER pro tempore. The resolution is withdrawn.

RETURN OF PAPERS ON H.R. 2764

The SPEAKER pro tempore laid before the house the following privileged message from the Senate:

In the Senate of the United States, December 19, 2007.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill and all accompanying papers relative to (H.R. 2764) entitled "An Act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes.", and that upon the compliance of the request, the Secretary of the Senate be authorized to make corrections in the engrossment of the aforesaid bill.

The SPEAKER pro tempore. Without objection, the request of the Senate for the return of the papers on H.R. 2764 is agreed to.

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate agrees to the House of Representatives amendment numbered 1 to the Senate amendment to the bill (H.R. 2764) "An Act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes."

Resolved further, That the Senate agrees to amendment numbered 2 of the House of Representatives with an amendment to the aforesaid bill.

EMERGENCY AND DISASTER ASSISTANCE FRAUD PENALTY ENHANCEMENT ACT OF 2007

Mr. CONYERS. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 863) to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 863

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007".

SEC. 2. FRAUD IN CONNECTION WITH MAJOR DISASTER OR EMERGENCY BENEFITS.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§ 1040. Fraud in connection with major disaster or emergency benefits

"(a) Whoever, in a circumstance described in subsection (b) of this section, knowingly—

"(1) falsifies, conceals, or covers up by any trick, scheme, or device any material fact; or

"(2) makes any materially false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or representation, in any matter involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with a major disaster declaration under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) or an emergency declaration under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191), or in connection with any procurement of property or services related to any emergency or major disaster declaration as a prime contractor with the United States or as a subcontractor or supplier on a contract in which there is a prime contract with the United States, shall be fined under this title, imprisoned not more than 30 years, or both.

"(b) A circumstance described in this subsection is any instance where—

"(1) the authorization, transportation, transmission, transfer, disbursement, or payment of the benefit is in or affects interstate or foreign commerce;

"(2) the benefit is transported in the mail at any point in the authorization, transportation, transmission, transfer, disbursement, or payment of that benefit; or

"(3) the benefit is a record, voucher, payment, money, or thing of value of the United States, or of any department or agency thereof.

"(c) In this section, the term 'benefit' means any record, voucher, payment, money or thing of value, good, service, right, or privilege provided by the United States, a State or local government, or other entity.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following new item:

"1040. Fraud in connection with major disaster or emergency benefits.".

SEC. 3. INCREASED CRIMINAL PENALTIES FOR ENGAGING IN WIRE, RADIO, AND TELEVISION FRAUD DURING AND IN RELATION TO A PRESIDENTIALLY DECLARED MAJOR DISASTER OR EMERGENCY.

Section 1343 of title 18, United States Code, is amended by inserting: "occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or" after "If the violation".

SEC. 4. INCREASED CRIMINAL PENALTIES FOR ENGAGING IN MAIL FRAUD DURING AND IN RELATION TO A PRESIDENTIALLY DECLARED MAJOR DISASTER OR EMERGENCY.

Section 1341 of title 18, United States Code, is amended by inserting: "occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or" after "If the violation".

SEC. 5. DIRECTIVE TO SENTENCING COMMISSION.

(a) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission forthwith shall—

(1) promulgate sentencing guidelines or amend existing sentencing guidelines to provide for increased penalties for persons convicted of fraud or theft offenses in connection with a major disaster declaration under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) or an emergency declaration under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191); and

(2) submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives an explanation of actions taken by the Commission pursuant to paragraph (1) and any additional policy recommendations the Commission may have for combating offenses described in that paragraph.

(b) REQUIREMENTS.—In carrying out this section, the Sentencing Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the serious nature of the offenses described in subsection (a) and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(2) assure reasonable consistency with other relevant directives and with other guidelines;

(3) account for any aggravating or mitigating circumstances that might justify exceptions, including circumstances for which the sentencing guidelines currently provide sentencing enhancements;

(4) make any necessary conforming changes to the sentencing guidelines; and

(5) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(c) EMERGENCY AUTHORITY AND DEADLINE FOR COMMISSION ACTION.—The Commission shall promulgate the guidelines or amendments provided for under this section as soon as practicable, and in any event not later than the 30 days after the date of enactment of this Act, in accordance with the procedures set forth in section 21(a) of the Sentencing Reform Act of 1987, as though the authority under that Act had not expired.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

Members of the Congress, this important legislation strengthens Federal criminal prohibitions against fraudulent misuse of emergency and disaster relief funds. It passed the Senate earlier this month without opposition. It is a good bill, and one that the House should support.

Reports of fraud surfaced almost immediately after the Federal Emergency Management Agency began distributing funds Congress had appropriated for disaster aid to victims of Hurricane Katrina, Hurricane Rita, and Hurricane Wilma. These reports included allegations that funds had been misused to purchase luxury goods, that noneligible persons had applied for and received benefits, and that criminals had established phony Katrina-related Web sites to swindle those who wished to contribute to legitimate disaster assistance efforts.

Last year, the GAO reported that it had identified numerous instances of fraud in connection with Katrina and Rita disaster relief. Although the total amount of cost of these fraud schemes is not yet known, the GAO estimates that it will certainly be in the amounts of billions of dollars.

Despite diligent efforts by Federal law enforcement agencies to prosecute these schemes, current criminal laws are not adequate to the task. The Emergency and Disaster Assistance Fraud Penalty Enhancement Act addresses that shortcoming in several respects.

The bill creates a new Federal crime that specifically prohibits fraud in connection with any emergency or disaster relief benefit as to both Federal assistance and private charitable giving, with fines up to $250,000 for an individual, and up to $500,000 for an organization, and prison terms up to 30 years. The bill also increases prison terms for engaging in mail or wire fraud in connection with emergency or disaster relief to the same levels as currently apply in cases involving bank fraud.

The bill also directs the Sentencing Commission to revise its sentencing guidelines for fraud or theft in connection with a major disaster emergency declaration in light of the new statutory changes.

It is a bipartisan measure, and will help ensure that disaster assistance funds are received by their intended recipients and used for their intended purposes. I am proud of the work that the Judiciary Committee has done on both sides of the aisle in this matter, and particularly commend the gentleman from Ohio (Mr. CHABOT) in his management of this legislation.

I reserve the balance of my time.

Mr. CHABOT. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of S. 863, the Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007, and I want to thank and commend the gentleman from Michigan (Mr. CONYERS) for his leadership on this bill as well.

In January of this year, I introduced a companion bill, H.R. 846, that would create a new criminal offense and enhance current Federal penalties for fraud associated with major disasters and emergency benefits.

Madam Speaker, August 29, 2005 was a day that this country will never forget. The images of destroyed homes, neighborhoods, communities, displaced families and friends, and lives literally torn apart by Hurricane Katrina especially will not easily fade from our memories.

The devastation in the gulf coast region reminds us of a tragedy that we would expect to see in Third World countries, not in our country, and particularly not in regions known for their history and their character.

Since Hurricanes Katrina, Rita, and Wilma devastated the gulf coast more than 2 years ago, Congress has provided more than $117 billion in relief to the region, including reconstruction efforts, medical services, human services, including funds for unemployment and housing assistance, crisis counseling, and various other needs of the victims. In addition, charities like the Red Cross and Salvation Army have contributed several billion dollars more to the effort, and many, many volunteers contributed their time.

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To no one's surprise, almost immediately after FEMA and private charities began administering funds to victims, reports of fraud began to surface, such as noneligible persons filing false claims for benefits, and the creation of phony Katrina-related Web sites designed to exploit those who wished to make legitimate disaster relief contributions.

More elaborate and organized schemes have also come to light, including a group in Bakersfield, California, which conspired with employees of a Red Cross call center to defraud the charity by obtaining false claims information in order to collect assistance payments through Western Union. These scams don't just affect disaster victims, but the charities, donors and taxpayers who provide this assistance.

Federal law enforcement officials, including the Department of Justice, responded to the problem. In September 2005, the Hurricane Katrina Fraud Task Force was formed to mobilize the resources of the Federal Government, including Department of Justice, Homeland Security, Treasury, the FBI, FDC and other Federal partners, as well as representatives of State and local law enforcement.

Since its formation in 2005, the task force has assisted 41 United States Attorneys to prosecute more than 768 people to date. In addition, the Task Force Joint Command Center in Baton Rouge, Louisiana, continues to receive more than 700 calls each month through its nationwide hotline and has screened and referred more than 14,000 leads to law enforcement agencies and field offices across the country.

Yet, despite these efforts, it is clear that current criminal penalties are insufficient to deter disaster fraud. For example, in the U.S. Attorneys Office for the Middle District of Louisiana alone, 128 individuals have been charged with hurricane-related fraud.

S. 863 would strengthen Federal law enforcement's ability to combat and deter those who would otherwise attempt to exploit another's tragedy, preventing assistance from going to those who truly need it. How? Well, first this legislation creates a new specific criminal penalty to prohibit fraud in connection with any emergency or disaster benefit, including Federal assistance or private charitable contributions, as long as the benefit was authorized or paid in interstate commerce, transported through the mails, or is something of value. The penalty for engaging in such fraud is a fine or imprisonment of up to 30 years.

Second, the bill amends the Federal mail and wire fraud statutes to add emergency or disaster benefits fraud to the 30-year enhanced penalties in those statutes. Currently, the 30-year enhancement is reserved only for financial institutions fraud.

Finally, the bill directs the United States Sentencing Commission to review existing penalties for disaster assistance fraud, amend the sentencing guidelines as necessary, and report back to the Judiciary Committee of both the House and the Senate.

The Emergency and Disaster Assistance Fraud Penalty Enhancement Act unanimously passed the House back in the 109th Congress. Tough penalties for criminals who prey on innocent disaster victims are long overdue. I urge my colleagues to support S. 863.

I once again thank the gentleman from Michigan (Mr. CONYERS) for his leadership on this issue.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I am pleased to yield 2 minutes to the indefatigable member of the Judiciary Committee, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman of the full committee. Through his leadership, we have had a number, huge numbers of solutions being put forward, and I thank him so very much for serving the American people as he has done. Let me thank the gentleman from Ohio (Mr. CHABOT) for his leadership and share some real life stories.

Madam Speaker, I lived through Hurricane Katrina and Rita and spent a good number of my days in New Orleans visiting not only with the victims of Hurricane Katrina, but also subsequently in Texas visiting with those impacted by Hurricane Rita. I also engaged extensively with small contractors and workers who indicated that in addition to trying to put themselves forward to do the best work on behalf of the victims, they were victimized. And the victims were victimized over and over again: fraudulent work being done, contracts being signed, moneys being promised, and nothing happening.

This bill will set the record straight. Not only does it send a message in times of disaster to those who come rushing in to try and provide, if you will, the saving flag or the saving grace, but hopefully it will send a message to local jurisdictions that they must have enormous oversight in ensuring that they are not subjected to criminal penalties.

As a member of the Homeland Security Committee, let me also acknowledge Chairman THOMPSON. In the early days after Hurricane Katrina, we had oversight hearings over the abuses that were occurring, the lack of oversight by FEMA. I went into some of the sites, if you will, where individuals were being signed up for work or benefits. But the aftermath of it was what the shame was. How people were not given the benefits they were promised, how contractors did not fulfill their duties, and how local jurisdictions were made to pay enormous prices to large contractors, and yet local small businesses, minority-owned businesses and women-owned businesses could not get business and could not be paid. Even today, there are small contractors who are waiting still to be paid.

I rise to support this legislation, the Emergency and Disaster Assistance Fraud Penalty Enhancement Act of 2007. It is long overdue.

Mr. CHABOT. Madam Speaker, I yield back the balance of my time.

Mr. CONYERS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. DEGETTE). The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the Senate bill, S. 863.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1582

Ms. JACKSON-LEE of Texas (during S. 863 debate). Madam Speaker, I ask unanimous consent to remove my name from H.R. 1582.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

CORRECTING THE ENROLLMENT OF H.R. 660, COURT SECURITY IMPROVEMENT ACT OF 2007

Mr. CONYERS. Madam Speaker, I move to suspend the rules and concur in the Senate concurrent resolution (S. Con. Res. 62) to correct the enrollment of H.R. 660.

The Clerk read the title of the Senate concurrent resolution.

The text of the Senate concurrent resolution is as follows:

S. CON. RES. 62

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of H.R. 660, an Act to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes, the Clerk of the House of Representatives shall strike section 502 of the Act and insert the following:

"SEC. 502. MAGISTRATE JUDGES LIFE INSURANCE.

"(a) IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after 'hold office during good behavior', the following: 'magistrate judges appointed under section 631 of this title,'.

"(b) CONSTRUCTION.—For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

"(1) Magistrate judges appointed under section 631 of title 28, United States Code.

"(2) Magistrate judges retired under section 377 of title 28, United States Code.

"(c) EFFECTIVE DATE.—Subsection (b) and the amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of this Act.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on this concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this concurrent resolution enables us to agree with the Senate on H.R. 660, the Court Security Improvement Act, and send that important bill to the President by correcting a PAYGO problem in the version of H.R. 660 that the Senate passed on Monday.

The Senate passed this concurrent resolution last night. When we pass it now, it will have the effect of removing the problematic provision from the Senate amendment to H.R. 660. We will next turn to final passage of H.R. 660, and it will be sent to the President stripped of that provision.

I pause now to personally commend the gentleman from Texas (Mr. GOHMERT) for the wonderful job that he has done in helping us work out the matters that needed final adjustment.

I urge our Members to support this concurrent resolution so we can send this much-needed legislation on its way to final enactment.

I reserve the balance of my time.

Mr. GOHMERT. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of S. Con. Res. 62 to correct the enrollment of H.R. 660, the Court Security Improvement Act of 2007. I would also like to commend the Speaker, and through the Speaker, our chairman. I assume you are the people responsible for the added heat in the room today. I presume that is to help light a fire under the majority to help get the business done today, and I applaud that.

Madam Speaker, today the House will consider H.R. 660, a bill to improve court security and ensure the safety of those who dedicate their lives to America's judicial system, as well as to the safety of millions of Americans who visit our courthouses every day.

This concurrent resolution substitutes section 502 of H.R. 660 to make a technical correction to the bill and allow the House to move forward in order to consider the important bipartisan legislation. I urge my colleagues to adopt this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. CONYERS. Madam Speaker, I urge my colleagues to support the resolution as well, and I yield back the balance of my time.

Mr. GOHMERT. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and concur in the Senate concurrent resolution, S. Con. Res. 62.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

COURT SECURITY IMPROVEMENT ACT OF 2007

Mr. CONYERS. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 660) to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Court Security Improvement Act of 2007".

TITLE I—JUDICIAL SECURITY IMPROVEMENTS AND FUNDING

SEC. 101. JUDICIAL BRANCH SECURITY REQUIREMENTS.

(a) ENSURING CONSULTATION WITH THE JUDICIARY.—Section 566 of title 28, United States Code, is amended by adding at the end the following:

"(i) The Director of the United States Marshals Service shall consult with the Judicial Conference of the United States on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.".

(b) CONFORMING AMENDMENT.—Section 331 of title 28, United States Code, is amended by adding at the end the following:

"The Judicial Conference shall consult with the Director of United States Marshals Service on a continuing basis regarding the security requirements for the judicial branch of the United States Government, to ensure that the views of the Judicial Conference regarding the security requirements for the judicial branch of the Federal Government are taken into account when determining staffing levels, setting priorities for programs regarding judicial security, and allocating judicial security resources. In this paragraph, the term 'judicial security' includes the security of buildings housing the judiciary, the personal security of judicial officers, the assessment of threats made to judicial officers, and the protection of all other judicial personnel. The United States Marshals Service retains final authority regarding security requirements for the judicial branch of the Federal Government.".

SEC. 102. PROTECTION OF UNITED STATES TAX COURT.

(a) IN GENERAL.—Section 566(a) of title 28, United States Code, is amended by striking "and the Court of International Trade" and inserting ", the Court of International Trade, and the United States Tax Court, as provided by law".

(b) INTERNAL REVENUE CODE.—Section 7456(c) of the Internal Revenue Code of 1986 (relating to incidental powers of the Tax Court) is amended in the matter following paragraph (3), by striking the period at the end, and inserting "and may otherwise provide, when requested by the chief judge of the Tax Court, for the security of the Tax Court, including the personal protection of Tax Court judges, court officers, witnesses, and other threatened persons in the interests of justice, where criminal intimidation impedes on the functioning of the judicial process or any other official proceeding. The United States Marshals Service retains final authority regarding security requirements for the Tax Court.".

(c) REIMBURSEMENT.—The United States Tax Court shall reimburse the United States Marshals Service for protection provided under the amendments made by this section.

SEC. 103. ADDITIONAL AMOUNTS FOR UNITED STATES MARSHALS SERVICE TO PROTECT THE JUDICIARY.

In addition to any other amounts authorized to be appropriated for the United States Marshals Service, there are authorized to be appropriated for the United States Marshals Service

$20,000,000 for each of fiscal years 2007 through 2011 for—

(1) hiring entry-level deputy marshals for providing judicial security;

(2) hiring senior-level deputy marshals for investigating threats to the judiciary and providing protective details to members of the judiciary, assistant United States attorneys, and other attorneys employed by the Federal Government; and

(3) for the Office of Protective Intelligence, for hiring senior-level deputy marshals, hiring program analysts, and providing secure computer systems.

SEC. 104. FINANCIAL DISCLOSURE REPORTS.

Section 105(b)(3) of the Ethics in Government Act of 1978 (5 U.S.C. App) is amended by striking "2009" each place it appears and inserting "2011".

TITLE II—CRIMINAL LAW ENHANCEMENTS TO PROTECT JUDGES, FAMILY MEMBERS, AND WITNESSES

SEC. 201. PROTECTIONS AGAINST MALICIOUS RECORDING OF FICTITIOUS LIENS AGAINST FEDERAL JUDGES AND FEDERAL LAW ENFORCEMENT OFFICERS.

(a) OFFENSE.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

"§1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title

"Whoever files, attempts to file, or conspires to file, in any public record or in any private record which is generally available to the public, any false lien or encumbrance against the real or personal property of an individual described in section 1114, on account of the performance of official duties by that individual, knowing or having reason to know that such lien or encumbrance is false or contains any materially false, fictitious, or fraudulent statement or representation, shall be fined under this title or imprisoned for not more than 10 years, or both.".

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 73 of title 18, United States Code, is amended by adding at the end the following new item:

"1521. Retaliating against a Federal judge or Federal law enforcement officer by false claim or slander of title.".

SEC. 202. PROTECTION OF INDIVIDUALS PERFORMING CERTAIN OFFICIAL DUTIES.

(a) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following:

"§119. Protection of individuals performing certain official duties

"(a) IN GENERAL.—Whoever knowingly makes restricted personal information about a covered person, or a member of the immediate family of that covered person, publicly available—

"(1) with the intent to threaten, intimidate, or incite the commission of a crime of violence against that covered person, or a member of the immediate family of that covered person; or

"(2) with the intent and knowledge that the restricted personal information will be used to threaten, intimidate, or facilitate the commission of a crime of violence against that covered person, or a member of the immediate family of that covered person,

shall be fined under this title, imprisoned not more than 5 years, or both.

"(b) DEFINITIONS.—In this section—

"(1) the term 'restricted personal information' means, with respect to an individual, the Social Security number, the home address, home phone number, mobile phone number, personal email, or home fax number of, and identifiable to, that individual;

"(2) the term 'covered person' means—

"(A) an individual designated in section 1114;

"(B) a grand or petit juror, witness, or other officer in or of, any court of the United States, or an officer who may be, or was, serving at any examination or other proceeding before any United States magistrate judge or other committing magistrate;

"(C) an informant or witness in a Federal criminal investigation or prosecution; or

"(D) a State or local officer or employee whose restricted personal information is made publicly available because of the participation in, or assistance provided to, a Federal criminal investigation by that officer or employee;

"(3) the term 'crime of violence' has the meaning given the term in section 16; and

"(4) the term 'immediate family' has the meaning given the term in section 115(c)(2).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

"119. Protection of individuals performing certain official duties.".

SEC. 203. PROHIBITION OF POSSESSION OF DANGEROUS WEAPONS IN FEDERAL COURT FACILITIES.

Section 930(e)(1) of title 18, United States Code, is amended by inserting "or other dangerous weapon" after "firearm".

SEC. 204. CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.

Section 1513 of title 18, United States Code, is amended by adding at the end the following:

"(g) A prosecution under this section may be brought in the district in which the official proceeding (whether pending, about to be instituted, or completed) was intended to be affected, or in which the conduct constituting the alleged offense occurred.".

SEC. 205. MODIFICATION OR TAMPERING WITH A WITNESS, VICTIM, OR AN INFORMANT OFFENSE.

Section 1512 of title 18, United States Code, is amended—

(1) in subsection (a)(3)—

(A) by amending subparagraph (A) to reads as follows:

"(A) in the case of a killing, the punishment provided in sections 1111 and 1112;";

(B) in the matter following clause (ii) of subparagraph (B) by striking "20 years" and inserting "30 years"; and

(C) in subparagraph (C), by striking "10 years" and inserting "20 years";

(2) in subsection (b), by striking "ten years" and inserting "20 years"; and

(3) in subsection (d), by striking "one year" and inserting "3 years".

SEC. 206. MODIFICATION OF RETALIATION OFFENSE.

Section 1513 of title 18, United States Code, is amended—

(1) in subsection (a)(1)(B)—

(A) by inserting a comma after "probation"; and

(B) by striking the comma which immediately follows another comma;

(2) in subsection (a)(2)(B), by striking "20 years" and inserting "30 years";

(3) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting a comma after "probation"; and

(ii) by striking the comma which immediately follows another comma; and

(B) in the matter following paragraph (2), by striking "ten years" and inserting "20 years"; and

(4) by redesignating the second subsection (e) as subsection (f).

SEC. 207. GENERAL MODIFICATIONS OF FEDERAL MURDER CRIME AND RELATED CRIMES.

Section 1112(b) of title 18, United States Code,. is amended—

(1) by striking "ten years" and inserting "15 years"; and

(2) by striking "six years" and inserting "8 years".

SEC. 208. ASSAULT PENALTIES.

(a) IN GENERAL.—Section 115(b) of title 18, United States Code, is amended by striking "(1)" and all that follows through the end of paragraph (1) and inserting the following: "(1) The punishment for an assault in violation of this section is—

"(A) a fine under this title; and

"(B)(i) if the assault consists of a simple assault, a term of imprisonment for not more than 1 year;

"(ii) if the assault involved physical contact with the victim of that assault or the intent to commit another felony, a term of imprisonment for not more than 10 years;

"(iii) if the assault resulted in bodily injury, a term of imprisonment for not more than 20 years; or

"(iv) if the assault resulted in serious bodily injury (as that term is defined in section 1365 of this title, and including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242 of this title) or a dangerous weapon was used during and in relation to the offense, a term of imprisonment for not more than 30 years.".

(b) CONFORMING AMENDMENT.—Section 111(a) of title 18, United States Code, is amended by striking "in all other cases" and inserting "where such acts involve physical contact with the victim of that assault or the intent to commit another felony".

SEC. 209. DIRECTION TO THE SENTENCING COMMISSION.

The United States Sentencing Commission is directed to review the Sentencing Guidelines as they apply to threats punishable under section 115 of title 18, United States Code, that occur over the Internet, and determine whether and by how much that circumstance should aggravate the punishment pursuant to section 994 of title 28, United States Code. In conducting the study, the Commission shall take into consideration the number of such threats made, the intended number of recipients of such threats, and whether the initial senders of such threats were acting in an individual capacity or as part of a larger group.

TITLE III—PROTECTING STATE AND LOCAL JUDGES AND RELATED GRANT PROGRAMS

SEC. 301. GRANTS TO STATES TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(5) by a State, unit of local government, or Indian tribe to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

"SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $20,000,000 for each of the fiscal years 2008 through 2012 to carry out this subtitle.".

SEC. 302. ELIGIBILITY OF STATE COURTS FOR CERTAIN FEDERAL GRANTS.

(a) CORRECTIONAL OPTIONS GRANTS.—Section 515 of the Omnibus Crime Control and Safe

Streets Act of 1968 (42 U.S.C. 3762a) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “and” at the end;

(B) in paragraph (3), by striking the period and inserting “; and”; and

(C) by adding at the end the following:

“(4) grants to State courts to improve security for State and local court systems.”; and

(2) in subsection (b), by adding at the end the following:

“Priority shall be given to State court applicants under subsection (a)(4) that have the greatest demonstrated need to provide security in order to administer justice.”.

(b) ALLOCATIONS.—Section 516(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3762b) is amended—

(1) by striking “80” and inserting “70”;

(2) by striking “and 10” and inserting “10”; and

(3) by inserting before the period the following: “, and 10 percent for section 515(a)(4)”.

(c) STATE AND LOCAL GOVERNMENTS TO CONSIDER COURTS.—The Attorney General may require, as appropriate, that whenever a State or unit of local government or Indian tribe applies for a grant from the Department of Justice, the State, unit, or tribe demonstrate that, in developing the application and distributing funds, the State, unit, or tribe—

(1) considered the needs of the judicial branch of the State, unit, or tribe, as the case may be;

(2) consulted with the chief judicial officer of the highest court of the State, unit, or tribe, as the case may be; and

(3) consulted with the chief law enforcement officer of the law enforcement agency responsible for the security needs of the judicial branch of the State, unit, or tribe, as the case may be.

(d) ARMOR VESTS.—Section 2501 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ll) is amended—

(1) in subsection (a), by inserting “and State and local court officers” after “tribal law enforcement officers”; and

(2) in subsection (b)(1), by inserting “State or local court,” after “government,”.

SEC. 303. GRANTS TO STATES FOR THREAT ASSESSMENT DATABASES.

(a) IN GENERAL.—The Attorney General, through the Office of Justice Programs, shall make grants under this section to the highest State courts in States participating in the program, for the purpose of enabling such courts to establish and maintain a threat assessment database described in subsection (b).

(b) DATABASE.—For purposes of subsection (a), a threat assessment database is a database through which a State can—

(1) analyze trends and patterns in domestic terrorism and crime;

(2) project the probabilities that specific acts of domestic terrorism or crime will occur; and

(3) develop measures and procedures that can effectively reduce the probabilities that those acts will occur.

(c) CORE ELEMENTS.—The Attorney General shall define a core set of data elements to be used by each database funded by this section so that the information in the database can be effectively shared with other States and with the Department of Justice.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2008 through 2011.

TITLE IV—LAW ENFORCEMENT OFFICERS

SEC. 401. REPORT ON SECURITY OF FEDERAL PROSECUTORS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the security of assistant United States attorneys and other Federal attorneys arising from the prosecution of terrorists, violent criminal gangs, drug traffickers, gun traffickers, white supremacists, those who commit fraud and other white-collar offenses, and other criminal cases.

(b) CONTENTS.—The report submitted under subsection (a) shall describe each of the following:

(1) The number and nature of threats and assaults against attorneys handling prosecutions described in subsection (a) and the reporting requirements and methods.

(2) The security measures that are in place to protect the attorneys who are handling prosecutions described in subsection (a), including threat assessments, response procedures, availability of security systems and other devices, firearms licensing (deputations), and other measures designed to protect the attorneys and their families.

(3) The firearms deputation policies of the Department of Justice, including the number of attorneys deputized and the time between receipt of threat and completion of the deputation and training process.

(4) For each requirement, measure, or policy described in paragraphs (1) through (3), when the requirement, measure, or policy was developed and who was responsible for developing and implementing the requirement, measure, or policy.

(5) The programs that are made available to the attorneys for personal security training, including training relating to limitations on public information disclosure, basic home security, firearms handling and safety, family safety, mail handling, counter-surveillance, and self-defense tactics.

(6) The measures that are taken to provide attorneys handling prosecutions described in subsection (a) with secure parking facilities, and how priorities for such facilities are established—

(A) among Federal employees within the facility;

(B) among Department of Justice employees within the facility; and

(C) among attorneys within the facility.

(7) The frequency attorneys handling prosecutions described in subsection (a) are called upon to work beyond standard work hours and the security measures provided to protect attorneys at such times during travel between office and available parking facilities.

(8) With respect to attorneys who are licensed under State laws to carry firearms, the policy of the Department of Justice as to—

(A) carrying the firearm between available parking and office buildings;

(B) securing the weapon at the office buildings; and

(C) equipment and training provided to facilitate safe storage at Department of Justice facilities.

(9) The offices in the Department of Justice that are responsible for ensuring the security of attorneys handling prosecutions described in subsection (a), the organization and staffing of the offices, and the manner in which the offices coordinate with offices in specific districts.

(10) The role, if any, that the United States Marshals Service or any other Department of Justice component plays in protecting, or providing security services or training for, attorneys handling prosecutions described in subsection (a).

TITLE V—MISCELLANEOUS PROVISIONS

SEC. 501. EXPANDED PROCUREMENT AUTHORITY FOR THE UNITED STATES SENTENCING COMMISSION.

(a) IN GENERAL.—Section 995 of title 28, United States Code, is amended by adding at the end the following:

“(f) The Commission may—

“(1) use available funds to enter into contracts for the acquisition of severable services for a period that begins in 1 fiscal year and ends in the next fiscal year, to the same extent as executive agencies may enter into such contracts under the authority of section 303L of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253l);

“(2) enter into multi-year contracts for the acquisition of property or services to the same extent as executive agencies may enter into such contracts under the authority of section 304B of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 254c); and

“(3) make advance, partial, progress, or other payments under contracts for property or services to the same extent as executive agencies may make such payments under the authority of section 305 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 255).”.

(b) SUNSET.—The amendment made by subsection (a) shall cease to have force and effect on September 30, 2010.

SEC. 502. BANKRUPTCY, MAGISTRATE, AND TERRITORIAL JUDGES LIFE INSURANCE.

(a) IN GENERAL.—Section 604(a)(5) of title 28, United States Code, is amended by inserting after “hold office during good behavior,” the following: “magistrate judges appointed under section 631 of this title, and territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1977 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)),”.

(b) BANKRUPTCY JUDGES.—

(1) IN GENERAL.—The Director of the Administrative Office of the United States Courts, upon authorization by the Judicial Conference of the United States and subject to the availability of appropriations, shall pay on behalf of bankruptcy judges appointed under section 152 of title 28, United States Code, aged 65 or over, any increases in the cost of Federal Employees' Group Life Insurance imposed after April 24, 1999, including any expenses generated by such payments.

(2) IMPLEMENTATION.—Any payment authorized by the Judicial Conference of the United States under paragraph (1) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of that authorization.

(c) CONSTRUCTION.—For purposes of construing and applying chapter 87 of title 5, United States Code, including any adjustment of insurance rates by regulation or otherwise, the following categories of judicial officers shall be deemed to be judges of the United States as described under section 8701 of title 5, United States Code:

(1) Bankruptcy judges appointed under section 152 of title 28, United States Code.

(2) Magistrate judges appointed under section 631 of title 28, United States Code.

(3) Territorial district court judges appointed under section 24 of the Organic Act of Guam (48 U.S.C. 1424b), section 1(b) of the Act of November 8, 1977 (48 U.S.C. 1821), or section 24(a) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1614(a)).

(4) Judges retired under section 377 of title 28, United States Code.

(5) Judges retired under section 373 of title 28, United States Code.

(d) EFFECTIVE DATE.—Subsection (c) and the amendment made by subsection (a) shall apply with respect to any payment made on or after the first day of the first applicable pay period beginning on or after the date of enactment of this Act.

SEC. 503. ASSIGNMENT OF JUDGES.

Section 296 of title 28, United States Code, is amended by inserting at the end of the second undesignated paragraph the following new sentence: "However, a district judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed, having performed in the preceding calendar year an amount of work equal to or greater than the amount of work an average judge in active service on that court would perform in 6 months, and having elected to exercise such powers, shall have the powers of a judge of that court to participate in appointment of court officers and magistrate judges, rulemaking, governance, and administrative matters.".

SEC. 504. SENIOR JUDGE PARTICIPATION IN THE SELECTION OF MAGISTRATE JUDGES.

Section 631(a) of title 28, United States Code, is amended by striking "Northern Mariana Islands" the first place it appears and inserting "Northern Mariana Islands (including any judge in regular active service and any judge who has retired from regular active service under section 371(b) of this title, when designated and assigned to the court to which such judge was appointed)".

SEC. 505. GUARANTEEING COMPLIANCE WITH PRISONER PAYMENT COMMITMENTS.

Section 3624(e) of title 18, United States Code, is amended by striking the last sentence and inserting the following: "Upon the release of a prisoner by the Bureau of Prisons to supervised release, the Bureau of Prisons shall notify such prisoner, verbally and in writing, of the requirement that the prisoner adhere to an installment schedule, not to exceed 2 years except in special circumstances, to pay for any fine imposed for the offense committed by such prisoner, and of the consequences of failure to pay such fines under sections 3611 through 3614 of this title.".

SEC. 506. STUDY AND REPORT.

The Attorney General shall study whether the generally open public access to State and local records imperils the safety of the Federal judiciary. Not later than 18 months after the enactment of this Act, the Attorney General shall report to Congress the results of that study together with any recommendations the Attorney General deems necessary.

SEC. 507. REAUTHORIZATION OF FUGITIVE APPREHENSION TASK FORCES.

Section 6(b) of the Presidential Threat Protection Act of 2000 (28 U.S.C. 566 note; Public Law 106–544) is amended—

(1) by striking "and" after "fiscal year 2002,"; and

(2) by inserting ", and $10,000,000 for each of fiscal years 2008 through 2012" before the period.

SEC. 508. INCREASED PROTECTION OF FEDERAL JUDGES.

(a) MINIMUM DOCUMENT REQUIREMENTS.—

(1) MINIMUM REQUIREMENTS.—For purposes of section 202(b)(6) of the REAL ID Act of 2005(49 U.S.C. 30301 note), a State may, in the case of an individual described in subparagraph (A) or (B) of paragraph (2), include in a driver's license or other identification card issued to that individual by the State, the address specified in that subparagraph in lieu of the individual's address of principle residence.

(2) INDIVIDUALS AND INFORMATION.—The individuals and addresses referred to in paragraph (1) are the following:

(A) In the case of a Justice of the United States, the address of the United States Supreme Court.

(B) In the case of a judge of a Federal court, the address of the courthouse.

(b) VERIFICATION OF INFORMATION.—For purposes of section 202(c)(1)(D) of the REAL ID Act of 2005 (49 U.S.C. 30301 note), in the case of an individual described in subparagraph (A) or (B) of subsection (a)(2), a State need only require documentation of the address appearing on the individual's driver's license or other identification card issued by that State to the individual.

SEC. 509. FEDERAL JUDGES FOR COURTS OF APPEALS.

(a) IN GENERAL.—Section 44(a) of title 28, United States Code, is amended in the table—

(1) in the item relating to the District of Columbia Circuit, by striking "12" and inserting "11"; and

(2) in the item relating to the Ninth Circuit, by striking "28" and inserting "29".

(b) EFFECTIVE DATE.—The amendments made by subsection (a)(2) shall take effect on January 21, 2009.

SEC. 510. NATIONAL INSTITUTE OF JUSTICE STUDY AND REPORT.

(a) STUDY REQUIRED.—The Director of the National Institute of Justice (referred to in this section as the "Director") shall conduct a study to determine and compile the collateral consequences of convictions for criminal offenses in the United States, each of the 50 States, each territory of the United States, and the District of Columbia.

(b) ACTIVITIES UNDER STUDY.—In conducting the study under subsection (a), the Director shall identify any provision in the Constitution, statutes, or administrative rules of each jurisdiction described in that subsection that imposes collateral sanctions or authorizes the imposition of disqualifications, and any provision that may afford relief from such collateral sanctions and disqualifications.

(c) REPORT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall submit to Congress a report on the activities carried out under this section.

(2) CONTENTS.—The report submitted under paragraph (1) shall include a compilation of citations, text, and short descriptions of any provision identified under subsection (b).

(3) DISTRIBUTION.—The report submitted under paragraph (1) shall be distributed to the legislature and chief executive of each of the 50 States, each territory of the United States, and the District of Columbia.

(d) DEFINITIONS.—In this section:

(1) COLLATERAL CONSEQUENCE.—The term "collateral consequence" means a collateral sanction or a disqualification.

(2) COLLATERAL SANCTION.—The term "collateral sanction"—

(A) means a penalty, disability, or disadvantage, however denominated, that is imposed by law as a result of an individual's conviction for a felony, misdemeanor, or other offense, but not as part of the judgment of the court; and

(B) does not include a term of imprisonment, probation, parole, supervised release, fine, assessment, forfeiture, restitution, or the costs of prosecution.

(3) DISQUALIFICATION.—The term "disqualification" means a penalty, disability, or disadvantage, however denominated, that an administrative agency, official, or a court in a civil proceeding is authorized, but not required, to impose on an individual convicted of a felony, misdemeanor, or other offense on grounds relating to the conviction.

SEC. 511. TECHNICAL AMENDMENT.

Section 2255 of title 28, United States Code, is amended by designating the 8 undesignated paragraphs as subsections (a) through (h), respectively.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Texas (Mr. GOHMERT) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is important legislation passed in the House on a strong bipartisan basis to improve the security of Federal judges, other Federal court officers, and their families. It allows judges to redact from their public disclosure forms personal information about their families that could be used to harm them. It provides increased funding for judicial protective services furnished by the United States Marshals and for Federal witness protection programs. It prohibits publishing of personal information about a judge, law enforcement officer or witness with the intent to cause harassment, intimidation or a crime of violence.

It enhances prison terms for assaults and other violent acts with intent to intimidate or interfere with judges and other Federal officers in performance of their official duties.

The House passed this bill in July by voice vote under suspension. The Senate has now passed it with an amendment that makes a few refinements, all of which should be acceptable to the House. It takes a slightly different approach to the enhanced prison terms for assaults and violent acts against judges and other Federal officers.

This legislation has been years in the making, and we are now finally able to send it to the President.

I thank the members of the Judiciary Committee, which I am proud to be the chairman of, but particularly Judge LOUIE GOHMERT, the new ranking member of the Crime Subcommittee, who introduced this bill originally in a previous Congress. I also send out congratulations to the chairman of the Crime Subcommittee of the Judiciary Committee, BOBBY SCOTT of Virginia, and committee members RANDY FORBES of Virginia and ANTHONY WEINER of New York. I strongly urge support of this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. GOHMERT. Madam Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 660, the Court Security Improvement Act of 2007, and I would like to commend the chairman of the Judiciary Committee, Chairman CONYERS. We do disagree on issues often enough, but he is the consummate gentleman, he is the consummate chairman, and I have always found him to be fair, and appreciate his effort and his work in pushing this bill to make it become law.

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This legislation then is truly bipartisan. It is bicameral. And it is to improve the security of those who administer our justice system, as well as those it serves, such as witnesses, victims and their families.

Just this week the Senate approved this legislation, making several improvements to the bill. In recent years we've seen an increase in violence and threats against judges, prosecutors, defense counsel, law enforcement officers, and courthouse employees. It is critical that we address this violence in order to preserve the integrity of and public confidence in our justice system.

As I explain to litigants in my courtroom as a judge, it may be that the courtroom ends up being the last bastion of civility in America, but we will have civility in our courtroom. There will be no violence. Everyone will come in regardless of what happened outside the courtroom. We will sit. We will stand when it's your turn, you will speak when it's your turn, and we will abide by the rules as we try to do here in the House.

But the murders of family members of U.S. District Judge Joan Lefkow and the brutal slayings of Judge Roland Barton and his court personnel in Atlanta are just a few of the many examples that underscore the need to better protect those who serve our judiciary and their families.

According to the Administrative Office of U.S. Courts, almost 700 threats a year are made against Federal judges. In numerous cases it has been necessary to assign Federal judges security details for fear of attack by terrorists, violent gangs, drug organizations, and disgruntled litigants. As a former State district judge, I'm familiar with such threats personally. Threats against me personally didn't actually worry me until they were made against my family.

On looking at Federal law and the penalties, there was a disparity in the penalties for a crime against some family members of court personnel and Federal law enforcement which needed to be addressed. That's what caused me to go to work on this area last Congress, and I'm so pleased that this may actually become law in this Congress.

The problem with witnesses being intimidated as well as threats toward witnesses has also continued to grow, particularly at the State and local level where few resources are available to protect witnesses, victims and their families.

H.R. 660 improves coordination between the U.S. marshals and the Federal judiciary and bolsters security measures for Federal prosecutors handling dangerous trials against terrorists, drug organizations and organized crime figures.

The bill also prohibits public disclosure on the Internet or other public sources of personal information about judges, law enforcement officers, victims and witnesses, and protects Federal judges and prosecutors from organized efforts to harass and intimidate them through false filing of liens or other encumbrances against personal property.

Additionally, H.R. 660 provides grants to States and local courts to improve their security services.

I want to thank the majority for working with us to include other important provisions that were not in the original legislation earlier in this Congress. Although there are still some provisions I would like to have seen, this bill includes so many excellent provisions. I do applaud the chairman and the others on the committee for the work. It is imperative that we continue to work together in a bipartisan effort to protect the judges, witnesses, courthouse personnel and law enforcement officers, as well as the witnesses and their families who are working to protect the rest of the country from criminal acts. Threats and violence require our action today to help them while they help us.

At the State and local level, there is a dire need to provide basic security services in the courtroom and for witnesses. H.R. 660 represents a significant first step in this area.

Madam Speaker, I commend again Chairman CONYERS and Ranking Member SMITH as well as Subcommittee Chairman SCOTT and former Ranking Member FORBES for their continued leadership on this issue.

As a former judge, I hope that we will be successful in getting this legislation across the finish line under your leadership.

I urge my colleagues to support this critical bipartisan and bicameral measure.

Madam Speaker, I yield back the balance of my time.

Mr. CONYERS. Madam Speaker, I yield myself as much time as I may consume.

The importance of judicial security has been explained by Mr. GOHMERT, the ranking member of the Subcommittee on Crime and the floor manager today, and it was underscored by the murders of family members of a Chicago Federal judge in 2005, and then, less than 2 weeks later, the killings of a State judge, a court reporter and a sheriff's deputy in an Atlanta courthouse. These acts of violence, along with numerous others, led to the introduction of this measure before us now, H.R. 660, the Court Security Improvement Act, which, among other things, seeks to improve judicial security, not just for court officers, but to safeguard judges and their families as well.

Although the security of all Federal buildings increased in the wake of the 1995 April bombing of the Murrah Federal Building in Oklahoma City and the September 11, 2001, terrorist attacks, the importance of judicial security was brought more particularly to the Nation's attention by reports of the murders of family members of a Chicago Federal judge and the killings less than 2 weeks later of a State judge, a court reporter, and a sheriff's deputy in an Atlanta courthouse. Another incident occurred in June of 2006 when a sniper shot a State judge in Reno, Nevada through the window of the judge's own office.

Supreme Court Justices have also been intended targets of violence and death threats. Last year it was revealed that home-baked cookies infused with poison were mailed to all nine Justices in the year 2005. According to one media report, Justice Sandra Day O'Connor was quoted as saying that each one contained enough poison to kill the entire membership of the court.

All three branches of the Federal Government play unique roles in helping to ensure the safety of judges and the security of the Federal courts. In this joint effort, the role of Congress is to authorize programs, appropriate funds and provide oversight of judicial security.

The Judicial Conference of the United States, the principal policymaking body of the Federal judiciary, governs the administration of the United States courts. The Conference's Committee on Judicial Security monitors the security of the judiciary, including the protection of court facilities and proceedings, judicial officers, and court staff at Federal court facilities and other locations, and makes policy recommendations to the Conference. As the central support entity for the judicial branch, the Administrative Office of the United States Courts implements Judicial Conference policies, including security measures.

By law, the United States Marshals Service within the Department of Justice has primary responsibility for the security of the judiciary, including the safe conduct of court proceedings and the security of Federal judges and court personnel at facilities and offsite as well. They also provide protection details for those who are targets of threats and attacks, and provides other law enforcement services for the Department of Justice. Within the

Marshals Service, the Judicial Security Division is specifically responsible for providing security services and staff support to the Federal judiciary, including personal protection for judges and physical security of Federal courthouses.

The USMS, the Marshals Service, conducts threat assessments when they are directed against individuals, including Federal judges, but also United States attorneys, court staff and family members, and then determines the level of security that is necessary for developing security plans and assigning the required resources to ensure their safety. A deputy marshal is required to attend any sessions of the court at the request of the presiding judge. A judicial security inspector, a senior level deputy marshal, is assigned to each judicial district to evaluate courthouse security and procedures and to coordinate scheduling, posting and other matters related to court security officers. The inspectors also conduct security surveys at judges' homes and recommend improvements.

To enhance its capability to strengthen protection of the judiciary, the Marshals Service established the Office of Protective Intelligence in the year 2004 to review and analyze intelligence information about the security of those under Marshals Service protection. On a daily basis, the OPI issues security advisories, intelligence bulletins and many other things that I, although I would like to go into it, time does not permit the opportunity to explain in further detail.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Ms. DEGETTE). The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 660.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

CAMERON GULBRANSEN KIDS TRANSPORTATION SAFETY ACT OF 2007

Mr. RUSH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1216) to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Cameron Gulbransen Kids Transportation Safety Act of 2007" or the "K.T. Safety Act of 2007".

SEC. 2. RULEMAKING REGARDING CHILD SAFETY.

(a) POWER WINDOW SAFETY.—

(1) CONSIDERATION OF RULE.—Not later than 18 months after the date of the enactment of this Act, the Secretary of Transportation (referred to in this Act as the "Secretary") shall initiate a rulemaking to consider prescribing or amending Federal motor vehicle safety standards to require power windows and panels on motor vehicles to automatically reverse direction when such power windows and panels detect an obstruction to prevent children and others from being trapped, injured, or killed.

(2) DEADLINE FOR DECISION.—If the Secretary determines such safety standards are reasonable, practicable, and appropriate, the Secretary shall prescribe, under section 30111 of title 49, United States Code, the safety standards described in paragraph (1) not later than 30 months after the date of enactment of this Act. If the Secretary determines that no additional safety standards are reasonable, practicable, and appropriate, the Secretary shall—

(A) not later than 30 months after the date of enactment of this Act, transmit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate describing the reasons such standards were not prescribed; and

(B) publish and otherwise make available to the public through the Internet and other means (such as the "Buying a Safer Car" brochure) information regarding which vehicles are or are not equipped with power windows and panels that automatically reverse direction when an obstruction is detected.

(b) REARWARD VISIBILITY.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall initiate a rulemaking to revise Federal Motor Vehicle Safety Standard 111 (FMVSS 111) to expand the required field of view to enable the driver of a motor vehicle to detect areas behind the motor vehicle to reduce death and injury resulting from backing incidents, particularly incidents involving small children and disabled persons. The Secretary may prescribe different requirements for different types of motor vehicles to expand the required field of view to enable the driver of a motor vehicle to detect areas behind the motor vehicle to reduce death and injury resulting from backing incidents, particularly incidents involving small children and disabled persons. Such standard may be met by the provision of additional mirrors, sensors, cameras, or other technology to expand the driver's field of view. The Secretary shall prescribe final standards pursuant to this subsection not later than 36 months after the date of enactment of this Act.

(c) PHASE-IN PERIOD.—

(1) PHASE-IN PERIOD REQUIRED.—The safety standards prescribed pursuant to subsections (a) and (b) shall establish a phase-in period for compliance, as determined by the Secretary, and require full compliance with the safety standards not later than 48 months after the date on which the final rule is issued.

(2) PHASE-IN PRIORITIES.—In establishing the phase-in period of the rearward visibility safety standards required under subsection (b), the Secretary shall consider whether to require the phase-in according to different types of motor vehicles based on data demonstrating the frequency by which various types of motor vehicles have been involved in backing incidents resulting in injury or death. If the Secretary determines that any type of motor vehicle should be given priority, the Secretary shall issue regulations that specify—

(A) which type or types of motor vehicles shall be phased-in first; and

(B) the percentages by which such motor vehicles shall be phased-in.

(d) PREVENTING MOTOR VEHICLES FROM ROLLING AWAY.—

(1) REQUIREMENT.—Each motor vehicle with an automatic transmission that includes a "park" position manufactured for sale after September 1, 2010, shall be equipped with a system that requires the service brake to be depressed before the transmission can be shifted out of "park". This system shall function in any starting system key position in which the transmission can be shifted out of "park".

(2) TREATMENT AS MOTOR VEHICLE SAFETY STANDARD.—A violation of paragraph (1) shall be treated as a violation of a motor vehicle safety standard prescribed under section 30111 of title 49, United States Code, and shall be subject to enforcement by the Secretary under chapter 301 of such title.

(3) PUBLICATION OF NONCOMPLIANT VEHICLES.—

(A) INFORMATION SUBMISSION.—Not later than 60 days after the date of the enactment of this Act, for the current model year and annually thereafter through 2010, each motor vehicle manufacturer shall transmit to the Secretary the make and model of motor vehicles with automatic transmissions that include a "park" position that do not comply with the requirements of paragraph (1).

(B) PUBLICATION.—Not later than 30 days after receiving the information submitted under subparagraph (A), the Secretary shall publish and otherwise make available to the public through the Internet and other means the make and model of the applicable motor vehicles that do not comply with the requirements of paragraph (1). Any motor vehicle not included in the publication under this subparagraph shall be presumed to comply with such requirements.

(e) DEFINITION OF MOTOR VEHICLE.—As used in this Act and for purposes of the motor vehicle safety standards described in subsections (a) and (b), the term "motor vehicle" has the meaning given such term in section 30102(a)(6) of title 49, United States Code, except that such term shall not include—

(1) a motorcycle or trailer (as such terms are defined in section 571.3 of title 49, Code of Federal Regulations); or

(2) any motor vehicle that is rated at more than 10,000 pounds gross vehicular weight.

(f) DATABASE ON INJURIES AND DEATHS IN NONTRAFFIC, NONCRASH EVENTS.—

(1) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Secretary shall establish and maintain a database of injuries and deaths in nontraffic, noncrash events involving motor vehicles.

(2) CONTENTS.—The database established pursuant to paragraph (1) shall include information regarding—

(A) the number, types, and causes of injuries and deaths resulting from the events described in paragraph (1);

(B) the make, model, and model year of motor vehicles involved in such events, when practicable; and

(C) other variables that the Secretary determines will enhance the value of the database.

(3) AVAILABILITY.—The Secretary shall make the information contained in the database established pursuant to paragraph (1) available to the public through the Internet and other means.

SEC. 3. CHILD SAFETY INFORMATION PROGRAM.

(a) IN GENERAL.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall provide information about hazards to children in nontraffic, noncrash incident situations by—

(1) supplementing an existing consumer information program relating to child safety; or

(2) creating a new consumer information program relating to child safety.

(b) PROGRAM REQUIREMENTS.—In carrying out the program under subsection (a), the Secretary shall—

(1) utilize information collected pursuant to section 2(f) regarding nontraffic, noncrash injuries, and other relevant data the Secretary considers appropriate, to establish priorities for the program;

(2) address ways in which parents and caregivers can reduce risks to small children arising from back over incidents, hyperthermia in closed motor vehicles, accidental actuation of power windows, and any other risks the Secretary determines should be addressed; and

(3) make information related to the program available to the public through the Internet and other means.

SEC. 4. DEADLINES.

If the Secretary determines that the deadlines applicable under this Act cannot be met, the Secretary shall—

(1) establish new deadlines; and

(2) notify the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the new deadlines and describing the reasons the deadlines specified under this Act could not be met.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. RUSH) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. RUSH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RUSH. Madam Speaker, I yield myself as much time as I may consume.

Madam Speaker, I want to commend my colleague and my friend from Illinois (Ms. SCHAKOWSKY) for the bill on the floor today, H.R. 1216, the Cameron Gulbransen Kids Transportation Safety Act of 2007. As vice chairman of the Subcommittee on Commerce, Trade and Consumer Protection, her leadership on consumer protection issues is highly valued in this Congress.

I also want to commend the gentleman from New York (Mr. KING) for his bipartisan cosponsorship.

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Madam Speaker, Ms. SCHAKOWSKY will speak more fully on her bill, but briefly, H.R. 1216 sets mandatory safety standards for automobiles for nontraffic, noncrash-related accidents. Such accidents include children being backed over by a vehicle, strangled by power windows or inadvertently shifting a car into gear and rolling it into an accident. H.R. 1216 is a bipartisan bill that has been negotiated with consumer groups and the auto industry and is worthy of quick passage on the Suspension Calendar today.

Madam Speaker, I urge a "yes" vote by Members of this body.

Madam Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I want to commend Chairman RUSH and Chairman DINGELL for moving this legislation, commend Ms. SCHAKOWSKY and Congressman KING for their bipartisan endorsement of it.

We have had some problems with the process on this bill. We didn't have a hearing on it. We didn't have a subcommittee markup, but we did have the discussions. Chairman DINGELL did postpone consideration of the bill in full committee so we could have those discussions, and we certainly support the intent of the bill, and so we certainly are willing to endorse it and hope that it gets a unanimous vote.

Madam Speaker, with that, I reserve the balance of my time.

Mr. RUSH. Madam Speaker, I yield 5 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY), the author of the legislation and the Vice Chair of the subcommittee.

Ms. SCHAKOWSKY. Madam Speaker, I thank Chairman RUSH for yielding to me and for your support. I also want to extend my appreciation to Chairman DINGELL whose assistance and guidance were critical in bringing this important bill, H.R. 1216, the Cameron Gulbransen Transportation Safety Act, to the floor today.

One of the most painful things I've been a part of as a Member of Congress are the press conferences which come about every 6 months or so in which parents and grandparents come to share pictures of their children and loved ones, some of whom they have accidentally killed by rolling over them with their vehicles. Imagine that for a moment, particularly in this time of year, as we wish to be with those we love the most.

I am here today because of these courageous people, driven by such horrifying accidents. Today we can pass this bill and reduce these unimaginably tragic and unnecessary deaths and make them a thing of the past. At just 2 years of age, Cameron Gulbransen was tragically killed when his father, a pediatrician from Long Island, accidentally backed over him. This bill is a tribute to him and the hundreds of other young children who have died.

This legislation was first introduced back in 2003 with my colleague from New York, Congressman PETER KING, whose constituent is Dr. Gulbransen. But today I stand here with strengthened resolve. Just 2 days ago as her mother picked up snow shovels that had been left in the driveway, Ashlynn Lauber, an 8-year-old from just outside Collinsville, Illinois, my State, was killed when the family car rolled over her.

Unfortunately, since we first introduced H.R. 1216, well over 1,000 children have needlessly died in preventable accidents, and this year alone 200 children have died of back-over accidents. Many children are killed in these kinds of accidents each year without ever leaving their driveways, suffocated by unsafe power windows, backed over by cars with major blind spots, or hit because a car was accidentally put into motion by a child who could not control it.

H.R. 1216 is commonsense, consensus legislation that reflects input from the auto industry as well as child safety advocates. This legislation will require the Secretary of Transportation to set minimum safety standards for cars, SUVs and trucks, and to begin rulemaking in three areas: Expanding rearward visibility, enabling power windows to automatically reverse direction when an obstruction is detected, and requiring brake pedals to be engaged when a vehicle is not in park.

Expanding the rearward visibility standard will give drivers a better means of detecting when small children or objects are behind their vehicles. Some SUVs have rearward visibility so poor that up to 62 children could fit in their blind spot with the driver being none the wiser. This provision will enable drivers to detect areas behind motor vehicles and will help reduce deaths and injuries from backing incidents, particularly for children and the disabled.

Instructing the Secretary to consider requiring power windows to automatically reverse direction when an obstruction is detected will help prevent small children from being caught in or strangled by windows. These accidents have taken a minimum of 21 lives over the last 5 years.

And finally, requiring every vehicle's brake pedal to be engaged when the car is shifted out of "park" and into another gear will prevent anyone not intending to drive the car, such as a child who cannot typically reach the brake pedal, from accidentally setting the car into motion. In the past 5 years, at least 80 children have lost their lives in this kind of accident.

Families want safe cars. They deserve these commonsense safety features. It is time that we make sure they get them. And one of the best parts of this bill is that it will direct the National Highway Transportation

Safety Administration to create a publicly searchable database of nontraffic, noncrash-related motor vehicle injuries and to establish a child safety information program to help consumers address ways in which parents and caregivers can reduce risks to small children.

Better design and technologies already exist, and they are getting better and cheaper every day. Many companies already offer these added safety features on their higher end vehicles, but protecting our children is not a luxury to be priced out of reach for most Americans. It is time that manufacturers include these features in every vehicle.

I'd like to publicly thank Kids and Cars and the Consumers Union for strenuously advocating for the safety of children and for taking on the critical problem of unsafe cars. And I, again, want to thank Chairman DINGELL, Mr. BARTON and Mr. STEARNS for their efforts. And I would like to thank Jonathan Cordone and David Cavicke on the committee staff for all their hard work on this bill. I also want to extend a special thanks to Congressman PETER KING for his leadership and resolve that he's demonstrated over the years.

And finally, I want to thank Diane Beedle, my former legislative director, who worked tirelessly on this issue, and the families who have turned their tragedies into advocacy.

Mr. BARTON of Texas. Madam Speaker, I yield such time as he may consume to the Republican cosponsor of the bill, a former chairman of the Homeland Security Committee, the gentleman from New York (Mr. KING).

Mr. KING of New York. Madam Speaker, I thank the gentleman from Texas for yielding, and I thank him for the support which he has given to this legislation here today.

I also want to thank Chairman DINGELL and Chairman RUSH and, of course, Congresswoman SCHAKOWSKY for the tremendous leadership that she has shown on this issue, working in a truly bipartisan fashion and, most importantly, getting the job done. I just want to thank her for that.

I also want to acknowledge Senator CLINTON and Senator SUNUNU, who are also pursuing this legislation in the United States Senate.

But most importantly, I want to thank Dr. Greg Gulbransen and his wife Leslie Gulbransen for coming to me almost 5 years ago after the tragic death of their son who was killed when the family car backed over him. I can't imagine a more horrific circumstance for a family to go through, for parents to go through. And yet Dr. Gulbransen and Mrs. Gulbransen, they took this tragedy and opportunity to save the lives of other children throughout the Nation, and they have been steadfast and they've been unyielding in their support of this legislation. And as Congresswoman SCHAKOWSKY said, so many other parents have gone through the agony of appearing at news conferences, of coming forward and lending their support and their own terrible, terrible experience to advancing this legislation.

So my heart goes out to them, but most importantly, today I thank them for the efforts which they have given. Cameron Gulbransen was a young man in my district who was tragically killed 5 years ago, and as Congresswoman SCHAKOWSKY said, every year we have more than 200 children killed, 200 children killed despite the best effort of their friends, of their neighbors. We're not talking about negligence here. We're not talking about people who are at all uncaring. We're talking about people who took every possible safety measure, and yet in spite of that, these tragedies occurred.

So I'm not going to go through all the detail of the bill. I just want to again thank Congresswoman SCHAKOWSKY for her effort, thank Ranking Member BARTON for extending me this time today, and most importantly, thanking Dr. Gulbransen and Mrs. Gulbransen for, again, their unyielding courage, for their dedication, and also the people on my staff who worked on this bill.

And again, this is a great day for the children of America, a great day for the parents of America, and it's a day that all of us will look back on with pride and, most importantly, with thanks and gratitude for the lives that will be saved because of that.

And with that, Madam Speaker, I urge the adoption of the legislation.

Mr. RUSH. Madam Speaker, it's my pleasure to now yield 2 minutes to the gentleman from Michigan (Mr. DINGELL), the chairman of the full committee, my friend.

Mr. DINGELL. Madam Speaker, I rise in strong support of the K.T. Safety Act of 2007. This is another example of commonsense legislation, bipartisan approach to regulating an industry and adequately protecting our people and our children.

I want to commend Representative SCHAKOWSKY and Senator CLINTON for working with me and with the able and distinguished chairman of the subcommittee, Mr. RUSH, in achieving this compromise.

I cannot praise too highly the cooperation and the assistance of our good friends on the other side of the aisle, Ranking Members BARTON and STEARNS, for their fine support and for the very cooperative way in which they have worked with us, and I thank them and salute them for that.

The legislation requires the Department of Transportation to issue regulations to reduce injury and death for nontraffic accidents involving automobiles, particularly to protect children. This is the right thing to do, and it must be, and under this legislation will be, implemented in a responsible manner.

The bill has the support of safety advocates, including Public Citizen and the Advocates for Auto and Highway Safety, as well as the automobile manufacturers.

This is an important bill for our children, including Franklin Dean Beedle Atizado whose mother worked on this legislation.

I urge its swift passage, and I do again commend its author, Representative SCHAKOWSKY, for her remarkable leadership in this matter.

Mr. BARTON of Texas. Madam Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Madam Speaker, I thank the gentleman for yielding, and this issue is so important, H.R. 1216, and I certainly rise to support it.

Madam Speaker, I thank Ranking Member BARTON from Texas and Chairman DINGELL, chairman of the Energy and Commerce Committee, Mr. RUSH and others for bringing it forward.

Madam Speaker, when I was in the Georgia general assembly serving in the State senate several years back, I became so involved in teen driving issues. I was an OB/GYN physician, and some of the youngsters that I had delivered, all of the sudden, they were 15, 16 years old, and some of them killed tragically in automobile accidents just simply because they weren't safe. They didn't have the proper training, and so these issues are so hugely important.

I became aware of this bill when a couple from my district came to me in Washington several months ago, and their son, their 4-year-old son, had been tragically killed by a vehicle backing over him. And you know, you can't bring these lives back, of course we can't, but this kind of legislation and bringing this kind of safety to help prevent maybe my grandchildren, somebody else's child from going through a tragic situation like that, from which the family never recovers.

So, again, to be here today to offer a few words of support for H.R. 1216, the things like automatic power window reversal, rearward visibility, this bill addresses safety risks which have already resulted in the deaths of so many children in this country. So we can't bring them back, but we can help protect our young people in the future, and I strongly support it.

Mr. RUSH. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I have no more speakers. I urge the adoption of the bill, and I yield back the balance of our time, also.

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The SPEAKER pro tempore (Ms. LEE). The question is on the motion offered by the gentleman from Illinois

(Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 1216, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONSUMER PRODUCT SAFETY MODERNIZATION ACT

Mr. RUSH. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 4040) to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4040

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Consumer Product Safety Modernization Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References.
Sec. 3. Authority to issue implementing regulations.

TITLE I—CHILDREN'S PRODUCT SAFETY

Sec. 101. Ban on children's products containing lead; lead paint rule.
Sec. 102. Mandatory third-party testing for certain children's products.
Sec. 103. Tracking labels for children's products.
Sec. 104. Standards and consumer registration of durable nursery products.
Sec. 105. Labeling requirement for certain internet and catalogue advertising of toys and games.
Sec. 106. Study of preventable injuries and deaths in minority children related to consumer products.
Sec. 107. Review of generally-applicable standards for toys.

TITLE II—CONSUMER PRODUCT SAFETY COMMISSION REFORM

Sec. 201. Reauthorization of the Commission.
Sec. 202. Structure and quorum.
Sec. 203. Submission of copy of certain documents to Congress.
Sec. 204. Expedited rulemaking.
Sec. 205. Public disclosure of information.
Sec. 206. Publicly available information on incidents involving injury or death.
Sec. 207. Prohibition on stockpiling under other Commission-enforced statutes.
Sec. 208. Notification of noncompliance with any Commission-enforced statute.
Sec. 209. Enhanced recall authority and corrective action plans.
Sec. 210. Website notice, notice to third party internet sellers, and radio and television notice.
Sec. 211. Inspection of certified proprietary laboratories.
Sec. 212. Identification of manufacturer, importers, retailers, and distributors.
Sec. 213. Export of recalled and non-conforming products.
Sec. 214. Prohibition on sale of recalled products.
Sec. 215. Increased civil penalty.
Sec. 216. Criminal penalties to include asset forfeiture.
Sec. 217. Enforcement by State attorneys general.
Sec. 218. Effect of rules on preemption.
Sec. 219. Sharing of information with Federal, State, local, and foreign government agencies.
Sec. 220. Inspector General authority and accessibility.
Sec. 221. Repeal.
Sec. 222. Industry-sponsored travel ban.
Sec. 223. Annual reporting requirement.
Sec. 224. Study on the effectiveness of authority relating to imported products.

SEC. 2. REFERENCES.

(a) COMMISSION.—As used in this Act, the term "Commission" means the Consumer Product Safety Commission.

(b) CONSUMER PRODUCT SAFETY ACT.—Except as otherwise expressly provided, whenever in this Act an amendment is expressed as an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Consumer Product Safety Act (15 U.S.C. 2051 et seq.).

(c) RULE.—In this Act and the amendments made by this Act, a reference to any rule under any Act enforced by the Commission shall be considered a reference to any rule, standard, ban, or order under any such Act.

SEC. 3. AUTHORITY TO ISSUE IMPLEMENTING REGULATIONS.

The Commission may issue regulations, as necessary, to implement this Act and the amendments made by this Act.

TITLE I—CHILDREN'S PRODUCT SAFETY

SEC. 101. BAN ON CHILDREN'S PRODUCTS CONTAINING LEAD; LEAD PAINT RULE.

(a) CHILDREN'S PRODUCTS CONTAINING LEAD.—

(1) BANNED HAZARDOUS SUBSTANCE.—Effective 180 days after the date of enactment of this Act, any children's product containing more than the amounts of lead set forth in paragraph (2) shall be a banned hazardous substance within the meaning of section 2(q)(1) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)(1)).

(2) STANDARD FOR AMOUNT OF LEAD.—The amounts of lead referred to in paragraph (1) shall be—

(A) 600 parts per million total lead content by weight for any part of the product;

(B) 300 parts per million total lead content by weight for any part of the product, effective 2 years after the date of enactment of this Act; and

(C) 100 parts per million total lead content by weight for any part of the product, effective 4 years after the date of enactment of this Act, unless the Commission determines, after notice and a hearing, that a standard of 100 parts per million is not feasible, in which case the Commission shall require the lowest amount of lead that the Commission determines is feasible to achieve.

(3) COMMISSION REVISION TO MORE PROTECTIVE STANDARD.—

(A) MORE PROTECTIVE STANDARD.—The Commission may, by rule, revise the standard set forth in paragraph (2)(C) for any class of children's products to any level and form that the Commission determines is—

(i) more protective of human health; and

(ii) feasible to achieve.

(B) PERIODIC REVIEW.—The Commission shall, based on the best available scientific and technical information, periodically review and revise the standard set forth in this section to require the lowest amount of lead that the Commission determines is feasible to achieve.

(4) COMMISSION AUTHORITY TO EXCLUDE CERTAIN MATERIALS.—The Commission may, by rule, exclude certain products and materials from the prohibition in paragraph (1) if the Commission determines that the lead content in such products and materials will not result in the absorption of lead in the human body or does not have any adverse impact on public health or safety.

(5) DEFINITION OF CHILDREN'S PRODUCT.—

(A) IN GENERAL.—As used in this subsection, the term "children's product" means a consumer product as defined in section 3(1) of the Consumer Product Safety Act (15 U.S.C. 2052(1)) designed or intended primarily for children 12 years of age or younger.

(B) FACTORS TO BE CONSIDERED.—In determining whether a product is primarily intended for a child 12 years of age or younger, the following factors shall be considered:

(i) A statement by a manufacturer about the intended use of such product, including a label on such product if such statement is reasonable.

(ii) Whether the product is represented in its packaging, display or advertising as appropriate for use by children 12 years of age or younger.

(iii) Whether the product is commonly recognized by consumers as being intended for use by child 12 years of age or younger.

(iv) The Age Determination Guidelines issued by the Commission staff in September 2002, and any successor thereto.

(6) EXCEPTION FOR INACCESSIBLE COMPONENT PARTS.—The standards established under paragraph (2) shall not apply to any component part of a children's product that is not accessible to a child through normal and reasonably foreseeable use and abuse of such product, as determined by the Commission. A component part is not accessible under this paragraph if such component part is not physically exposed by reason of a sealed covering or casing and does not become physically exposed through reasonably foreseeable use and abuse of the product. The Commission may require that certain electronic devices be equipped with a child-resistant cover or casing that prevents exposure of and accessibility to the parts of the product containing lead if the Commission determines that it is not feasible for such products to otherwise meet such standards.

(b) PAINT STANDARD.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Commission shall modify section 1303.1 of title 16, Code of Federal Regulations, to—

(A) reduce the standard applicable to lead paint by substituting "0.009 percent" for "0.06 percent" in subsection (a) of that section;

(B) apply the standard to all children's products as defined in subsection (a)(5); and

(C) reduce the standard for paint and other surface coating on children's products and furniture to 0.009 milligrams per centimeter squared.

(2) MORE PROTECTIVE STANDARD.—Not later than 3 years after the date of enactment of this Act, the Commission shall, by rule, revise the standard established under paragraph (1)(C) to a more protective standard if the Commission determines such a standard to be feasible.

(c) AUTHORITY TO EXTEND IMPLEMENTATION PERIODS.—The Commission may extend, by rule, the effective dates in subsections (a) and (b) by an additional period not to exceed 180 days if the Commission determines that—

(1) there is no impact on public health or safety from extending the implementation period; and

(2)(A) the complete implementation of the new standards by manufacturers subject to such standards is not feasible within 180 days;

(B) the cost of such implementation, particularly on small and medium sized enterprises, is excessive; or

(C) the Commission requires additional time to implement such standards and determine the required testing methodologies and appropriate exceptions in order to enforce such standards.

SEC. 102. MANDATORY THIRD-PARTY TESTING FOR CERTAIN CHILDREN'S PRODUCTS.

(a) MANDATORY AND THIRD-PARTY TESTING.—Section 14(a) (15 U.S.C. 2063(a)) is amended—

(1) in paragraph (1)—

(A) by striking "Every manufacturer" and inserting "Except as provided in paragraph (2), every manufacturer"; and

(B) by striking "standard under this Act" and inserting "rule under this Act or similar rule under any other Act enforced by the Commission";

(2) by redesignating paragraph (2) as paragraph (3) and inserting after paragraph (1) the following:

"(2) Effective 1 year after the date of enactment of the Consumer Product Safety Modernization Act, every manufacturer of a children's product (and the private labeler of such children's product if such product bears a private label) which is subject to a consumer product safety rule under this Act or a similar rule or standard under any other Act enforced by the Commission, shall—

"(A) have the product tested by a independent third party qualified to perform such tests or a proprietary laboratory certified by the Commission under subsection (e) ; and

"(B) issue a certificate which shall—

"(i) certify that such product conforms to such standards or rules; and

"(ii) specify the applicable consumer product safety standards or other similar rules."; and

(3) in paragraph (3) (as so redesignated)—

(A) by striking "required by paragraph (1) of this subsection" and inserting "required by paragraph (1) or (2) (as the case may be)"; and

(B) by striking "requirement under paragraph (1)" and inserting "requirement under paragraph (1) or (2) (as the case may be)".

(b) DEFINITION OF CHILDREN'S PRODUCTS AND INDEPENDENT THIRD PARTY.—Section 14 (15 U.S.C. 2063) is amended by adding at the end the following:

"(d) DEFINITIONS.—In this section, the following definitions apply:

"(1) The term 'children's product' means a consumer product designed or intended primarily for children 12 years of age or younger. In determining whether a product is primarily intended for a child 12 years of age or younger, the following factors shall be considered:

"(A) A statement by a manufacturer about the intended use of such product, including a label on such product if such statement is reasonable.

"(B) Whether the product is represented in its packaging, display or advertising as appropriate for use by children 12 years of age or younger.

"(C) Whether the product is commonly recognized by consumers as being intended for use by child 12 years of age or younger.

"(D) The Age Determination Guidelines issued by the Commission staff in September 2002, and any successor thereto.

"(2) The term 'independent third party', means an independent testing entity that is not owned, managed, controlled, or directed by such manufacturer or private labeler, and that is accredited in accordance with an accreditation process established or recognized by the Commission. In the case of certification of art material or art material products required under this section or under regulations issued under the Federal Hazardous Substances Act, such term includes a certifying organization, as such term is defined in appendix A to section 1500.14(b)(8) of title 16, Code of Federal Regulations.".

(c) CERTIFICATION OF PROPRIETARY LABORATORIES.—Section 14 (15 U.S.C. 2063) is further amended by adding at the end the following:

"(e) CERTIFICATION OF PROPRIETARY LABORATORIES FOR MANDATORY TESTING.—

"(1) CERTIFICATION.—Upon request, the Commission, or an independent standard-setting organization to which the Commission has delegated such authority, may certify a laboratory that is owned, managed, controlled, or directed by the manufacturer or private labeler for purposes of testing required under this section if the Commission determines that—

"(A) certification of the laboratory would provide equal or greater consumer safety protection than the manufacturer's use of an independent third party laboratory;

"(B) the laboratory has established procedures to ensure that the laboratory is protected from undue influence, including pressure to modify or hide test results, by the manufacturer or private labeler; and

"(C) the laboratory has established procedures for confidential reporting of allegations of undue influence to the Commission.

"(2) DECERTIFICATION.—The Commission, or an independent standard-setting organization to which the Commission has delegated such authority, may decertify any laboratory certified under paragraph (1) if the Commission finds, after notice and investigation, that a manufacturer or private labeler has exerted undue influence on the laboratory.".

(d) CONFORMING AMENDMENTS.—Section 14(b) (15 U.S.C. 2063(b)) is amended—

(1) by striking "standards under this Act" and inserting "rules under this Act or similar rules under any other Act enforced by the Commission"; and

(2) by striking ", at the option of the person required to certify the product," and inserting "be required by the Commission to".

SEC. 103. TRACKING LABELS FOR CHILDREN'S PRODUCTS.

Section 14(a) (15 U.S.C. 2063(a)) is further amended by adding at the end the following:

"(4) Effective 1 year after the date of enactment of the Consumer Product Safety Modernization Act, the manufacturer of a children's product shall, to the extent feasible, place distinguishing marks on the product and its packaging that will enable the manufacturer and the ultimate purchaser to ascertain the location and date of production of the product, and any other information determined by the manufacturer to facilitate ascertaining the specific source of the product by reference to those marks.".

SEC. 104. STANDARDS AND CONSUMER REGISTRATION OF DURABLE NURSERY PRODUCTS.

(a) SHORT TITLE.—This section may be cited as the "Danny Keysar Child Product Safety Notification Act".

(b) SAFETY STANDARDS.—

(1) IN GENERAL.—The Commission shall—

(A) in consultation with representatives of consumer groups, juvenile product manufacturers, and independent child product engineers and experts, examine and assess the effectiveness of any voluntary consumer product safety standards for durable infant or toddler product; and

(B) in accordance with section 553 of title 5, United States Code, promulgate consumer product safety rules that—

(i) are substantially the same as such voluntary standards; or

(ii) are more stringent than such voluntary standards, if the Commission determines that more stringent standards would further reduce the risk of injury associated with such products.

(2) TIMETABLE FOR RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Commission shall commence the rulemaking required under paragraph (1) and shall promulgate rules for no fewer than 2 categories of durable nursery products every 6 months thereafter, beginning with the product categories that the Commission determines to be of highest priority, until the Commission has promulgated standards for all such product categories. Thereafter, the Commission shall periodically review and revise the rules set forth under this subsection to ensure that such rules provide the highest level of safety for such products that is feasible.

(c) CONSUMER REGISTRATION REQUIREMENT.—

(1) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Commission shall, pursuant to its authority under section 16(b) of the Consumer Product Safety Act (15 U.S.C. 2065(b)), promulgate a final consumer product safety rule to require manufacturers of durable infant or toddler products—

(A) to provide consumers with a postage-paid consumer registration form with each such product;

(B) to maintain a record of the names, addresses, email addresses, and other contact information of consumers who register their ownership of such products with the manufacturer in order to improve the effectiveness of manufacturer campaigns to recall such products; and

(C) to permanently place the manufacturer name and contact information, model name and number, and the date of manufacture on each durable infant or toddler product.

(2) REQUIREMENTS FOR REGISTRATION FORM.—The registration form required to be provided to consumers under subsection (a) shall—

(A) include spaces for a consumer to provide their name, address, telephone number, and email address;

(B) include space sufficiently large to permit easy, legible recording of all desired information;

(C) be attached to the surface of each durable infant or toddler product so that, as a practical matter, the consumer must notice and handle the form after purchasing the product;

(D) include the manufacturer's name, model name and number for the product, and the date of manufacture;

(E) include a message explaining the purpose of the registration and designed to encourage consumers to complete the registration;

(F) include an option for consumers to register through the Internet; and

(G) include a statement that information provided by the consumer shall not be used for any purpose other than to facilitate a recall of or safety alert regarding that product.

In issuing regulations under this section, the Commission may prescribe the exact text and format of the required registration form.

(3) RECORD KEEPING AND NOTIFICATION REQUIREMENTS.—The standard required under this section shall require each manufacturer of a durable infant or toddler product to maintain a record of registrants for each product manufactured that includes all of the information provided by each consumer registered, and to use such information to notify such consumers in the event of a voluntary or involuntary recall of or safety alert regarding such product. Each manufacturer shall maintain such a record for a period of not less than 6 years after the date of manufacture of the product. Consumer information collected by a manufacturer under this Act may not be used by the manufacturer, nor disseminated by such manufacturer to any other party, for any purpose other than notification to such consumer in the event of a product recall or safety alert.

(4) STUDY.—The Commission shall conduct a study at such time as it considers appropriate on the effectiveness of the consumer registration forms in facilitating product recalls and whether such registration forms should be required for other children's products. Not later than 4 years

after the date of enactment of this Act, the Commission shall report its findings to Congress.

(d) DEFINITION OF DURABLE INFANT OR TODDLER PRODUCT.—As used in this section, the term "durable infant or toddler product"—

(1) means a durable product intended for use, or that may be reasonably expected to be used, by children under the age of 5 years; and

(2) shall include—

(A) full-size cribs and nonfull-size cribs;

(B) toddler beds;

(C) high chairs, booster chairs, and hook-on chairs;

(D) bath seats;

(E) gates and other enclosures for confining a child;

(F) play yards;

(G) stationary activity centers;

(H) infant carriers;

(I) strollers;

(J) walkers;

(K) swings; and

(L) bassinets and cradles.

SEC. 105. LABELING REQUIREMENT FOR CERTAIN INTERNET AND CATALOGUE ADVERTISING OF TOYS AND GAMES.

Section 24 of the Federal Hazardous Substances Act (15 U.S.C. 1278) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(2) by inserting after subsection (b) the following:

"(c) INTERNET, CATALOGUE, AND OTHER ADVERTISING.—

"(1) REQUIREMENT.—Effective 180 days after the Consumer Product Safety Modernization Act, any advertisement of a retailer, manufacturer, importer, distributor, private labeler, or licensor that provides a direct means for the purchase or ordering of any toy, game, balloon, small ball, or marble that requires a cautionary statement under subsections (a) and (b), including advertisement on Internet websites or in catalogues or other distributed materials, shall include the appropriate cautionary statement required under such subsections in its entirety displayed on or immediately adjacent to such advertisement. Such cautionary statement shall be displayed in the language that is primarily used in the advertisement, catalogue, or Internet website, and in a clear and conspicuous manner consistent with part 1500 of title 16, Code of Federal Regulations (or a successor regulation thereto).

"(2) ENFORCEMENT.—The requirement in paragraph (1) shall be treated as a consumer product safety rule promulgated under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) and the publication or distribution of any advertisement that is not in compliance with the requirements of paragraph (1) shall be treated as a prohibited act under section 19 of such Act (15 U.S.C. 2068).

"(3) RULEMAKING.—Not later than 180 days after the date of enactment of Consumer Product Safety Modernization Act, the Commission shall, by rule, modify the requirement under paragraph (1) with regard to catalogues or other printed materials concerning the size and placement of the cautionary statement required under such paragraph as appropriate relative to the size and placement of the advertisements in such printed materials. The Commission may, under such rule, provide a grace period for catalogues and printed materials printed prior to the effective date in paragraph (1) during which time distribution of such printed materials shall not be considered a violation of such paragraph.".

SEC. 106. STUDY OF PREVENTABLE INJURIES AND DEATHS IN MINORITY CHILDREN RELATED TO CONSUMER PRODUCTS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Comptroller General shall initiate a study to assess disparities in the risks and incidence of preventable injuries and deaths among children of minority populations, including Black, Hispanic, American Indian, Alaskan native, and Asian/Pacific Islander children in the United States. The Comptroller General shall consult with the Commission as necessary.

(b) REQUIREMENTS.—The study shall examine the racial disparities of the rates of preventable injuries and deaths related to suffocation, poisonings, and drownings associated with the use of cribs, mattresses and bedding materials, swimming pools and spas, and toys and other products intended for use by children.

(c)) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Comptroller General shall report the findings to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate. The report shall include—

(1) the Comptroller General's findings on the incidence of preventable risks of injuries and deaths among children of minority populations and recommendations for minimizing such risks;

(2) recommendations for public outreach, awareness, and prevention campaigns specifically aimed at racial minority populations; and

(3) recommendations for education initiatives that may reduce statistical disparities.

SEC. 107. REVIEW OF GENERALLY-APPLICABLE STANDARDS FOR TOYS.

(a) ASSESSMENT.—The Commission shall examine and assess the effectiveness of the safety standard for toys, ASTM-International standard F963–07, or its successor standard, to determine—

(1) the scope of such standards, including the number and type of toys to which such standards apply;

(2) the degree of adherence to such standards on the part of manufacturers; and

(3) the adequacy of such standards in protecting children from safety hazards.

(b) SPECIAL FOCUS ON MAGNETS.—In conducting the assessment required under subsection (a), the Commission shall first examine the effectiveness of the F963–07 standard as it relates to intestinal blockage and perforation hazards caused by ingestion of magnets. If the Commission determines based on the review that there is substantial noncompliance with such standard that creates an unreasonable risk of injury or hazard to children, the Commission shall expedite a rulemaking to consider the adoption, as a consumer product safety rule, of the voluntary safety standards contained within the ASTM F963-07, or its successor standard, that relate to intestinal blockage and perforation hazards caused by ingestion of magnets.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Commission shall report to Congress the findings of the study conducted pursuant to subsection (a). Such report shall include the Commission's opinion regarding—

(1) the feasibility of requiring manufacturer testing of all toys to such standards; and

(2) whether promulgating consumer product safety rules that are substantially similar or more stringent than the standards described in such subsection would be beneficial to public health and safety.

TITLE II—CONSUMER PRODUCT SAFETY COMMISSION REFORM

SEC. 201. REAUTHORIZATION OF THE COMMISSION.

(a) AUTHORIZATION OF APPROPRIATIONS.—Subsections (a) and (b) of section 32 (15 U.S.C. 2081) are amended to read as follows:

"(a) There are authorized to be appropriated to the Commission for the purpose of carrying out the provisions of this Act and any other provision of law the Commission is authorized or directed to carry out—

"(1) $80,000,000 for fiscal year 2009;

"(2) $90,000,000 for fiscal year 2010; and

"(3) $100,000,000 for fiscal year 2011.

"(b) In addition to the amounts specified in subsection (a), there are authorized to be appropriated $20,000,000 to the Commission for fiscal years 2009 through 2011, for the purpose of renovation, repair, reconstruction, re-equipping, and making other necessary capital improvements to the Commission's research, development, and testing facility (including bringing the facility into compliance with applicable environmental, safety, and accessibility standards).".

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, the Commission shall transmit to Congress a report of its plans to allocate the funding authorized by subsection (a). Such report shall include—

(1) the number of full-time inspectors and other full-time equivalents the Commission intends to employ;

(2) the plan of the Commission for risk assessment and inspection of imported consumer products;

(3) an assessment of the feasibility of mandating bonds for serious hazards and repeat offenders and Commission inspection and certification of foreign third-party and proprietary testing facilities; and

(4) the efforts of the Commission to reach and educate retailers of second-hand products and informal sellers, such as thrift shops and yard sales, concerning consumer product safety standards and product recalls, especially those relating to durable nursery products, in order to prevent the resale of any products that have been recalled, including the development of educational materials for distribution not later than 1 year after the date of enactment of this Act.

SEC. 202. STRUCTURE AND QUORUM.

(a) EXTENSION OF TEMPORARY QUORUM.—Notwithstanding section 4(d) of the Consumer Product Safety Act (15 U.S.C. 2053(d)), 2 members of the Commission, if they are not affiliated with the same political party, shall constitute a quorum for the transaction of business for the period beginning on the date of enactment of this Act through—

(1) August 3, 2008, if the President nominates a person to fill a vacancy on the Commission prior to such date; or

(2) the earlier of—

(A) 3 months after the date on which the President nominates a person to fill a vacancy on the Commission after such date; or

(B) February 3, 2009.

(b) REPEAL OF LIMITATION.—The first proviso in the account under the heading "CONSUMER PRODUCT SAFETY COMMISSION, SALARIES AND EXPENSES" in title III of Public Law 102–389 (15 U.S.C. 2053 note) shall cease to be in effect after fiscal year 2010.

SEC. 203. SUBMISSION OF COPY OF CERTAIN DOCUMENTS TO CONGRESS.

(a) IN GENERAL.—Notwithstanding any rule, regulation, or order to the contrary, the Commission shall comply with the requirements of section 27(k) of the Consumer Product Safety Act (15 U.S.C. 2076) with respect to budget recommendations, legislative recommendations, testimony, and comments on legislation submitted by the Commission to the President or the Office of Management and Budget after the date of enactment of this Act.

(b) REINSTATEMENT OF REQUIREMENT.—Section 3003(d) of Public Law 104–66 (31 U.S.C. 1113 note) is amended—

(1) by striking "or" after the semicolon in paragraph (31);

(2) by redesignating paragraph (32) as (33); and

(3) by inserting after paragraph (31) the following:

"(32) section 27(k) of the Consumer Product Safety Act (15 U.S.C. 2076(k)); or".

SEC. 204. EXPEDITED RULEMAKING.

(a) RULEMAKING UNDER THE CONSUMER PRODUCT SAFETY ACT.—

(1) ADVANCE NOTICE OF PROPOSED RULEMAKING REQUIREMENT.—Section 9 (15 U.S.C. 2058) is amended—

(A) by striking "shall be commenced" in subsection (a) and inserting "may be commenced";

(B) by striking "in the notice" in subsection (b) and inserting "in a notice";

(C) by striking "unless, not less than 60 days after publication of the notice required in subsection (a), the" in subsection (c) and inserting "unless the";

(D) by inserting "or notice of proposed rulemaking" after "advance notice of proposed rulemaking" in subsection (c); and

(E) by striking "an advance notice of proposed rulemaking under subsection (a) relating to the product involved," in the third sentence of subsection (c) and inserting "the notice".

(2) CONFORMING AMENDMENT.—Section 5(a)(3) (15 U.S.C. 2054(a)(3)) is amended by striking "an advance notice of proposed rulemaking or".

(b) RULEMAKING UNDER FEDERAL HAZARDOUS SUBSTANCES ACT.—

(1) IN GENERAL.—Section 3(a)(1) of the Federal Hazardous Substances Act (15 U.S.C. 1262(a)(1)) is amended to read as follows:

"(1) Whenever in the judgment of the Commission such action will promote the objectives of this Act by avoiding or resolving uncertainty as to its application, the Commission may by regulation declare to be a hazardous substance, for the purposes of this Act, any substance or mixture of substances, which the Commission finds meets the requirements section 2(f)(1)(A).".

(2) PROCEDURE.—

(A) Section 2(q)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1261(q)(2)) is amended by striking "Proceedings for the issuance, amendment, or repeal of regulations pursuant to clause (B) of subparagraph (1) of this paragraph shall be governed by the provisions of sections 701(e), (f), and (g) of the Federal Food, Drug, and Cosmetic Act: Provided, That if" and inserting "Proceedings for the issuance, amendment, or repeal of regulations pursuant to clause (B) of subparagraph (1) of this paragraph shall be governed by the provisions of subsections (f) through (i) of section 3 of this Act, except that if".

(B) Section 3(a)(2) of the Federal Hazardous Substances Act (15 U.S.C. 1262(a)(2)) is amended to read as follows:

"(2) Proceedings for the issuance, amendment, or repeal of regulations under this subsection and the admissibility of the record of such proceedings in other proceedings, shall be governed by the provisions of subsections (f) through (i) of this section.".

(3) ADVANCE NOTICE OF PROPOSED RULEMAKING REQUIREMENT.—Section 3 of the Federal Hazardous Substances Act (15 U.S.C. 1262) is amended—

(A) by striking "shall be commenced" in subsection (f) and inserting "may be commenced";

(B) by striking "in the notice" in subsection (g)(1) and inserting "in a notice"; and

(C) by striking "unless, not less than 60 days after publication of the notice required in subsection (f), the" in subsection (h) and inserting "unless the".

(4) CONFORMING AMENDMENTS.—The Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) is amended—

(A) by striking subsection (d) of section 2 and inserting the following:

"(d) The term 'Commission' means the Consumer Product Safety Commission.";

(B) by striking "Secretary" each place it appears and inserting "Commission" except—

(i) in section 10(b) (15 U.S.C. 1269(b));

(ii) in section 14 (15 U.S.C. 1273); and

(iii) in section 21(a) (15 U.S.C. 1276(a));

(C) by striking "Department" each place it appears, except in section 14(b), and inserting "Commission";

(D) by striking "he" and "his" each place they appear in reference to the Secretary and inserting "it" and "its", respectively;

(E) by striking "Secretary of Health, Education, and Welfare" each place it appears in section 10(b) (15 U.S.C. 1269(b)) and inserting "Commission";

(F) by striking "Secretary of Health, Education, and Welfare" each place it appears in section 14 (15 U.S.C. 1273) and inserting "Commission";

(G) by striking "Department of Health, Education, and Welfare" in section 14(b) (15 U.S.C. 1273(b)) and inserting "Commission";

(H) by striking "Consumer Product Safety Commission" each place it appears and inserting "Commission"; and

(I) by striking "(hereinafter in this section referred to as the 'Commission')" in section 20(a)(1) (15 U.S.C. 1275(a)(1)).

(c) RULEMAKING UNDER THE FLAMMABLE FABRICS ACT.—

(1) IN GENERAL.—Section 4 of the Flammable Fabrics Act (15 U.S.C. 1193) is amended—

(A) by striking "shall be commenced" and inserting "may be commenced by a notice of proposed rulemaking or";

(B) in subsection (i), by striking "unless, not less than 60 days after publication of the notice required in subsection (g), the" and inserting "unless the".

(2) OTHER CONFORMING AMENDMENTS.—The Flammable Fabrics Act (15 U.S.C. 1193 et seq.) is further amended—

(A) by striking subsection (i) of section 2 and inserting the following:

"(i) The term 'Commission' means the Consumer Product Safety Commission.";

(B) by striking "Secretary of Commerce" each place it appears and inserting "the Commission";

(C) by striking "Secretary" each place it appears, except in sections 9 and 14, and inserting "Commission";

(D) by striking "he" and "his" each place either term appears in reference to the secretary and insert "it" and "its", respectively;

(E) in section 4(e), by striking paragraph (5) and redesignating paragraph (6) as paragraph (5);

(F) in section 15, by striking "Consumer Product Safety Commission (hereinafter referred to as the 'Commission')" and inserting "Commission";

(G) by striking section 16(d) and inserting the following:

"(d) In this section, a reference to a flammability standard or other regulation for a fabric, related materials, or product in effect under this Act includes a standard of flammability continued in effect by section 11 of the Act of December 14, 1967 (Public Law 90–189)."; and

(H) in section 17, by striking "Consumer Product Safety Commission" and inserting "Commission".

SEC. 205. PUBLIC DISCLOSURE OF INFORMATION.

Section 6(b) (15 U.S.C. 2055(b)) is amended—

(1) in paragraph (1)—

(A) by striking "30 days" and inserting "15 days";

(B) by striking "finds that the public" and inserting "publishes a finding that the public"; and

(C) by striking "and publishes such a finding in the Federal Register";

(2) in paragraph (2)—

(A) by striking "10 days" and inserting "5 days";

(B) by striking "finds that the public" and inserting "publishes a finding that the public"; and

(C) by striking "and publishes such a finding in the Federal Register";

(3) in paragraph (4), by striking "section 19 (related to prohibited acts)" and inserting "any consumer product safety rule under or provision of this Act or similar rule under or provision of any other Act administered by the Commission"; and

(4) in paragraph (5)—

(A) in subparagraph (B), by striking "; or" and inserting a semicolon;

(B) in subparagraph (C), by striking the period and inserting "; or";

(C) by adding at the end the following:

"(D) the Commission publishes a finding that the public health and safety require public disclosure with a lesser period of notice than is required under paragraph (1)."; and

(D) in the matter following such subparagraph (as added by subparagraph (C)), by striking "section 19(a)" and inserting "any consumer product safety rule under this Act or similar rule under or provision of any other Act administered by the Commission".

SEC. 206. PUBLICLY AVAILABLE INFORMATION ON INCIDENTS INVOLVING INJURY OR DEATH.

(a) EVALUATION.—The Commission shall examine and assess the efficacy of the Injury Information Clearinghouse maintained by the Commission pursuant to section 5(a) of the Consumer Product Safety Act (15 U.S.C. 2054(a)). The Commission shall determine the volume and types of publicly available information on incidents involving consumer products that result in injury, illness, or death and the ease and manner in which consumers can access such information.

(b) IMPROVEMENT PLAN.—As a result of the study conducted under subsection (a), the Commission shall transmit to Congress, not later than 180 days after the date of enactment of this Act, a detailed plan for maintaining and categorizing such information on a searchable Internet database to make the information more easily available and beneficial to consumers, with due regard for the protection of personal information. Such plan shall include the views of the Commission regarding whether additional information, such as consumer complaints, hospital or other medical reports, and warranty claims, should be included in the database. The plan submitted under this subsection shall include a detailed implementation schedule for the database, recommendations for any necessary legislation, and plans for a public awareness campaign to be conducted by the Commission to increase consumer awareness of the database.

SEC. 207. PROHIBITION ON STOCKPILING UNDER OTHER COMMISSION-ENFORCED STATUTES.

Section 9(g)(2) (15 U.S.C. 2058(g)(2)) is amended—

(1) by inserting "or to which a rule under any other law enforced by the Commission applies," after "applies,"; and

(2) by striking "consumer product safety" the second, third, and fourth places it appears.

SEC. 208. NOTIFICATION OF NONCOMPLIANCE WITH ANY COMMISSION-ENFORCED STATUTE.

Section 15(b) (15 U.S.C. 2064(b)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by inserting after paragraph (1) the following:

"(2) fails to comply with any other rule affecting health and safety promulgated by the Commission under the Federal Hazardous Substances Act, the Flammable Fabrics Act, or the Poison Prevention Packaging Act;"; and

(3) by adding at the end the following sentence: "A report provided under this paragraph (2) may not be used as the basis for criminal prosecution under section 5 of the Federal Hazardous Substances Act (15 U.S.C. 1264), except for offenses which require a showing of intent to defraud or mislead.".

SEC. 209. ENHANCED RECALL AUTHORITY AND CORRECTIVE ACTION PLANS.

(a) ENHANCED RECALL AUTHORITY.—Section 15 (15 U.S.C. 2064) is amended—

(1) in subjection (c)—

(A) by striking "if the Commission" and inserting "(1) If the Commission";

(B) by inserting "or if the Commission, after notifying the manufacturer, determines a product to be an imminently hazardous consumer product and has filed an action under section 12," after "from such substantial product hazard,";

(C) by redesignating paragraphs (1) through (3) as subparagraphs (D) through (F), respectively;

(D) by inserting after "the following actions:" the following:

"(A) To cease distribution of the product.

"(B) To notify all persons that transport, store, distribute, or otherwise handle the product, or to which the product has been transported, sold, distributed, or otherwise handled, to cease immediately distribution of the product.

"(C) To notify appropriate State and local public health officials."; and

(E) by adding at the end the following:

"(2) If a district court determines, in an action filed under section 12, that the product that is the subject of such action is not an imminently hazardous consumer product, the Commission shall rescind any order issued under this subsection with respect to such product.".

(2) in subsection (f)—

(A) by striking "An order" and inserting "(1) Except as provided in paragraph (2), an order"; and

(B) by inserting at the end the following:

"(2) The requirement for a hearing in paragraph (1) shall not apply to an order issued under subsection (c) relating to an imminently hazardous consumer product with regard to which the Commission has filed an action under section 12.".

(b) CORRECTIVE ACTION PLANS.—Section 15(d) (15 U.S.C. 2064(d)) is amended—

(1) by inserting "(1)" after the subsection designation;

(2) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C);

(3) by striking "more (A)" in subparagraph (C), as redesignated, and inserting "more (i)";

(4) by striking "or (B)" in subparagraph (C), as redesignated, and inserting "or (ii)";

(5) by striking "An order under this subsection may" and inserting:

"(2) An order under this subsection shall";

(6) by striking ", satisfactory to the Commission," and inserting ", as promptly as practicable under the circumstances, as determined by the Commission, for approval by the Commission,"; and

(7) by adding at the end the following:

"(3)(A) If the Commission approves an action plan, it shall indicate its approval in writing.

"(B) If the Commission finds that an approved action plan is not effective or appropriate under the circumstances, or that the manufacturer, retailer, or distributor is not executing an approved action plan effectively, the Commission may, by order, amend, or require amendment of, the action plan. In determining whether an approved plan is effective or appropriate under the circumstances, the Commission shall consider whether a repair or replacement changes the intended functionality of the product.

"(C) If the Commission determines, after notice and opportunity for comment, that a manufacturer, retailer, or distributor has failed to comply substantially with its obligations under its action plan, the Commission may revoke its approval of the action plan.".

(c) CONTENT OF NOTICE.—Section 15 is further amended by adding at the end the following:

"(i) Not later than 180 days after the date of enactment of this Act, the Commission shall, by rule, establish guidelines setting forth a uniform class of information to be included in any notice required under an order under subsection (c) or (d) of this section or under section 12. Such guidelines shall include any information that the Commission determines would be helpful to consumers in—

"(1) identifying the specific product that is subject to such an order;

"(2) understanding the hazard that has been identified with such product (including information regarding incidents or injuries known to have occurred involving such product); and

"(3) understanding what remedy, if any, is available to a consumer who has purchased the product.".

SEC. 210. WEBSITE NOTICE, NOTICE TO THIRD PARTY INTERNET SELLERS, AND RADIO AND TELEVISION NOTICE.

Section 15(c)(1) (15 U.S.C. 2064(c)(1)) is amended by inserting ", including posting clear and conspicuous notice on its Internet website, providing notice to any third party Internet website on which such manufacturer, retailer, or distributor has placed the product for sale, and announcements in languages other than English and on radio and television where the Commission determines that a substantial number of consumers to whom the recall is directed may not be reached by other notice" after "comply".

SEC. 211. INSPECTION OF CERTIFIED PROPRIETARY LABORATORIES.

Section 16(a)(1) is amended by striking "or (B)" and inserting "(B) any proprietary laboratories certified under section 14(e); or (C)".

SEC. 212. IDENTIFICATION OF MANUFACTURER, IMPORTERS, RETAILERS, AND DISTRIBUTORS.

(a) IN GENERAL.—Section 16 (15 U.S.C. 2065) is further amended by adding at the end thereof the following:

"(c) Upon request by an officer or employee duly designated by the Commission—

"(1) every importer, retailer, or distributor of a consumer product (or other product or substance over which the Commission has jurisdiction under this or any other Act) shall identify the manufacturer of that product by name, address, or such other identifying information as the officer or employee may request, to the extent that such information is in the possession of the importer, retailer, or distributor; and

"(2) every manufacturer shall identify by name, address, or such other identifying information as the officer or employee may request—

"(A) each retailer or distributor to which the manufacturer directly supplied a given consumer product (or other product or substance over which the Commission has jurisdiction under this or any other Act);

"(B) each subcontractor involved in the production or fabrication or such product or substance; and

"(C) each subcontractor from which the manufacturer obtained a component thereof.".

(b) COMPLIANCE REQUIRED FOR IMPORTATION.—Section 17 (15 U.S.C. 2066) is amended—

(1) in subsection (g), by striking "may" and inserting "shall"; and

(2) in subsection (h)(2), by striking "may" and inserting "shall, consistent with section 6,".

SEC. 213. EXPORT OF RECALLED AND NON-CONFORMING PRODUCTS.

(a) IN GENERAL.—Section 18 (15 U.S.C. 2067) is amended by adding at the end the following:

"(c) Notwithstanding any other provision of this section, the Commission may prohibit, by order, a person from exporting from the United States for purpose of sale any consumer product, or other product or substance that is regulated under any Act enforced by the Commission, that the Commission determines, after notice to the manufacturer—

"(1) is not in conformity with an applicable consumer product safety rule under this Act or a similar rule under any such other Act;

"(2) is subject to an order issued under section 12 or 15 of this Act or designated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.); or

"(3) is subject to a voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public and that would have been subject to a mandatory corrective action under this or another Act enforced by the Commission if voluntary action had not been taken by the manufacturer,

unless the importing country has notified the Commission that such country accepts the importation of such product, provided that if the importing country has not so notified the Commission within 30 days after the Commission has provided notice to the importing country of the impending shipment, the Commission may take such action as is appropriate with respect to the disposition of the product under the circumstances.".

(b) PROHIBITED ACT.—Section 19(a)(10) (15 U.S.C. 2068(a)(10)) is amended by striking the period at the end and inserting " or violate an order of the Commission issued under section 18(c); or".

(c) CONFORMING AMENDMENTS TO OTHER ACTS.—

(1) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(b)(3) of the Federal Hazardous Substances Act (15 U.S.C. 1264(b)(3)) is amended by striking "substance presents an unreasonable risk of injury to persons residing in the United States" and inserting "substance is prohibited under section 18(c) of the Consumer Product Safety Act,".

(2) FLAMMABLE FABRICS ACT.—Section 15 of the Flammable Fabrics Act (15 U.S.C. 1202) is amended by adding at the end the following:

"(d) Notwithstanding any other provision of this section, the Consumer Product Safety Commission may prohibit, by order, a person from exporting from the United States for purpose of sale any fabric, related material, or product that the Commission determines, after notice to the manufacturer—

"(1) is not in conformity with an applicable consumer product safety rule under the Consumer Product Safety Act or with a rule under this Act;

"(2) is subject to an order issued under section 12 or 15 of the Consumer Product Safety Act or designated as a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.); or

"(3) is subject to a voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public and that would have been subject to a mandatory corrective action under this or another Act enforced by the Commission if voluntary action had not been taken by the manufacturer,

unless the importing country has notified the Commission that such country accepts the importation of such product, provided that if the importing country has not so notified the Commission within 30 days after the Commission has provided notice to the importing country of the impending shipment, the Commission may take such action as is appropriate with respect to the disposition of the product under the circumstances.".

SEC. 214. PROHIBITION ON SALE OF RECALLED PRODUCTS.

Section 19(a) (as amended by section 210) (15 U.S.C. 2068(a)) is further amended—

(1) by striking paragraph (1) and inserting the following:

"(1) sell, offer for sale, manufacture for sale, distribute in commerce, or import into the United States any consumer product, or other product or substance that is regulated under any other Act enforced by the Commission, that is—

"(A) not in conformity with an applicable consumer product safety standard under this Act, or any similar rule under any such other Act;

"(B) subject to voluntary corrective action taken by the manufacturer, in consultation with the Commission, of which action the Commission has notified the public;

"(C) subject to an order issued under section 12 or 15 of this Act; or

"(D) designated a banned hazardous substance under the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.);";

(2) by striking "or" after the semicolon in paragraph (7);

(3) by striking "and" after the semicolon in paragraph (8); and

(4) by striking "insulation)." in paragraph (9) and inserting "insulation);".

SEC. 215. INCREASED CIVIL PENALTY.

(a) MAXIMUM CIVIL PENALTIES OF THE CONSUMER PRODUCT SAFETY COMMISSION.—

(1) INITIAL INCREASE IN MAXIMUM CIVIL PENALTIES.—

(A) TEMPORARY INCREASE.—Notwithstanding the dollar amounts specified for maximum civil penalties specified in section 20(a)(1) of the Consumer Product Safety Act (15 U.S.C. 2069(a)(1)), section 5(c)(1) of the Federal Hazardous Substances Act, and section 5(e)(1) of the Flammable Fabrics Act (15 U.S.C. 1194(e)(1)), the maximum civil penalties for any violation specified in such sections shall be $5,000,000, beginning on the date that is the earlier of the date on which final regulations are issued under section 3(b) or 360 days after the date of enactment of this Act.

(B) EFFECTIVE DATE.—Paragraph (1) shall cease to be in effect on the date on which the amendments made by subsection (b)(1) shall take effect.

(2) PERMANENT INCREASE IN MAXIMUM CIVIL PENALTIES.—

(A) AMENDMENTS.—

(i) CONSUMER PRODUCT SAFETY ACT.—Section 20(a)(1) (15 U.S.C. 2069(a)(1)) is amended by striking "$1,250,000" both places it appears and inserting "$10,000,000".

(ii) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(c)(1) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)(1)) is amended by striking "$1,250,000" both places it appears and inserting "$10,000,000".

(iii) FLAMMABLE FABRICS ACT.—Section 5(e)(1) of the Flammable Fabrics Act (15 U.S.C. 1194(e)(1)) is amended by striking "$1,250,000" and inserting "$10,000,000".

(B) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect on the date that is 1 year after the earlier of—

(i) the date on which final regulations are issued pursuant to section 3(b); or

(ii) 360 days after the date of enactment of this Act.

(b) DETERMINATION OF PENALTIES BY THE CONSUMER PRODUCT SAFETY COMMISSION.—

(1) FACTORS TO BE CONSIDERED.—

(A) CONSUMER PRODUCT SAFETY ACT.—Section 20(b) (15 U.S.C. 2069(b)) is amended—

(i) by inserting "the nature, circumstances, extent, and gravity of the violation, including" after "shall consider";

(ii) by striking "products distributed, and" and inserting "products distributed,"; and

(iii) by inserting ", and such other factors as appropriate" before the period.

(B) FEDERAL HAZARDOUS SUBSTANCES ACT.—Section 5(c)(3) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)(3)) is amended—

(i) by inserting "the nature, circumstances, extent, and gravity of the violation, including" after "shall consider";

(ii) by striking "substance distributed, and" and inserting "substance distributed,"; and

(iii) by inserting ", and such other factors as appropriate" before the period.

(C) FLAMMABLE FABRICS ACT.—Section 5(e)(2) of the Flammable Fabrics Act (15 U.S.C. 1194(e)(2)) is amended—

(i) by striking "nature and number" and inserting "nature, circumstances, extent, and gravity";

(ii) by striking "absence of injury, and" and inserting "absence of injury,"; and

(iii) by inserting ", and such other factors as appropriate" before the period.

(2) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, and in accordance with the procedures of section 553 of title 5, United States Code, the Commission shall issue a final regulation providing its interpretation of the penalty factors described in section 20(b) of the Consumer Product Safety Act (15 U.S.C. 2069(b)), section 5(c)(3) of the Federal Hazardous Substances Act (15 U.S.C. 1264(c)(3)), and section 5(e)(2) of the Flammable Fabrics Act (15 U.S.C. 1194(e)(2)), as amended by subsection (a).

SEC. 216. CRIMINAL PENALTIES TO INCLUDE ASSET FORFEITURE.

Section 21 (15 U.S.C. 2070) is amended by adding at the end thereof the following:

"(c)(1) In addition to the penalty provided by subsection (a), the penalty for a criminal violation of this Act or any other Act enforced by the Commission may include the forfeiture of assets associated with the violation.

"(2) In this subsection, the term 'criminal violation' means a violation of this Act of any other Act enforced by the Commission for which the violator is sentenced under this section, section 5(a) of the Federal hazardous Substances Act (15 U.S.C. 2064(a)), or section 7 of the Flammable Fabrics Act (15 U.S.C. 1196).".

SEC. 217. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

Section 24 (15 U.S.C. 2073) is amended—

(1) in the section heading, by striking "PRIVATE" and inserting "ADDITIONAL";

(2) by striking "Any interested person" and inserting "(a) Any interested person"; and

(3) by striking "No separate suit" and all that follows and inserting the following:

"(b)(1) The attorney general of a State, alleging a violation of section 19(a) that affects or may affect such State or its residents may bring an action on behalf of the residents of the State in any United States district court for the district in which the defendant is found or transacts business to enforce a consumer product safety rule or an order under section 15, and to obtain appropriate injunctive relief.

"(2) Not less than thirty days prior to the commencement of such action, the attorney general shall give notice by registered mail to the Commission, to the Attorney General, and to the person against whom such action is directed. Such notice shall state the nature of the alleged violation of any such standard or order, the relief to be requested, and the court in which the action will be brought. The Commission shall have the right—

"(A) to intervene in the action;

"(B) upon so intervening, to be heard on all matters arising therein;

"(C) and to file petitions for appeal.

"(c) No separate suit shall be brought under this section if at the time the suit is brought the same alleged violation is the subject of a pending civil or criminal action by the United States under this Act. In any action under this section the court may in the interest of justice award the costs of suit, including reasonable attorneys' fees (determined in accordance with section 11(f)) and reasonable expert witnesses' fees.".

SEC. 218. EFFECT OF RULES ON PREEMPTION.

In issuing any rule or regulation in accordance with its statutory authority, the Commission shall not seek to expand or contract the scope, or limit, modify, interpret, or extend the application of sections 25 and 26 of the Consumer Products Safety Act (15 U.S.C. 2074 and 2075, respectively), section 18 of the Federal Hazardous Substances Act (15 U.S.C. 1261), section 7 of the Poison Prevention Packaging Act (15 U.S.C. 1476), or section 16 of the Flammable Fabrics Act (15 U.S.C. 1203) with regard to the extent to which each such Act preempts, limits, or otherwise affects any other Federal, State, or local law, or limits or otherwise affects any cause of action under State or local law.

SEC. 219. SHARING OF INFORMATION WITH FEDERAL, STATE, LOCAL, AND FOREIGN GOVERNMENT AGENCIES.

Section 29 (15 U.S.C. 2078) is amended by adding at the end the following:

"(f)(1) The Commission may make information obtained by the Commission under this Act available (consistent with the requirements of section 6) to any Federal, State, local, or foreign government agency upon the prior certification of an appropriate official of any such agency, either by a prior agreement or memorandum of understanding with the Commission or by other written certification, that such material will be maintained in confidence and will be used only for official law enforcement or consumer protection purposes, if—

"(A) the agency has set forth a bona fide legal basis for its authority to maintain the material in confidence;

"(B) the materials are to be used for purposes of investigating, or engaging in enforcement proceedings related to, possible violations of—

"(i) laws regulating the manufacture, importation, distribution, or sale of defective or unsafe consumer products, or other practices substantially similar to practices prohibited by any law administered by the Commission;

"(ii) a law administered by the Commission, if disclosure of the material would further a Commission investigation or enforcement proceeding; or

"(iii) with respect to a foreign law enforcement agency, with the approval of the Attorney General, other foreign criminal laws, if such foreign criminal laws are offenses defined in or covered by a criminal mutual legal assistance treaty in force between the government of the United States and the foreign law enforcement agency's government; and

"(C) in the case of a foreign government agency, such agency is not from a foreign state that the Secretary of State has determined, in accordance with section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)), has repeatedly provided support for acts of international terrorism, unless and until such determination is rescinded pursuant to section 6(j)(4) of that Act (50 U.S.C. App. 2405(j)(4)).

"(2) The Commission may abrogate any agreement or memorandum of understanding entered into under paragraph (1) if the Commission determines that the agency with which such agreement or memorandum of understanding was entered into has failed to maintain in confidence any information provided under such agreement or memorandum of understanding, or has used any such information for purposes other than those set forth in such agreement or memorandum of understanding.

"(3)(A) Except as provided in subparagraph (B) of this paragraph, the Commission shall not be required to disclose under section 552 of title 5, United States Code, or any other provision of law—

"(i) any material obtained from a foreign government agency, if the foreign government agency has requested confidential treatment, or has precluded such disclosure under other use limitations, as a condition of providing the material;

"(ii) any material reflecting a consumer complaint obtained from any other foreign source, if that foreign source supplying the material has requested confidential treatment as a condition of providing the material; or

"(iii) any material reflecting a consumer complaint submitted to a Commission reporting mechanism sponsored in part by foreign government agencies.

"(B) Nothing in this subsection shall authorize the Commission to withhold information from the Congress or prevent the Commission from complying with an order of a court of the United States in an action commenced by the United States or the Commission.

"(4) In this subsection, the term 'foreign government agency' means—

"(A) any agency or judicial authority of a foreign government, including a foreign state, a political subdivision of a foreign state, or a multinational organization constituted by and comprised of foreign states, that is vested with law enforcement or investigative authority in civil, criminal, or administrative matters; and

"(B) any multinational organization, to the extent that it is acting on behalf of an entity described in subparagraph (A).

"(g) Whenever the Commission is notified of any voluntary recall of any consumer product self-initiated by a manufacturer (or a retailer in the case of a retailer selling a product under its own label), or issues an order under section 15(c) or (d) with respect to any product, the Commission shall notify each State's health department or other agency designated by the State of the recall or order.".

SEC. 220. INSPECTOR GENERAL AUTHORITY AND ACCESSIBILITY.

(a) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Inspector General of the Commission shall transmit a report to Congress on the activities of the Inspector General, any structural barriers which prevent the Inspector General from providing robust oversight of the activities of the Commission, and any additional authority or resources that would facilitate more effective oversight.

(b) EMPLOYEE COMPLAINTS.—

(1) IN GENERAL.—The Inspector General of the Commission shall conduct a review of—

(A) complaints received by the Inspector General from employees of the Commission about violations of rules, regulations, or the provisions of any Act enforced by the Commission; and

(B) the process by which corrective action plans are negotiated with such employees by the Commission, including an assessment of the length of time for these negotiations and the effectiveness of the plans.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Inspector General shall transmit a report to the Commission and to Congress setting forth the Inspector General's findings, conclusions, actions taken in response to employee complaints, and recommendations.

(c) COMPLAINT PROCEDURE.—Not later than 30 days after the date of enactment of this Act the Commission shall establish and maintain on the homepage of the Commission's Internet website a mechanism by which individuals may anonymously report incidents of waste, fraud, or abuse with respect to the Commission.

SEC. 221. REPEAL.

Section 30 (15 U.S.C. 2079) is amended by striking subsection (d) and redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

SEC. 222. INDUSTRY-SPONSORED TRAVEL BAN.

The Consumer Product Safety Act (15 U.S.C. 1251 et seq.) is amended by adding at the end the following new section:

"SEC. 38. PROHIBITION ON INDUSTRY-SPONSORED TRAVEL.

"(a) PROHIBITION.—Notwithstanding section 1353 of title 31, United States Code, no Commissioner or employee of the Commission shall accept travel, subsistence, and related expenses with respect to attendance by a Commissioner or employee at any meeting or similar function relating to official duties of a Commissioner or an employee, from a person—

"(1) seeking official action from, doing business with, or conducting activities regulated by, the Commission; or

"(2) whose interests may be substantially affected by the performance or nonperformance of the Commissioner's or employee's official duties.

"(b) AUTHORIZATION OF APPROPRIATIONS FOR OFFICIAL TRAVEL.—There are authorized to be appropriated, for each of fiscal years 2009 through 2011, $1,200,000 to the Commission for certain travel and lodging expenses necessary in furtherance of the official duties of Commissioners and employees.".

SEC. 223. ANNUAL REPORTING REQUIREMENT.

Section 27(j) (15 U.S.C. 2076(j)) is amended—

(1) in the matter preceding paragraph (1), by striking "The Commission" and inserting "Notwithstanding section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note), the Commission"; and

(2) by redesignating paragraphs (5) through (11) as paragraphs (6) through (12), respectively and inserting after paragraph (4) the following:

"(5) the number and summary of recall orders issued under section 12 or 15 during such year and a summary of voluntary actions taken by manufacturers of which the Commission has notified the public, and an assessment of such orders and actions;".

SEC. 224. STUDY ON THE EFFECTIVENESS OF AUTHORITY RELATING TO IMPORTED PRODUCTS.

The Commission shall study the effectiveness of section 17(a) of the Consumer Product Safety Act (15 U.S.C. 2066(a)), specifically paragraphs (3) and (4) of such section, to determine a specific strategy to increase the effectiveness of the Commission's ability to stop unsafe products from entering the United States. The Commission shall submit a report to Congress not later than 9 months after enactment of this Act, which shall include recommendations regarding additional authority the Commission needs to implement such strategy, including any necessary legislation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. RUSH) and the gentleman from Texas (Mr. BARTON) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois.

GENERAL LEAVE

Mr. RUSH. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. RUSH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, today is indeed a grand day. Today is a day that we show the American people that this Congress, this House of Representatives, gets things done. Today the House will vote on sweeping bipartisan legislation that will protect our children from defective and dangerous toys and comprehensively reforms the Consumer Product Safety Commission.

The bill before us today, H.R. 4040, the Consumer Product Safety Modernization Act of 2007, was introduced by Chairman DINGELL, Ranking Member BARTON, Ranking Member STEARNS, and myself. This historic bill authorizes desperately needed resources to the commission and dramatically rewrites the Consumer Product Safety Act as well as the Federal Hazardous Substances Act, both of which are administered by the CPSC. After decades of neglect, H.R. 4040 finally restores the CPSC to its rightful place of prominence and gives it the necessary tools to grapple with the global marketplace and protect America's consumers, particularly our children, from dangerous and defective products.

This bill represents 8 months of work, five hearings, a subcommittee markup, and a full committee markup in which the final vote was 51–0. As chairman of the Subcommittee on Commerce, Trade, and Consumer Protection, I am extremely proud of our collective efforts during this entire process.

H.R. 4040 has two titles. Title I specifically addresses children's products by establishing the strictest lead standards in the world for children's products and requiring certification and testing. Title II overhauls the CPSC itself, giving the beleaguered agency much-needed resources and strengthening its underlying organic statute. At both the subcommittee and full committee markups, the bill underwent significant changes: We strengthened the lead standard, raised the age requirement for mandatory testing to 12 years of age, required CPSC to appropriately tailor their corrective action plans to fit consumer needs, bestowed enforcement authority to State attorneys general, banned corporate-sponsored travel for CPSC employees, and preserved State common law rights of action.

All of these excellent changes were made at the behest of the members of the Energy and Commerce Committee who offered their valuable input on how to make this underlying bill even better.

Madam Speaker, I cannot emphasize enough the bipartisan nature of this bill. From the very beginning, we drafted this bill in consultation with the Consumer Product Safety Commission, consumer groups, and industry. Madam Speaker, I want to sincerely thank the distinguished chairman of the full Committee on Energy and Commerce, my dear friend from Michigan, Mr. JOHN DINGELL, for his unparalleled leadership. This bill simply would not be possible without Chairman DINGELL's guidance. Of course, I want to thank my friends, the distinguished ranking member of the committee, Mr. BARTON; and the ranking member of the subcommittee, Mr. STEARNS, for their incredible leadership and unwavering cooperation.

I urge my colleagues to vote "yes" on this historic bill.

Madam Speaker, I reserve the balance of my time.

Mr. BARTON of Texas. Madam Speaker, I yield myself 5 minutes.

Madam Speaker, I want to start off by congratulating Chairman JOHN DINGELL. I have with me today's Congress Daily, one of the news periodicals that tracks what we do. And on page 7 the headline is "House Panel Easily Passes Consumer Safety Legislation." It goes on to say that DINGELL said he plans to approach the Speaker and ask her to put the bill on the Suspension Calendar because it passed committee 51–0, and in the next paragraph it says that a leadership aide said it is unlikely that the bill could come to the floor before Congress adjourns for the year.

Well, I just want to congratulate the chairman for going to Speaker PELOSI and getting her to agree to put this bill on the floor before we go home because this bill shows how the Congress should work. It didn't pass 51–0 because of serendipity. It passed 51–0 yesterday in the Energy and Commerce Committee because staffs on both sides of the aisle of both the full committee and the subcommittee met for countless hours to negotiate the many compromises necessary to put the bill together. I want to especially compliment Consuela Washington, the majority counsel, Chairman DINGELL's counsel, who has worked so hard on this bill. If President Washington were still alive today, he would be very proud of her for the work that she's done because she has not only had to work with the minority staffers and members, she has also had to diligently work with the majority staffers and members as sometimes each side was pulling her in different directions. It's good to know that she's all in one piece and doing well.

This bill will strengthen the Consumer Product Safety Commission. This bill will create a state-of-the-art testing laboratory to test the products and the toys that we sell to the American public. This bill will enhance the recall ability of the Consumer Product Safety Commission. This bill will expand the number of commissioners so that we have a full commission again. This bill increases the fines that the Consumer Product Safety Commission can levy against recalcitrant companies that sell defective products. And this bill has the toughest lead standard in the world for products.

I wish it were my line, but it's not. Chairman RUSH's line on the lead standard, in response to an amendment in committee to make it even tougher, said that God himself at Mount Horeb where He gave the Ten Commandments to Moses, that may have been the only holy ground in the world that would have met this standard. I thought that was just priceless in terms of trying to put in context how tough this standard is that the Lord Himself would have difficulty meeting the standard in the bill.

So this is a good work product. It was done the right way. Negotiations with the stakeholders, negotiations with members, negotiations with the staff; an open markup at subcommittee; adequate time between subcommittee and full committee; a manager's amendment that was circulated so all members had a chance to see it; a full committee markup that lasted 2 days; numerous amendments that were offered, some withdrawn, some accepted, some modified. And the result was a 51–0 vote that occurred in full committee yesterday. And then again, thanks to Chairman DINGELL's ability to get things done in the House, a Suspension Calendar vote today so that Members on both sides of the aisle have an attempt to put their stamp of approval on this very important piece of legislation.

I'm very proud to have played a small part in this process, and I cannot urge in stronger language that we should pass this and send it to the other body so that they may also reciprocate.

I predicted at the press conference 6 weeks ago or 2 months ago that something very close to this bill will be on the President's desk. We will have a bill signing ceremony in the Oval Office or the Rose Garden on this legislation later in this Congress.

So I'm very pleased to endorse it. I again thank all Members for their hard work, and a special commendation to CLIFF STEARNS, the former ranking member of the subcommittee, for his hard work.

Madam Speaker, I reserve the balance of my time.

Mr. RUSH. Madam Speaker, I yield 2 minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. I want to thank the distinguished chairman of the subcommittee, Mr. RUSH, for yielding me this time, and I want to congratulate him and my distinguished chairman, Mr. DINGELL, for bringing this strong consumer protection bill to the floor so quickly. I also want to thank Congresswoman DELAURO, whom I have been working with on this legislation for a number of years, and I am so thrilled to see it on the floor.

Madam Speaker, this year we have seen the number of children's product and toy recalls rise dramatically. Many of these recalls were because of the excessive amounts of lead, which is a very dangerous compound for children. As if parents didn't have enough to worry about this season, they're faced with another dilemma. Are the toys that they are buying safe? Today in the House we will act to make sure the answer to that question in the future is a resounding "yes."

Back in September, with Congresswoman DELAURO, I introduced a bill to address this issue. I want to commend the good work of the Energy and Commerce Committee for incorporating many of the provisions of our bill, most of the provisions, into H.R. 4040 as it sits before us today.

This bill takes a number of steps to protect kids under 12. For example, it almost doubles the funding for the Consumer Product Safety Commission, which has been woefully underfunded and staffed. It bans lead in children's products and toys. It requires independent third-party testing. And it bans industry-sponsored travel, which has been a scandal at the Consumer Product Safety Commission.

Passing H.R. 4040 today is a crucial first step in making sure that children are safe from dangerous products. As parents like us are rushing to finish their holiday shopping this weekend, they can rest assured that the U.S. House of Representatives is on their side.

I look forward to working with my colleagues early in the next session to make sure that the food parents are putting on their table is also safe.

Mr. BARTON of Texas. Madam Speaker, I want to yield 5 minutes to the former chairman of the subcommittee and then the ranking member of the subcommittee, who is now the ranking member of the Telecommunications Subcommittee, the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Madam Speaker, I rise in support of this bill. As Chairman BARTON has pointed out, it has been bipartisan, with 51 people voting for it and no one voting against it. We had a conscientious markup, particularly on several amendments. These amendments were defeated so that we had a little compromise involved.

A lot of Americans should realize that the Consumer Product Safety Commission came into existence in 1973 as the agency to ensure consumer products, including toys, not to pose risks of injuries to our families, illness or death to consumers. Lots of times products are not used properly, and that causes a problem.

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The Consumer Product Safety Commission cannot guarantee safety if the consumers don't use their products properly.

They have 15,000 different products that they have to promulgate with standards. Fortunately, the Commission rarely has had to promulgate mandatory standards for all these products and can rely on voluntary standards that are simply developed by the industry itself.

This bill, as Mr. BARTON pointed out, is going to be signed in very short order after we pass this under suspension.

Many of the Members on both sides talked about the growing compliance shortfalls with toys that are manufactured outside the United States, particularly in China. Specifically, our attention was focused on the spate of recalls which increased dramatically for toys with lead-based paints exceeding the United States limit. This was a problem we have rarely seen in 30 years since we passed the Federal ban on lead-based paint. I am pleased to report that manufacturers and retailers have stepped up to the plate in testing in response to these problems, and that's good.

Nevertheless, my colleagues, toys have not been the only problem this year, as imports of every type of product increasingly account for our supply of goods, particularly from China. As our imports have risen over the years, so have the number of problems that have been associated with these products that come in. But the Consumer Product Safety Commission has met this daunting challenge and, as you can imagine, with 15,000 different kinds of products, they have issued more recalls over the last 2 years than any other time in our history. Despite this, we recognized the need to provide the Commission with additional resources, which we are doing today. We authorize significant increases in their budget so that the Commission may fulfill their mission to keep defective products that can cause injury, or worse, out of the stream of commerce.

So, I'm pleased to report that the omnibus bill we passed this week includes increased appropriations for the Commission, so they're getting new resources.

This bill is good public policy that not only provides the Commission with new resources, but, as was pointed out, much, much more. It provides for new standards regarding lead paint and implements the most stringent standard ever for lead content in children's products. The bill requires testing and certification of children's products before they are ever shipped to store shelves, and provides increased penalties for companies that violate the law.

New laboring requirements will help facilitate effective recalls, and the bill provides greater authority for the Commission to recall harmful products and notify the public of these dangers. Very important; they have this extra recall authority.

We have worked with the consumer groups, industry, and the Commission to make this a bipartisan, sound bill that works effectively. So I commend Chairman RUSH, I commend, obviously, Mr. DINGELL, and I commend our ranking member, Chairman BARTON, on their willingness to make this an open process. We talked about it, and the result is what we see today, a bipartisan bill that has the support of the House.

So, I urge my colleagues to support it, and I look forward to its implementation into law.

Mr. RUSH. Madam Speaker, I yield 2½ minutes to the gentlelady from Connecticut, the vice chairman of the Democratic Caucus, Ms. DELAURO.

Ms. DELAURO. Madam Speaker, when the toys our children play with are no longer safe, government must respond. Today's bill represents a first step forward, an active response to an agency which has failed to take its regulatory responsibilities seriously for far too long, an agency that does not understand its regulatory function. We are addressing the Consumer Product Safety Commission's mandate, and trying to reform it in a meaningful way.

I have been proud to work with my colleague, Congresswoman DEGETTE, and other colleagues from the Energy and Commerce Committee to hone, to strengthen this bill. We all recognize that the American people must be able to depend on the system responsible for protecting them.

I especially want to thank Congresswoman ANNA ESHOO who fought to strengthen the mandatory recall provision governing products that pose an imminent hazard. This new authority will allow the CPSC to provide notice and halt distribution without protracted legal proceedings.

I am pleased that I could partner with my colleagues to strengthen this bill in other ways as well, requiring tracking labels and product registration cards for durable and nursery products, providing the additional resources the CPSC needs to get its act together, instituting a ban on industry-sponsored travel, and providing for protections for children under the age of 12.

I do not believe that we have gone far enough and that we must go further. I look forward to making this bill stronger still, working through the conference to address its shortcomings.

Under this bill, we must make it clear that States will not be preempted. Attorneys General should not be limited when pursuing remedies or penalties. At a time when the number of dangerous products entering our markets are skyrocketing, this is a problem we need to fix now. We should be bringing more allies to our fight, not fewer.

Also, we are still not tough enough on third-party testing. There are still loopholes that leave manufacturers to conduct their own tests. The days of industry self-policing must come to an end. And I believe the current provision banning lead, although long overdue, has problematic exemptions. Health advocacy experts have testified to the need to place its threshold at 40 parts per million and urge more timely implementation. With our children's health at stake, we should listen to the experts.

Government has an obligation to its citizens; it's that simple. This bill represents a first step forward in meeting that obligation, striving to make sure dangerous toys and products do not slip through the cracks and into our children's hands.

During this holiday season, we cannot afford to wait any longer. I urge a "yes" vote on this legislation.

Mr. BARTON of Texas. May I inquire as to the time I have remaining, Madam Speaker?

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman from Texas has 11 minutes remaining. The gentleman from Illinois has 11½ minutes remaining.

Mr. BARTON of Texas. I ask unanimous consent to yield 6 of my 11 minutes to Mr. RUSH for him to control.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Illinois now has 17½ minutes remaining.

Mr. RUSH. I want to thank the gentleman.

Mr. BARTON of Texas. And of the 5 minutes I still control, I want to yield two of those minutes to the new ranking member of the Consumer Protection and Trade Subcommittee, Mr. WHITFIELD.

Mr. WHITFIELD. Madam Speaker, I certainly want to congratulate Chairman DINGELL, Ranking Member BARTON, Chairman RUSH and Ranking Member STEARNS.

Recently, we've read many articles about products coming out of China, whether it be wheat gluten, whether it be contaminated toothpaste, whether it be excessive lead in the paints of toys, and all of us are quite excited about this legislation, H.R. 4040, for the reformation that it makes in the Consumer Product Safety Commission.

One thing that I would point out, and other people have already said it, but the new standards regarding lead paints implements the most stringent standard ever for lead content in children's products in this legislation. So, this is an exciting day for the American people. I think it shows that Congress does have the ability to meet very important problems facing our country.

I look forward to the passage of this legislation today, and certainly want to thank the staff for the hard work that they did on both sides of the aisle.

Mr. RUSH. Madam Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. STUPAK).

Mr. STUPAK. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I rise in support of the Consumer Protection Safety Modernization Act, of which I am a cosponsor. There is no better time to pass this legislation than right now before the holidays when parents are buying toys for their children.

After months of recalls of Chinese-manufactured toys, it is evident that the Consumer Protection Safety Commission lacks strong authority and needs additional resources to protect the safety of our children and loved ones.

This legislation will implement a graduated reduction of lead standards, reducing 100 parts per million, a level unmatched anywhere in the world.

The bill will also require manufacturers to include tracking labels to aid in the event of a recall on all toys intended for children 12 and younger, and mandate third-party testing of toys for lead by labs accredited by the CPSC.

This legislation strengthens the commission by authorizing significant increases in funding levels over the next 3 years, allowing the Product Safety Commission to hire additional employees, which has been at an all-time low since their inception. Furthermore, this legislation provides an additional $20 million to modernize CPSC's testing laboratory to ensure safe products.

Madam Speaker, I applaud Chairman DINGELL, Chairman RUSH, Mr. BARTON and Mr. STEARNS for bringing this bill to the floor. I urge my colleagues to join me in voting in favor of this bill.

Mr. BARTON of Texas. I yield 1½ minutes to a distinguished member of the full committee, Dr. MURPHY of Pennsylvania.

Mr. TIM MURPHY of Pennsylvania. I thank my distinguished ranking member.

In 2007, there have been 61 toy recalls, which translates to about 25 million toys. This number is up significantly from the 40 recalls of 5 million toys we had last year. And this is what we caught.

This bill will help protect consumers. The real culprits remain, however, the trading partners who refuse to abide by international standards, countries like China and others who have lax oversight, who happen to be the leading countries that are involved with these appalling rates. That's why this bill is so important, because it is up to us to set sound and safe standards and enforce them.

In addition, I am pleased the committee will be looking at further research to look at the issue of pet toys, pet toys that may themselves have lead and other toxic metals that are unregulated. Not only is this a concern in exposure for the family pet, but also because many of these toys themselves are inviting to children. Young children themselves may pick them up, put them in their mouth, and get these toxic substances on their hands.

As people do their shopping this holiday season, perhaps what we should be doing as a Nation, before this bill is signed by the President and goes into effect, instead of judging products by cheap prices, we should all be looking for quality and safety that comes from buying American products.

With that, I thank the committee.

Mr. RUSH. Madam Speaker, I yield 2 minutes to the gentlelady from California (Ms. HARMAN).

Ms. HARMAN. I thank the gentleman for yielding.

Madam Speaker, I am enjoying my return to the Commerce Committee, where I serve under a great chairman, JOHN DINGELL.

Our committee has a history of producing strong bipartisan legislation. The regular order works, and we do good work when we follow it.

As a grandmother and grandmother-to-be, I watched in horror this summer as millions of toys were pulled off of American store shelves due to lead-tainted paint, detached magnets, and other hazards. I was further dismayed because Mattel, one of the companies responsible, is headquartered in my congressional district and employs 2,000 of my constituents to design and market its toys. I am pleased to say that Mattel has worked hard to fix its problems, though I will continue to recommend that it move some of or all of its manufacturing back to this country, where quality can be carefully monitored.

Madam Speaker, for all the reasons my colleagues have mentioned, H.R. 4040 is a landmark bill. It sets a high bar for toy manufacturers like Mattel, and strengthens government scrutiny of industry. H.R. 4040 was written the right way, the bipartisan way, and through the regular order of the House. In terms of process, it is a model for Congress at its best, and grandmothers, grandmothers-to-be, children, and our committee will be better for it.

I urge passage of this bill.

Mr. BARTON of Texas. Madam Speaker, I reserve the balance of my time.

Mr. RUSH. Madam Speaker, it is my pleasure now to yield 2½ minutes to the gentlelady from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Thank you, Mr. Chairman, for yielding to me. And I thank you, Chairman DINGELL, Ranking Member BARTON and vice chairman of the subcommittee, Mr. STEARNS, for bringing this bill to fruition.

This is the season of giving, but parents today are worrying about whether the toys they buy for their children will be safe or a potentially lethal hazard.

The Chicago Tribune recently tested 800 toys and found a wooden butterfly in an Oak Park toy store with 85,000 parts per million of lead, 142 times the legal limit.

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A Superman figurine contained 33,000 parts per million. The Associated Press followed up with their own tests, and 35 percent of the toys they looked at were contaminated with lead levels above the legal limit.

We should have a Consumer Product Safety Commission that is aggressive in protecting our children, our most precious resource. We should, but we don't. Unfortunately, the CPSC acting chairwoman seems content with the status quo.

H.R. 4040, the Consumer Product Safety Modernization Act, recognizes that the status quo of daily recalls, injuries and deaths is not acceptable. I support this bill because it provides new authority and resources to make products, particularly children's products, safe.

There are many important provisions in this bill. It would virtually ban lead in products intended for children age 12 and younger. It will mandate independent third-party testing for hazards in children's products and improve the recall process. It includes provisions from legislation I introduced to require long-overdue mandatory safety standards for durable infant and toddler products and strengthen recall effectiveness by requiring them to include recall registration cards.

I hope we can make this bill even stronger. Even with added resources authorized from the bill, a major improvement from the levels requested by President Bush, we could do better, particularly when it comes to monitoring imports. I support measures to add mandatory premarketing testing and other important things. But ultimately, we need to pass this legislation.

I support measures to add mandatory premarketing testing, tough whistleblower protections and the assurance that injured consumers will have full rights to hold wrongdoers accountable. And while I support provisions to encourage manufacturers to report dangerous products, I remain concerned about the effect those provisions would have on criminal liability and hope we can take a further look at this.

Ultimately no legislation will be successful if the CPSC continues to shirk its mandate of protecting consumers. I want to thank Chairman DINGELL and Chairman RUSH for their hard work on this bill and for their commitment to holding vigorous oversight of CPSC's activities. I look forward to working with them to make this bill even stronger.

Mr. BARTON of Texas. I continue to reserve my time.

Mr. RUSH. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. CARNEY).

Mr. CARNEY. Thank you, Mr. Chairman.

Madam Speaker, like so many before me, I rise today in support of the Consumer Product Safety Modernization Act, H.R. 4040. As the father of five, I am very concerned about our children's safety. This legislation creates the toughest lead standard in the world for children's products, and I could not be prouder to support it.

I have held town hall meetings all across my district in Pennsylvania, and lead in children's toys remains a constant concern for parents. We need to know that our children are not playing with hazardous toys. We all know that lead poisoning can be extremely dangerous. According to the U.S. Consumer Product Safety Commission, lead poisoning in children is associated with behavioral problems, learning disabilities, growth retardation and even death.

As the holidays approach, this legislation is even more urgent. Requiring mandatory safety standards for nursery products and mandatory third-party testing of children's products will help stop the problem of lead toys before they hit the shelf. In addition, this legislation requires tracking labels to aid in recalls. I have been working with the CPSC to ensure that recalled items are removed from store shelves as quickly and as safely as possible.

My office has worked to make sure the public knows when there is a recall and how to take action. This holiday season, I urge all parents to check where the toy has been made and keep up to date with the recall e-mail notices provided by the CPSC. I am proud to offer my strong support for this critical legislation.

Mr. RUSH. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Madam Speaker, today the House will take up legislation that, in the great tradition of the Energy and Commerce Committee, was reported out of the committee unanimously. I would have voted for it as well had I not been on the House floor presenting another piece of legislation. I want to commend Chairman DINGELL, Subcommittee Chairman RUSH, and Ranking Members BARTON and STEARNS for their great accomplishment.

This bill will develop a standard that will protect children from the dangers associated with lead exposure. It will create a national standard that is one of the strongest in the world and ensure that our toys are as safe as possible. This is an accomplishment that we all can be proud of. But let me point out that no one piece of legislation can make all the changes that we need at the Consumer Product Safety Commission. What we need to continue to look for are ways to further improve the CPSC.

We must ensure that the Consumer Product Safety Commission and the public get, and can appropriately use, information from manufacturers about the safety of their products. We must also ensure that the States have all the tools they need to permit them to fully assist the CPSC in its task because they will continue to be vitally important partners in enforcing the law.

Every day, Americans rely on the Consumer Product Safety Commission to protect them from dangerous products. To date, frankly, it has not done its job. This bill is the first step in changing direction and in making the CPSC the effective agency the American people expect and deserve. I know this will be a continuing effort on the part of the committee, and I look forward to working with my colleagues on that committee in a bipartisan way, I hope, to ensure that we achieve this goal.

Mr. RUSH. Madam Speaker, I yield 2½ minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman.

Madam Speaker, this is the holiday season. For many of us, this is Christmas. And I believe we owe a debt of gratitude to the Energy and Commerce Committee, Mr. RUSH; the chairman of the full committee, Mr. DINGELL; all of the people who worked so hard; Ms. DELAURO who is not on the committee but who worked hard on this issue; and my good friend from Texas (Mr. BARTON) who today declared an enormous Christmas gift. He said the President is going to sign this in near order. Maybe it will be tonight or tomorrow, and we will come back with our Santa Claus hats on. I chair the Congressional Children's Caucus, and this is a mighty important step going forward.

I am delighted to be an original cosponsor of H.R. 4040, and I am really pleased that we responded immediately in an emergency posture. Can you imagine, Mr. RUSH, listening to a member of the Consumer Product Safety Commission saying, "We need no more resources, everything is well." And can you imagine parents as they push the wee hours of the morning, of course not them, working with Santa, to get toys for their children, to be able to have to question whether these toys are safe? In fact, in my own district, I am hearing that parents are questioning, and the purchases of gifts are down, toys are down because they just don't know what is safe.

This is a good bill. It instructs those who are dealing with children that there has to be important oversight. I am working, as well, and hope that as we move forward to expand the responsibilities of the Consumer Product Safety Commission that we will also look to language that I have in legislation that I have filed, or will be filing, dealing with the prohibition of imports of children's products without third-party testing for certification.

This kind of oversight is crucial. Lead kills. So many times we have fought against lead in housing and fought against various, if you will, owners of apartments. Many times we have waged a battle against lead in our public housing, section 8 housing or dilapidated housing that many poor Americans have to live in. We have fought against that. Lead kills. Lead is poison. But can you imagine that right under our very noses we had goods and toys that, in fact, our children bought or their family members bought and they played with that would kill?

H.R. 4040, I believe, will save lives. It is an important statement. It is a holiday statement. It is an important statement to indicate that children of America are first. I ask my colleagues to support it.

Mr. RUSH. Madam Speaker, I yield myself 15 seconds.

Madam Speaker, I just want to take a moment to commend the work of the staffs on both sides of the aisle. We have a dedicated, hardworking staff that has done tremendous work over the weekends and into the wee hours of the morning. They have made it possible for this outstanding bill to come before this Congress for the American people. I want to commend them for their outstanding work.

Mr. BARTON of Texas. I continue to reserve my time.

Mr. RUSH. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. I want to thank the gentlemen, both the chairman and the ranking member of the subcommittee and the ranking member of the full committee, for this very important legislation.

My reason for speaking is simply to inform you of what you may already know has taken place on the bill that we voted on the other night. The commission had a budget of $62 million. The President's request was $63 million. During our hearing process, our subcommittee oversees the agency, we were shocked to hear from them that they didn't need any more money. In the middle of such a crisis, they were the only agency in the Federal Government saying, "Don't give us any more money."

Well, understanding the need and within the limited resources, we went from this year's $62 million to a full $80 million, and I wish it could have been $280 million. The purpose of my comments is to remind both sides that since we increased the dollars by $18 million, it was a message that we were all sending that we understand the need to take care of these issues and to react in a very positive way. And so it falls on us now to be very vigilant to make sure that they do the work that they are supposed to do.

There is nothing more important in my opinion at this present moment than to ensure the American people that products that are coming into this country and products that are being produced in this country are safe and proper for their children, for their families. We can do it through this bill. We can do it through the appropriations that we had the other night. I thank all of you again for being very vigilant in this kind of work.

Mr. BARTON of Texas. Madam Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mrs. TAUSCHER). The gentleman is recognized for 3 minutes.

Mr. BARTON of Texas. Madam Speaker, I already complimented the majority on their process. I also want to compliment the majority and the minority on both sides on the policy. This bill has the toughest lead standards in the world for children's products. Let me repeat that. The bill before us has the toughest lead standards in the world for children's products.

It is phased in. The timetable may not be quite as aggressive as some of our consumer advocates would like it to be, but it is a fact that if this bill gets through the Senate, and I hope it will, the President signs it, and I know he will, we will have the toughest lead standards in the world for children's products.

It has a premarket approval process that is a major reform over the current practice, so that no product will be put into the marketplace until it has been adequately and aggressively tested before it goes to market. That is another major change from the current law.

The Consumer Product Safety Commission is a small agency. I believe it has less than 500 employees. But it is a very important agency. And I think it is important for the authorizing committees to do due diligence in their oversight and to also do due diligence in reauthorizing their agencies. I was very proud in the last Congress that for the first time in 14 years we reauthorized the National Institutes of Health and put in several major reforms.

I am glad in this Congress that we are working on a bipartisan basis to reauthorize the Consumer Product Safety Commission. I look forward, once we pass this piece of legislation, to work with the majority to take a look at the Federal Communications Commission. I believe it could use some reforms, too, and I know Chairman DINGELL and Subcommittee Chairman MARKEY have some of those same concerns that I have.

I urge a strong "yes" vote on this legislation.

With that, Madam Speaker, I would yield back the balance of my time.

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Mr. RUSH. Madam Speaker, it is my pleasure and my privilege to yield such time as we have remaining to the chairman of the full committee, the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Madam Speaker, I thank my distinguished friend for yielding to me.

I want to express my commendations to the chairman of the subcommittee, Mr. RUSH, for his outstanding leadership in this. I am proud, indeed, of your work here. I also want to say a word of praise to my dear friend, the chairman and the ranking member of the Commerce Committee, Mr. BARTON, and also Mr. STEARNS, who have served so well. Working with them has been a privilege and a pleasure. I want to salute them for what they have accomplished.

I also want to salute the staff. We have on this committee, on both sides of the aisle, a superb staff. I will not mention all of their names, but I do want to express my appreciation to Consuela Washington for the outstanding leadership she showed in the very difficult work that was done here. But that doesn't demean any member of the staff on either side of the aisle. They are superb, dedicated, wonderful public servants, and we owe them a great debt of thanks.

H.R. 4040 is a superb piece of legislation. Is it perfect? No. But it's as good as can ever be achieved in this place. It shows that the House of Representatives can work together, and in a 51–0 vote we have established that the Commerce Committee still carries forward its traditions of working well together and moving forward the business of the House in a proper, bipartisan fashion. In that, we may all, indeed, be proud. It shows a real vigorous collaborative effort by all members of the committee to craft a commonsense solution to the consumer safety problems that have received so much public attention in the past year.

We have developed, with input from government, consumer advocate groups and industry stakeholders, a bill which represents a comprehensive approach to improving consumer safety. Most importantly, the bill contains a very significant reauthorization, the first in 15 years at CPSC, and it gives that agency remarkably enhanced tools to enforce the compliance of both domestic and imported consumer products with laws and regulations that will enable the CPSC to do a much better job of protecting our Nation's people and our children.

I want to conclude, again, by thanking my good friends and colleagues who have worked so hard on this. I want to comment on the fine works of Representative DEGETTE, Representative SCHAKOWSKY, Representative CAPPS, and Representative HARMAN, who provided extraordinarily fine leadership to us as this matter went through the committee.

Again, I want to stress what a pleasure it has been to work with the chairman of the subcommittee, the ranking minority member of both the full committee and the subcommittee, and my gratitude to all of the members for the extraordinary way in which they have put together a piece of legislation in which this body may indeed be proud.

There will be some carping about the legislation, but I remind all that the perfect good is oft times the enemy of the good. We are moving forward speedily and well to protect our consumers in a proper fashion and to do so in a timely fashion and in a way which ensures not only the protection of the people, but the protection of the people in a timely and speedy fashion and a proper response to the concerns that all have set forward. I, again, thank my colleagues.

Mr. MARKEY. Madam Speaker, I commend Chairman DINGELL and Subcommittee Chairman RUSH for their intensive efforts to produce bipartisan legislation to overhaul a beleaguered agency, the Consumer Product Safety Commission, CPSC. As a tsunami of toxic toys flooded into our country and onto store shelves earlier this year, it became clear that the CPSC was unequipped to perform its vital mission—protecting the public from significant risks of serious injury or death from toys and other consumer products under the agency's jurisdiction. Chairman DINGELL and Chairman RUSH moved swiftly to respond to this crisis of confidence in the CPSC, holding important hearings that exposed major weaknesses at the agency, including an under-resourced and demoralized staff, a lead standard that enabled unsafe lead content in children's products, weak leadership provided by Acting Chairman Nancy Nord and other problems that made the CPSC the "Can't Protect the Safety of Children" agency. I congratulate my distinguished colleagues for their work.

When the Energy and Commerce Committee considered this legislation yesterday, I voted for it. H.R. 4040 mandates many important improvements at the CPSC and includes much-needed increases in resources for the Commission. Specifically, the bill:

Bans lead beyond a minute amount in products intended for children under 12.

Requires mandatory safety standards for nursery products, such as cribs and high chairs.

Mandates that the CPSC examine the current voluntary safety standards for toys, starting with dangerous magnets, and if found to be inadequate, requires mandatory standards to be adopted.

Significantly increases CPSC resources to hire additional staff and for laboratory renovations, including $20 million to modernize the testing lab. The bill allots $80 million for FY2009, $90 million for FY2010 and $100 million for FY2011.

Prohibits the export of products that violate U.S. consumer product safety rules, are subject to mandatory or voluntary recalls, are designated an imminent hazard to public health and safety, or are designated as a banned hazardous substance. Similarly, the bill makes the domestic sale of such products a prohibited act.

Bans CPSC commissioners and staff from accepting trips paid for by an organization regulated by the CPSC.

While this legislation contains urgently needed reforms, I hope that additional enhancements can be made as the bill moves through the legislative process. During committee consideration, I offered two amendments that I believe would have further strengthened this legislation. My first amendment would have created a "Public Right To Know" at the CPSC. In 2000 and again in 2003, the CPSC documented cases of children suffering intestinal injuries after swallowing small but powerful magnets that had fallen out of toys. The public didn't know, and the CPSC did nothing. By mid–2005, after more reports of safety concerns associated with the magnets and two reports of life-threatening injuries, the public still didn't know, and the CPSC still did nothing. On Thanksgiving Day 2005, Kenny Sweet died after swallowing magnets that had fallen out of Magnetix toys. And it was only then that the CPSC finally started to pay attention—but it wasn't until the following March and an additional 4 children were hospitalized with injuries that CPSC reached an agreement with the manufacturer to issue a partial recall, and the public finally got an inkling of what was going on.

The fundamental problem, even with the positive changes made by Section 206 of this bill—Publicly Available Information on Incidents Involving injury or Death—is that right now, the only product information one can find on the CPSC Web site is information about products that CPSC has been both able to investigate and get manufacturers' approval to release, or information that does not identify which specific products are causing problems and is therefore of no real use to consumers.

My amendment was very simple. It required the CPSC to create a publicly searchable database that would allow consumers to access specific reports CPSC obtains from doctors, hospitals or other individuals of serious injury or death, or risk of serious injury or death that may be due to a faulty or unsafe product. In addition, manufacturers were required to send similar allegations they receive to the CPSC for publication in the database. The language also required CPSC to include a disclaimer that states that each report is provided for informational purposes only and that the commission has not investigated the report and cannot vouch for its accuracy, so that no one would confuse a single report from a consumer with a formal recall by the CPSC.

My amendment was developed to empower the public by enabling mothers and fathers to find out whether a product they might buy for their child might pose a risk—without waiting the months or years it could take for CPSC to take action. Although the committee did not approve this amendment, I hope that such protections can be added as this legislation moves forward.

My second amendment would have restored the CPSC's authority to investigate accidents occurring on rides located at amusement parks. While CPSC has the authority to investigate rides that are transported to carnivals and county fairs—and 15,000 other categories of consumer products that can endanger consumers—there is no Federal regulation of rides located at amusement parks.

A recent Washington Post report contained an extensive, front page investigation of the dangerous consequences of this regulatory black hole. It is entitled "On Thrill Rides, Safety Is Optional—No Federal Oversight of Theme Parks." I recommend this important article to my colleagues.

My amendment was developed to put an end to a special interest loophole that prevents Federal consumer safety experts from investigating serious and sometimes fatal accidents even when they believe action is merited. As a result of this loophole, children and other ride enthusiasts are put at risk of serious injury and even death due to the absence of any Federal regulation. States are left to monitor the safety of these rides, and 23 States do not even permit State authorities to investigate accidents that occur at fixed-site amusement park rides within the State.

Some argued that State regulation is sufficient. I disagree. I received a letter from a former senior executive in the amusement park industry who also served as a board member for the International Association of Amusement Parks and Attractions, IAAPA—the amusement park industry's trade association. This individual was closely involved in the effort in 1981 to carve out the loophole for fixed-site rides that my amendment would have closed. In his letter, he wrote: "Insurance programs mandated by States or maintained by the operating amusement park companies are often touted as assuring ride safety but many of these programs have gaping holes rendering the programs essentially meaningless. Some State licensing or inspection programs were created to serve not the public, but the industry, providing an illusory aura of safety. I now believe that I was wrong 25 years ago and that the industry should be regulated."

As this industry insider has now admitted to himself, the time has come to stop using the good intentions and vigorous safety efforts of a few—be they an active State, a particularly attentive company, or even a past board member of the industry's trade association—to cover up the negligence, unsafe practices, and manufacturing defects that are routinely maiming and killing children and adults on rides. Thousands of people are injured every year on these rides, and people die on them every year.

My amendment did not mandate the creation of a new fleet of CPSC amusement park inspectors who would be required to fan out across the country to check every amusement park ride. My amendment merely permitted the CPSC—whenever it believed that the public safety would be served—to investigate accidents at amusement parks, share information with operators of rides across State lines, compile statistics that help inform consumers about safety risks and take similar actions to protect the public. Under current law, the hands of CPSC inspectors are tied when it comes to rides at amusement parks, which are off limits to Federal safety regulators. My amendment simply would have freed these inspectors to investigate these rides, when CPSC believes it is warranted. There are now about 90 safety inspectors, some of whom currently investigate accidents at carnival rides—these inspectors and others to be added under this bill—should be permitted to check the safety and investigate accidents at amusement parks.

I am pleased that Chairman RUSH committed to holding a hearing on this important issue, and I hope that we will soon close the roller coaster loophole, which continues to put children at risk when they board rides at amusement parks around our country.

As this bill proceeds, I also hope that there will be advancements in several other areas, including raising the cap on civil penalties for safety violations, improving pre-market testing of toys and other consumer products, and eliminating industry's ability to prevent disclosure to the public of significant safety risks by tying the commission up in Federal court.

Madam Speaker, I again commend Chairman DINGELL and Chairman RUSH for their work on this important bill, and I look forward to working with them in the future on the important consumer protection issues facing our country.

Mr. VAN HOLLEN. Madam Speaker, I rise in support of the Consumer Product Safety Modernization Act, H.R. 4040. Like all products of compromise, it does not contain everything all of us would have liked. But it is a positive step forward in an area of public policy crying out for reform, and I am glad we are able to make this progress today.

Given recent press reports about unsafe levels of lead in children's toys, this legislation appropriately establishes the toughest lead standard in the world when it comes to children's products. Additionally, while not going as far as it ultimately should, H.R. 4040 subjects a much broader range of products to independent, third-party review.

I am also pleased that the Consumer Product Safety Modernization Act reverses the recent underfunding of the Consumer Product Safety Commission, CPSC, by increasing its authorization to $100 million by FY 2011—including an additional $20 million to modernize the CPSC's testing lab. It is neither reasonable nor responsible to task an agency with a job as important as protecting the public health without providing the resources necessary to accomplish that task.

Finally, this bill takes concrete steps to improve public notice of product recalls and strengthen enforcement against bad actors in the consumer market.

As we begin discussions aimed at finalizing this legislation with the Senate, I hope we will be able to make additional improvements to this bill by broadening the scope of mandatory product testing, enhancing families' right to know, and including robust whistleblower protections for those courageous enough to Bring serious safety hazards to light.

Madam Speaker, the Consumer Product Safety Modernization Act is a good start. I look forward to working with my colleagues to achieve the strongest possible consumer protection legislation in the months ahead.

Ms. MATSUI. Madam Speaker, I rise today in strong support of H.R. 4040—the Consumer Product Safety Modernization Act of 2007, not only as a Member of Congress, but as a grandmother as well. As I prepare to spend the holidays with my grandchildren, Anna and Robby, it makes me pause to consider how this legislation will benefit them and the children and grandchildren across the country.

This year we have witnessed an unprecedented number of dangerous toys and products make their way to the shelves of American stores, resulting in thousands of recalls and Safety warnings. We cannot allow this trend of unsafe products in our homes to continue. Congress must act.

The bill before us today, which I am proud to co-sponsor, will improve the ability for the Consumer Product Safety Commission, CPSC, to protect the American public from unsafe products. The CPSC has the enormous task of monitoring approximately 15,000 types of products. Over 27,000 deaths and 33 million injuries are associated with consumer products each year. We must ensure that the CPSC has the resources and authority necessary to ensure that the toys and products that we buy for our loved ones are safe. This legislation does precisely that.

The Consumer Product Safety Modernization Act takes a number of important steps to keep our children and grandchildren safe. For the first time, we will have a standard set for levels of lead in children's products. This will be one of the most rigorous standards in the world. It will also increase civil penalties against manufacturers of hazardous products, and establish a third-party certification and testing system for children's products. These and the many other provisions contained within H.R. 4040 will provide the CPSC with the tools required to monitor the evergrowing number of products under its jurisdiction.

Created in 1973 during the height of the consumer movement, the CSC was unfortunately downsized during the 1980s. It has never recovered from those changes, and has not been updated since 1990. Today's legislation will also expand the authority of the CPSC to ensure that only safe toys and products are in our stores and homes.

The CPSC exists to protect Americans from harmful products. We expect that consumer products have been adequately screened and deemed safe before they hit the shelves of our stores. Only by updating the CPSC and expanding its authority can it's mission be accomplished in today's globalized market. Public safety must always trump other concerns. The generations of lawmakers that have gone before us had the wisdom to invest in this agency, and it is now our responsibility to modernize and make long overdue improvements to the CPSC that will keep American families safe and restore faith in the agency.

I want to congratulate Chairman DINGELL and the rest of the Energy and Commerce Committee for their hard work on this bill. The legislation that we are considering today has enjoyed strong bipartisan support, clearly demonstrated by its unanimous approval by the full committee. I hope that the House will come together in a similar bipartisan way to advance this important bill.

Ms. ESHOO. Madam Speaker, I rise today in support of H.R. 4040, the Consumer Product Safety Modernization Act.

This has been called the "Year of the Recall" because there's been a complete failure by the Consumer Product Safety Commission to keep harmful and sometimes lethal products from getting on the shelves. Red tape, lax enforcement, and a shortage of resources at the CPSC have contributed to the recent recalls. It's not a coincidence that 25.6 million toys were recalled from stores in fiscal year 2007, compared with only 5 million toys in 2006. Things are falling through the cracks at the CPSC, and it's the American consumers, especially children, who are suffering.

It's become glaringly obvious that we can't rely on manufacturers to police themselves, we need to give our chief consumer regulatory agency the authority and the resources to get unsafe products off the shelves.

This bill is a significant improvement in product safety from the way we're operating now. It provides additional funding to the CPSC and bolsters the commission's ability to test and identify dangerous products. It also authorizes State Attorneys General to bring action on behalf of their residents to enforce federal consumer safety rules.

H.R. 4040 reduces lead levels in children's products, but in my view it doesn't go far enough. The amendment I offered in committee would have brought lead levels to 40 parts per million, the standard recommended by the American Academy of Pediatrics. It's my hope that the CPSC will take seriously its authority to adopt a more protective standard if it makes the determination that it is feasible and protective of human health.

I'm proud that my amendment to give the CPSC mandatory recall authority is included in the bill. This is an important tool for the CPSC to wield against the most nefarious companies who resist a recall of their faulty products.

I support this bipartisan bill to protect American consumers, especially children, and ask my colleagues to support it as well.

Mr. CUMMINGS. Madam Speaker, I rise today to share my strong support of H.R 4040, the Consumer Product Safety Modernization Act. As we near the end of the holiday shopping season, the critical nature of this legislation cannot be overstated.

2007 truly has been the Year of Toxic Toys, and I join my colleagues, as well as parents across the nation in expressing extreme alarm at not only the number—more than 2 million—of toys that have been recalled, but also at the names that have been associated with them—Toys 'R Us, Fisher Price, and Mattel.

Madam Speaker, these are not just random toys being picked up at some dime store; these are toys being produced by popular, long-established companies whose names parents trust. Sadly, it appears that this trust may be misplaced.

Toxic levels of lead in the paint have been detected on the popular Thomas the Tank Engine. GHB—the date rape drug—was found in the popular Aqua Dots, at levels high enough to put children in comas. I could offer seemingly endless examples of the atrocities that have been lining the shelves of our toy stores—and of our children's bedrooms—with more regard being placed on profit over protecting children's health. But, Madam Speaker, I will focus instead on something more alarming than these toys themselves: how they are getting into the market in the first place.

Madam Speaker, we have an agency called the Consumer Product Safety Commission. Let me re-emphasize this—the Consumer Product Safety Commission.

Its name alone suggests protection against hazardous products, so how is it possible that parents are purchasing toys with 200 times the legal level of lead?

How is it possible, that more than two million toys were able to slip past this agency, which by definition is charged with being a watchdog for our—and our children's—safety?

The answer, Madam Speaker, is that under the current administration and the previous leadership in Congress, the CPSC has seen drastic cuts in funding. More disturbing than the lax oversight of safety is the chairwoman of the CPSC, Nancy Nord, voicing opposition to increased funding or authority.

I cannot say that I have met anyone who is opposed to getting more money—especially when the person in question is charged with an agency whose mission is so critical—and especially when this agency has one person—one person—assigned to testing toys.

Madam Speaker, only 15 inspectors are policing the hundreds of points of entry for our imported toys—and I might add that 80 percent of toys in the U.S. are imported from China. The CPSC has only 85 percent of the employees it had in 2004, and only half of the employees it had 30 years ago.

This is shocking to the conscience and completely unacceptable. If Ms. Nord and the CPSC are unwilling to do what they ought to do, we must step in and do it ourselves. Our young people's health and futures depend on it. With H.R. 4040, we are taking steps to protect our most vulnerable consumer: our children.

This legislation bans all but trace amounts of lead in toys and children's jewelry. It strengthens the CPSC's ability to notify consumers about dangerous products more quickly and more widely. It bans the importation of toys or other children's products that have not been tested and do not conform to U.S. standards—meaning no more toys containing the date rape drug.

And, although Ms. Nord did not want any monetary gifts, we will be stuffing the CPSC's stocking with much needed supplemental funding this holiday season.

In closing, I thank my friend and colleague, Representative RUSH for understanding the current crisis and for introducing this much needed legislation.

Madam Speaker, I encourage all of my colleagues to join me in supporting H.R. 4040. Let's come together to ensure that 2009 is the Year of Safe Consumerism.

Mr. DINGELL. Madam Speaker, I am submitting the following remarks for the RECORD on H.R. 4040, the Consumer Product Safety Modernization Act of 2007, as clarification of House Report 110–501 to accompany the bill H.R. 4040, and which shall be considered part of the legislative history of this bill.

H.R. 4040 was ordered favorably reported to the House, amended, by the Committee on Energy and Commerce on December 18, 2007, by a recorded vote of 51 yeas and 0 nays. This landmark legislation, which enjoys broad, bipartisan support, was brought up before the House the next day, December 19. In light of this expedited consideration, the Committee was forced to file its report on an accelerated schedule. The following remarks are offered to clarify the Committee's intent with respect to certain provisions of H.R. 4040.

Section 101 establishes a Federal ban on lead in children's products beyond specified minute amounts, with section 101(a) addressing lead content in children's products. The intent of the Committee in providing a defined limit by weight is to establish a standard that is readily understood and easier to monitor for compliance. The Committee's primary goal is to provide standards that eliminate children's exposure to lead from toys and other children's products, and thereby further reduce the potential for harm to children's health.

The exception in paragraph (6) for inaccessible component parts that are contained in sealed coverings and casings is intended primarily for sealed electronic devices where component electrical parts and lead solder are necessary for the device to function.

Subsection (b) applies to lead paint in children's products. The alternative measure provided for in paragraph (1)(C) is intended to enable the Consumer Product Safety Commission, CPSC, to inspect more products and enforce the paint levels in less time than would otherwise occur if they were confined to testing products in the agency's laboratory.

In administering subsection (c), which gives the CPSC authority to extend, by rule, the implementation period for the new lead standards for an additional 180 days, the Committee expects the CPSC to give careful consideration to the effect on small- and medium-sized enterprises. The Committee intends for the agency to put the public health and safety first, but within that construct also to work with small- and medium-sized enterprises that may be disproportionately affected to help them to achieve compliance in a timely manner. In general, this section is intended to authorize the granting of a modest time extension for manufacturers encountering unexpected technical or technological challenges in complying with the lead standard. The Committee expects that manufacturers will apply for waivers on a product-by-product or class-by-class basis, and that CPSC will carefully evaluate each application to ensure that any extension will have no adverse health or safety impact.

Section 102 establishes requirements for mandatory third-party testing for certain children's products. The Committee intends for these requirements to be vigorously enforced, but it does not intend the provision to be interpreted to require unnecessary duplicative testing.

Section 103 requires manufacturers to place distinguishing marks, to the extent feasible, on both children's products and their packaging that specify the location and date of production of such products. The Committee intends for this provision to aid in determining the origin of the product through the supply chain and the possible cause of the recall. The Committee believes that this will facilitate accurate identification of products subject to a recall so that consumers, retailers, and others throughout the chain may expeditiously remove the product from their homes and the stream of commerce. The Committee does not intend for the date requirement to impose an obligation for a daily date change, but may include an indication of a period of time if such label will accurately identify the product in the event of a recall.

Section 107 directs the CPSC to examine the effectiveness of the current voluntary standard that governs a wide variety of hazards that could be presented by children's toys. The Committee is disturbed by the large number of recalls this year, and expects this review to be undertaken diligently to determine the effectiveness of the applicable standards, the relevant risks of injury and the available injury data, and the need for mandatory standards and third-party testing, as appropriate. The Committee believes that small powerful magnets present a serious hazard to children and should be a high priority for CPSC action.

Section 201 authorizes increased funding levels for the CPSC to enable the agency, among other things, to attract and retain talented and experienced personnel in order to carry out its important mission effectively. The Committee urges that, to attract talented scientists in the various disciplines necessary to achieve that goal, the CPSC will encourage scientific staff to seek appropriate publishing opportunities in peer-reviewed journals and other media. To that end, the Committee expects the CPSC to adopt, within a few months after enactment of this legislation, an internal policy that encourages such publication and sets forth appropriate guidelines and timeframes for management review and consideration of staff requests for clearance to publish. The Committee intends to conduct oversight of the CPSC publication policy and practices as part of its review of the CPSC's performance of its mission.

Ms. RICHARDSON. Madam Speaker, today, I rise in support of H.R. 4040, The Consumer Protection Safety Modernization Act, not just as a strong believer in consumer safety protections but also as a proud co-sponsor of this legislation. This important piece of legislation helps protect Americans from harmful and potentially deadly substances found in our consumer products.

Far too often, Americans are unknowingly confronted with tainted products putting their health and lives in danger. Last week alone, the Consumer Protection Agency had to recall 300,000 Baby Bead and Race Car Toys due to toxic levels of lead paint, 12,000 girls' hooded sweatshirts due to a strangulation hazard, and 12,000 Christmas candle sets that posed a serious fire hazard. These are only a fraction of the products recalled last week due to serious safety violations, and many of the products we Americans use are not even adequately screened.

H.R. 4040 fixes many of the failures in our product safety system by requiring that all children's products marketed to children under the age of 12 must undergo third party testing and certification, reducing the lead standard acceptable in children's toys, raising the penalty for breaking consumer product safety laws, prohibiting the sale and export of recalled products, and drastically speeding up the Consumer Product Safety Commission's ability of recalling hazardous products. In addition, not only does H.R. 4040 address the current crisis of consumer product safety, but significantly increases the financial resources of the Consumer Product Safety Commission to protect us from hazardous products in the coming years.

As we enjoy this holiday season with our loved ones, the American people should know that we as members of Congress are continuously working to ensure the safety of the products on America's shelves and wrapped presents shared during the holiday season.

Mr. RUSH. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 4040, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. RUSH. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENT TO SENATE AMENDMENT TO H.R. 2764, THE DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2008 (CONSOLIDATED APPROPRIATIONS ACT, 2008) AND FOR CONSIDERATION OF H.J. RES. 72, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2008

Mr. McGOVERN. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 893 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 893

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes, with the Senate amendment to the House amendment to the Senate amendment thereto, and to consider in the House, without intervention of any point of order except those arising under clause 10 of rule XXI, a motion offered by the chairman of the Committee on Appropriations or his designee that the House concur in the Senate amendment. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the motion to its adoption without intervening motion.

SEC. 2. Upon the adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 72) making further continuing appropriations for the fiscal year 2008, and for other purposes. All points of order against consideration of the joint resolution are waived except those arising under clause 9 or 10 of rule XXI. The joint resolution shall be considered as read. All points of order against provisions of the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations; and (2) one motion to recommit.

SEC. 3. During consideration of House Joint Resolution 72 or the motion to concur pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of either measure to such time as may be designated by the Speaker.

SEC. 4. House Resolution 849 is laid upon the table.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida, Mr. LINCOLN DIAZ-BALART. All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. MCGOVERN. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks on H. Res. 893.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as I said earlier, I have no problem with the rule. I do have a problem with the underlying bill, which provides the President with another blank check in support of his Iraq war policy, but I stated I think very clearly my concerns about that.

Other than a few closing remarks, I am going to reserve my time.

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this matter was debated previously. It is obviously a critically important piece of legislation. I made some points about it before. I am not going to repeat my points at this time. I hope we can move to other very pressing matters before us today.

Madam Speaker, I yield back the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as of today, 3,893 of our bravest men and women have lost their lives in Iraq. Tens of thousands more have been wounded. They have lost limbs, lost their sight and suffered severe brain injuries. We have spent half a trillion tax dollars, none of it paid for. When is enough enough? When will this Congress finally reflect the will of the American people and begin to bring our men and women in Iraq home to their families? I hope it is today. I think it can be today.

As I mentioned earlier, Madam Speaker, in today's Washington Post the U.S. military has found that the strongest point of agreement among all Iraqis across all sectarian and ethnic groups is the belief that the United States' military invasion of their country is the primary root of the violent differences among them and that the departure of "occupying forces," their words, is the key to national reconciliation.

Madam Speaker, I include today's Washington Post article for the RECORD.

[From washingtonpost.com, Dec. 19, 2007]

ALL IRAQI GROUPS BLAME U.S. INVASION FOR DISCORD, STUDY SHOWS

(By Karen DeYoung)

Iraqis of all sectarian and ethnic groups believe that the U.S. military invasion is the primary root of the violent differences among them, and see the departure of "occupying forces" as the key to national reconciliation, according to focus groups conducted for the U.S. military last month.

That is good news, according to a military analysis of the results. At the very least, analysts optimistically concluded, the findings indicate that Iraqis hold some "shared beliefs" that may eventually allow them to surmount the divisions that have led to a civil war.

Conducting the focus groups, in 19 separate sessions organized by outside contractors in five cities, is among the ways in which Multi-National Force-Iraq assesses conditions in the country beyond counting insurgent attacks, casualties and weapons caches. The command, led by Army Gen. David H. Petraeus, devotes more time and resources than any other government or independent entity to measuring various matters, including electricity, satisfaction with trash collection and what Iraqis think it will take for them to get along.

The results are analyzed and presented to Petraeus as part of the daily Battle Update Assessment or BUA (pronounced boo-ah). Some of the news has been unarguably good, including the sharply reduced number of roadside bombings and attacks on civilians. But bad news is often presented with a bright side, such as the focus-group results and a November poll, which found that 25 percent of Baghdad residents were satisfied with their local government and that 15 percent said they had enough fuel for heating and cooking.

The good news? Those numbers were higher than the figures of the previous month (18 percent and 9 percent, respectively).

And Iraqi complaints about matters other than security are seen as progress. Early this year, Maj. Fred Garcia, an MNF-I analyst, said that "a very large percentage of people would answer questions about security by saying 'I don't know.' Now, we get more griping because people feel freer."

Iraqi political reconciliation, quality-of-life issues and the economy are largely the responsibility of the State Department. But the military, to the occasional consternation of U.S. diplomats who feel vastly outnumbered, has its own "mirror agencies" in many areas. Officers in charge of civil-military operations, said senior Petraeus adviser Army Col. William E. Rapp, "can tell you how many markets are open in Baghdad, how many shops, how many banks are open . . . We have a lot more people" on the ground.

On Iraqi politics, "we have four to six slides almost every morning on 'Where does the Iraqi government stand on de-Baathification legislation?' All these things are embassy things," Rapp said. But Petraeus is interested in "his 'feel' for a situation, and he gets that from a bunch of different data points," he added.

Even though members of the military "understand the limitations" of polling data, Rapp said, "subjective measures" are an important part of the mix. In July, the military signed a contract with Gallup for four public opinion polls a month in Iraq: three nationwide and one in Baghdad. Lincoln Group, which has conducted surveys for the military since shortly after the invasion, received a year-long contract in January to conduct focus groups.

Outside of the military, some of the most widespread polling in Iraq has been done by D3 Systems, a Virginia-based company that maintains offices in each of Iraq's 18 provinces. Its most recent publicly released surveys, conducted in September for several news media organizations, showed the same widespread Iraqi belief voiced by the military's focus groups: that a U.S. departure will make things better. A State Department poll in September 2006 reported a similar finding.

Matthew Warshaw, a senior research manager at D3, said that despite security improvements, polling in Iraq remains difficult. "While violence has gone down, one of the ways it has been achieved is by effectively separating people. That means mobility is limited, with roadblocks by the U.S. and Iraqi military or local militias," Warshaw said in an interview.

Most of the recent survey results he has seen about political reconciliation, Warshaw said, are "more about [Iraqis] reconciling with the United States within their own particular territory, like in Anbar. . . . But it doesn't say anything about how Sunni groups feel about Shiite groups in Baghdad."

Warshaw added: "In Iraq, I just don't hear statements that come from any of the Sunni, Shiite or Kurdish groups that say 'We recognize that we need to share power with the others, that we can't truly dominate.'

According to a summary report of the focus-group findings obtained by The Washington Post, Iraqis have a number of "shared beliefs" about the current situation that cut across sectarian lines. Participants, in separate groups of men and women, were interviewed in Ramadi, Najaf, Irbil, Abu Ghraib and in Sunni and Shiite neighborhoods in Baghdad. The report does not mention how the participants were selected.

Dated December 2007, the report notes that "the Iraqi government has still made no significant progress toward its fundamental goal of national reconciliation." Asked to describe "the current situation in Iraq to a foreign visitor," some groups focused on positive aspects of the recent security improvements. But "most would describe the negative elements of life in Iraq beginning with the 'U.S. occupation' in March 2003," the report says.

Some participants also blamed Iranian meddling for Iraq's problems. While the United States was said to want to control Iraq's oil, Iran was seen as seeking to extend its political and religious agendas.

Few mentioned Saddam Hussein as a cause of their problems, which the report described as an important finding implying that "the current strife in Iraq seems to have totally eclipsed any agonies or grievances many Iraqis would have incurred from the past regime, which lasted for nearly four decades—as opposed to the current conflict, which has lasted for five years."

Overall, the report said that "these findings may be expected to conclude that national reconciliation is neither anticipated nor possible. In reality, this survey provides very strong evidence that the opposite is true." A sense of "optimistic possibility permeated all focus groups . . . and far more commonalities than differences are found among these seemingly diverse groups of Iraqis."

Madam Speaker, the Iraqi people themselves firmly believe that reconciliation will not happen until we leave. If the Iraqi people want us to leave and a majority of the Iraqi Government wants us to leave and a majority of the American people want us to leave, then why on Earth are we still staying?

As I have said on a number of occasions today, what is contained in the underlying bill is a blank check. There are no restrictions on the tens of billions of dollars that we are going to give the President in support of his Iraq policy. There is no conditionality. There are no timetables for withdrawal. There is nothing. This is a blank check. We are into the fifth year of this war, and after all that we have seen, after all that we have been told that has turned out not to be true, it seems unbelievable to me that this Congress would vote for yet another blank check.

Madam Speaker, I urge my colleagues to reject this latest blank check, which essentially is in support of an endless war in Iraq, and vote "no" on the underlying bill. I ask for support of the rule.

Mr. EDWARDS. Madam Speaker, the fiscal year 2008 Department of State, Foreign Operations, and Related Programs amended appropriations bill includes funding for H.R. 2642, the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2008.

This amended bill sends a clear message to America's service men and women, their families, and our veterans that a grateful Nation deeply respects their service and sacrifice. This bill says to all who have served that just as you have kept your promises to this country, we intend to keep our promises to you.

Overall the bill totals $63.9 billion, of which $3.7 billion is contingent emergency funding. It provides the largest increase in VA health care funding in the 77-year history of the VA. These additional funds allow the Veterans Health Administration to hire more doctors and nurses; provide case managers for veterans with traumatic injuries; improve mental health care and PTSD services; increase access to medical services for members of the National Guard and Reserve forces in rural areas; modernize hospitals and clinics; increase the number of beds available for homeless veterans; and increase medical research. The additional funds also allow for an increase in beneficiary travel reimbursement, the first such increase since 1979.

The Veterans Health Administration, which includes Medical Services, Medical Administration, Medical Facilities, and Medical Research, is funded at $37.2 billion, $2.6 billion more than the President's request. These funds will mean expanded care, shorter wait times, and safer facilities for our veterans.

In addition to medical care, the bill provides funds to hire 1,800 new claims processors to reduce the serious backlog of benefits claims and reduce the time to process new claims. These were complaints the subcommittee heard repeatedly from many different sources and we took action.

On the Military Construction side, this bill also supports our active duty and Guard and Reserve service men and women and their families. The bill provides $20.6 billion for military construction, family housing, and BRAC.

I am particularly proud of what we were able to do in this bill for families. Every year when the highest ranking non-commissioned officers testify before our subcommittee, we ask them to give us the top three quality of life issues facing military families. Child care is on every service's list and generally ranked as number one. That is why I am excited that we were able to fund 16 child care centers, 13 more than the President requested in his budget. We listened to the top non-commissioned officers, military families, and support groups, such as the National Military Family Association, and did our best to address their concerns.

In closing, Madam Speaker, I want to thank the ranking member of the subcommittee, ROGER WICKER. His input and advice was invaluable in constructing this bill and our service men and women, their families, and our veterans are better served due to his leadership. I also want to thank the staff of the subcommittee, Carol Murphy, Tim Peterson, Walter Hearne, Donna Shahbaz, and Mary Arnold with the majority and Liz Dawson and Dena Baron with the minority. They have worked many long days and nights throughout the year putting this bill together and working with the Departments to ensure we have met our military and veterans most critical needs. Finally, I want to thank John Conger from my personal staff and Susan Sweat from Mr. WICKER'S personal staff.

Madam Speaker, I think this is a bill we can all be proud to support.

Mr. McGOVERN. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 2008

Mr. OBEY. Madam Speaker, pursuant to House Resolution 893, I call up the joint resolution (H.J. Res. 72) making further continuing appropriations for the fiscal year 2008, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 72

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Public Law 110–92 is further amended by striking the date specified in section 106(3) and inserting "December 31, 2007".

SEC. 2. Public Law 110–92 is further amended by adding at the end the following new sections:

"SEC. 160. Notwithstanding any other provision of this joint resolution, there is appropriated for payment to the heirs at law of Julia Carson, late a Representative from the State of Indiana, $165,200.

"SEC. 161. Notwithstanding section 106, the authority to provide care and services under section 1710(e)(1)(E) of title 38, United States Code, shall continue in effect through September 30, 2008.

"SEC. 162. Notwithstanding section 106, the authority provided by section 2306(d)(3) of title 38, United States Code, shall continue in effect through September 30, 2008.".

The SPEAKER pro tempore. Pursuant to House Resolution 893, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days within to revise and extend their remarks on House Joint Resolution 72.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, I know the gentleman from California has to get to another meeting, so I will not take long. Everyone understands what this is. It is a continuing resolution that keeps the government open until the last day of the year so that the President can review other pending legislation.

I do want to just take one moment to bring to the House's attention the fact that a good and faithful servant of the House will soon be leaving this institution, John Daniel, who is sitting next to me and who, if he could, would wring my neck because I am even mentioning him.

John has served the Rules Committee, he has served the leadership, and he has served the Appropriations Committee for many years with extremely excellent judgment and extreme dedication to this institution. He is a strong institutionalist. There are a lot of people in this institution who demagogue the institution every day. John is not one of them.

I simply want to express my profound thanks to him for the service he has given the House in general and most specifically the service he has given to the Appropriations Committee. We hate to see him leave, but sometimes even the best of congressional staffers have a lapse in judgment. That is the only thing that can explain his departure in this case.

With that, I am ready to yield back when the gentleman is ready to yield back.

Mr. LEWIS of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I have said all I need to say about this bill except to echo the chairman's remarks regarding John's service.

Madam Speaker, I yield back the balance of my time.

Mr. OBEY. I yield back my time.

The SPEAKER pro tempore. Pursuant to House Resolution 893, the joint resolution is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

☐ 1445

TAX INCREASE PREVENTION ACT OF 2007

Mr. RANGEL. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 3996) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tax Increase Prevention Act of 2007"

SEC. 2. EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) of the Internal Revenue Code of 1986 (relating to exemption amount) is amended—

(1) by striking "($62,550 in the case of taxable years beginning in 2006)" in subparagraph (A) and inserting "($66,250 in the case of taxable years beginning in 2007)", and

(2) by striking "($42,500 in the case of taxable years beginning in 2006)" in subparagraph (B) and inserting "($44,350 in the case of taxable years beginning in 2007)".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 3. EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) of the Internal Revenue Code of 1986 (relating to special rule for taxable years 2000 through 2006) is amended—

(1) by striking "or 2006" and inserting "2006, or 2007", and

(2) by striking "2006" in the heading thereof and inserting "2007".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. RANGEL) and the gentleman from Louisiana (Mr. MCCRERY) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. Madam Speaker, I yield myself such time as I may consume.

This is an extraordinary time for those of us in the Congress, because a constitutional change is taking place that never was expected, and that is where the minority in the Senate can actually dictate to the House of Representatives exactly what they will and what they won't do. And so the whole question of whether or not the fiscal responsibility of supporting revenues for this bill is even going to be considered is something that we cannot expect the Senate ever to respond to because they need 60 votes in order to fulfill their Senate responsibility.

So what do we have on the floor today? We have the principle that most Republicans as well as Democrats have agreed to in the past, and that is that the time has come for us to be fiscally responsible.

Now, when the Congressional Budget Office has an item in this budget and it is called the alternative minimum tax and they put in that budget a receipt of $50 billion, it means to me and should mean to others that if you are going to delete that provision, you are deleting the $50 billion. And in order for the books to be balanced, as any family, any corporation, and I hope most intelligent and motivated countries, you raise the revenue to pay for it.

So this is not happening. The President says you don't have to pay for it. Go to the Japanese, go to the Chinese, borrow. And why should you pay? Let your children and your grandchildren pay for this tax relief that was never but never expected that it would hit these middle-class people.

Now, what are our options? We could stick to our fiscal guns. We could say the right thing to do is not to pass a bill that is not paid for. We could say that the taxpayers are not really entitled to the benefits of waiving the PAYGO rules. Or, we could say, why hold 23 million taxpayers hostage because of the irresponsibility of the minority in not being willing to pay for this, no matter how many alternatives we give them?

Well, we choose to say, protect the taxpayer. Forget the loopholes, forget the revenue losses, forget the indebtedness, at least for now, because we don't want those hardworking people, most of them hardworking couples with children and with deductions, to wake up in the morning and find there is a feud between the House and the Senate and the Republicans and the Democrats that would cause them to carry this burden. And the President says, remove it and don't pay for it.

Well, we come out on the side of the taxpayers, and we just hope that we can pass this suspension, get on with the protection, and then, in a responsible way, maybe the Republicans and Democrats in the House and Senate can deal with this in a more permanent way next year.

Madam Speaker, I hope that those that are listening come to the floor on this historic occasion as we hope that we can reverse the thinking in the House and the Senate in pay-fors.

Madam Speaker, I reserve the balance of my time.

☐ 1500

Mr. MCCRERY. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I compliment the majority on bringing this bill to the floor today to stop the alternative minimum tax from creeping further into middle-income familites.

The effect of this legislation that we are considering today will basically freeze the AMT where it is. In other words, under the 2006 tax year, there were 4 million taxpayers that had to pay their taxes under the alternative minimum tax. This legislation will ensure that only those 4 million taxpayers, basically, will be paying taxes under the AMT and not an additional 23 million or so taxpayers at an average of about $2,000 per taxpayer. This is good news for those taxpayers. It is good news for the economy. At a time when many economists are worried about our economy going into a recession, now would be the wrong time for this Congress to endorse a tax increase, which is what would have happened had we done nothing.

So I compliment the majority in bringing this bill forward today and allowing the House an up-or-down vote on freezing the alternative minimum tax where it is.

Madam Speaker, anyone who has listened to the debate on this issue during the House's two previous considerations of an Alternative Minimum Tax "patch" for 2007 knows that this debate is about much more than just the alternative tax structure created in 1969. As has been repeatedly said by Members on both sides of the aisle, the Alternative Minimum Tax is a flawed tax, a mistake, unfair, and ripe for repeal.

I am pleased today that Congress is again limiting its impact, for the 7th year in a row, to only 4 million taxpayers. But, far more important than enacting the patch or preventing the reach of the shortcomings of the Alternative Minimum Tax, is the victory we have achieved today over a flawed fiscal policy.

The bill before us today is titled the "Tax Increase Prevention Act of 2007." It is properly named, as its enactment will prevent 21 million taxpayers from an average tax increase of $2,000 this year. But, this tax increase prevention pales in comparison to the tax increase that all federal income taxpayers, well over 100 million Americans, will face under the next President.

The debate over the past several months has been a warm-up act, a pre-game show, the "undercard," for the debate over the fiscal fork in the road the country will come to in 2010. On one side, clearly demonstrated by the initial vote on H.R. 3996, and the vote on H.R. 4351 last week, are those who believe the federal government needs more tax revenue. On the other side, mostly this side of the aisle, are those who believe the federal government already collects enough taxes from its people.

I hope this philosophical difference is understood as we move forward with debate on tax legislation next year, prepare for a great national debate during the 2008 elections, and engage during the 111th Congress over the largest tax increase in the history of civilization.

In those debates, proponents of the "paygo" rules that were successfully cast aside earlier today will cloak their arguments in terms of fiscal responsibility. They'll argue in moral absolutes and in righteous terms that the House's paygo system is sound budget policy. I beg to differ. Taken to its logical end, it is a recipe for economic disaster.

Over the past few months, the goal of the proponents of "paygo philosophy" has been simple—to increase taxes. If we had not been successful in defeating their efforts here, consider where the debate would go next. The next Congress and the next President will be debating a tax increase on married couples, a tax increase on families with children, a tax increase on death, a tax increase on investment, and a tax increase on savings. Every current federal income taxpayer, and even millions of Americans who currently pay no federal income taxes, faces a substantial tax increase.

Let's be clear, the goal of paygo's advocates is to succeed in allowing all those taxes to increase, or to find other tax increases to replace them. At the end of the day, if you believe the federal government needs trillions more in tax revenue, you should oppose this bill, you should recommit yourself to "paygo," and you should be utterly disappointed that the House overwhelmingly rejected it today. As for me, I hope that Members will vote to support this legislation, and bury "paygo" in the graveyard of failed economic philosophies.

I reserve the balance of my time.

Mr. RANGEL. Madam Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND), a member of the committee.

Mr. KIND. Madam Speaker, this is truly a sad day for the institution of Congress in this administration when we have a minority number of Members in both the House and the Senate that are more interested in protecting a handful of hedge fund managers' ability to move millions of dollars offshore without paying their fair share of taxes and in order to protect the financial security of our children and grandchildren by paying for this AMT relief bill.

Make no mistake, everyone is in agreement that we want to stop the AMT from affecting 20-plus million Americans next year. The difference is our party wants to pay for it; they don't.

We have had the fastest and largest accumulation of national debt under Republican rule in the last 6 years, and they're saying that's not enough.

We are almost completely dependent on borrowing money from China to finance our deficit, and they're saying that's not enough.

The fastest growing area of spending in the Federal budget is interest payments on the national debt, and they're saying that's not enough. Let's pile on some more and let's leave this mortgage, this legacy of debt for our children to handle. I think that is a disgrace.

Mr. McCRERY. Madam Speaker, to paraphrase the last speaker for the majority, it is his party that wants a tax increase. It is our party that does not want a tax increase. It is that simple.

Madam Speaker, I yield 2½ minutes to a distinguished member of the committee, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Madam Speaker, let's just say what we're doing here. What this bill does is it prevents a tax increase. Now, we have different philosophies and we have different ideas on how to keep America moving forward between Republicans and Democrats, the minority and the majority.

What the majority is doing right here is they are waiving their own budget rules. They came in promising a new pay-as-you-go system, and here they go, as soon as the going gets tough, waive PAYGO.

I find it interesting that never during the course of this debate this year did the majority ever propose to reduce spending to offset this. They only proposed raising taxes. But here we are on the eve of the end of the year, preventing 19 million additional taxpayers from paying this tax increase.

Let's look at where we were at the beginning of this year.

Speaker PELOSI: "After years of historic deficits, this new Congress will commit itself to a higher standard: pay as you go."

The majority leader, and I think he will be consistent and vote against this particular bill: "Our budget strictly adheres to the pay-as-you-go budget rules that were reinstated in January by the new majority."

Our distinguished chairman of the committee: "You've got to offset those tax cuts." So on and so forth.

Well, here we are and we are going to pass this by waiving PAYGO.

Now let me make it very clear, I disagree with the majority's PAYGO. The majority's PAYGO says let's just keep raising taxes. Well, two wrongs don't make a right.

This tax was never meant to be. This is a new tax increase on top of the Tax Code. It was never intended in the first place. This ought to be repealed, period. So I don't agree with this notion that this tax increase ought to just be replaced with some other tax increase, and that's the majority's position. They want the revenue from the alternative minimum tax, they just don't want to raise it through that tax so they have a different tax increase. That is bad economic policy.

At a time when economists are telling us we might be headed for a recession, at a time when they are saying a slowdown is on the horizon, the last thing the American people and the economy need is a tax increase. That's why this is an important bill. We have big tax increases on the horizon.

The distinguished chairman of the Ways and Means Committee is proposing an enormous tax increase, $3.5 trillion. They are proposing to get rid of all of those tax cuts that got us out of recession in 2003 in the first place, and they are proposing not to repeal the AMT but to replace it with even higher taxes on workers and small businesses. That is the wrong economic recipe for America. The right one is keep taxes where they are and control spending.

Mr. RANGEL. I am glad that the last speaker is so young and vibrant that he may be able to share with the President his views. It was never intended that this tax would hit the people. That's why for 7 years the President never did anything to remove it. He never expected it to hit the people. That's why every year except this year he put it in the budget and expected the $50 billion. No one ever expected this to exist. That's why the Congressional Budget Office says we should be getting $50 billion. This argument is so persuasive, I can't wait to get home to explain it to my creditors.

I yield 1 minute to the gentleman from Maryland (Mr. HOYER), our majority leader, and thank him so much for the work he has done for the majority and, therefore, for the Congress and our country.

Mr. HOYER. Madam Speaker, I thank the distinguished chairman.

What an ironic argument my friend from Wisconsin makes. We said we were going to have a PAYGO rule. We have voted consistently for PAYGO.

We have paid for that which we have bought with 80 percent cuts and 20 percent increases in revenues.

What an ironic argument he makes that somehow now we are not following that because nobody on this floor believes that 19 or 23 million, take your pick, Americans are going to get a tax cut on which President Bush has relied in every budget he has sent to us except the year of that particular budget. But the revenues have always been relied upon in his budget numbers. You didn't change it. You were in charge for 6 years.

Ironic, because the only reason we have to do this tonight in this fashion and not ask the wealthiest in America, I don't mean people making $10 million, I don't mean people making $100 million a year, but people making $500 million a year, don't have to pay their fair share. That is what this is about. That is what we have been forced to on this day on this floor and in the other body. Because what is happening is what traditionally happens, the wealthiest and most powerful in America are protected on this floor from paying their fair share.

This is not about class warfare. This is about once again saying to the middle class, We are not here to protect you. We are here to protect the wealthiest in America from paying their fair share, which is what PAYGO is all about.

My young friend says that the economy is in trouble. The Democrats have not been able to pass one thing in the last 7 years to impact this economy. Not one. It is all on your watch, I say to my friends; all your watch.

And you told us in 2001 and 2003 if we passed your economic program and continue to follow that the economy would grow and expand, and now you say it is contracting and in trouble. I agree, it is. Why? Because your economic program is a failed program that took us from $5.6 trillion of surplus, four budget surplus years in a row, and has taken us deeply into debt and deficit. And yes, facing recession in the eye because your economic program is a failed policy.

And I am angry about it. Why am I angry about it? Because I have a great granddaughter who is 13 months old. I have a granddaughter who is 5 years of age, just starting kindergarten. And I have another granddaughter who is 21. She has a daughter, and I am worried about continuing to pursue this path of debt piled on debt, piled on debt, piled on debt.

The only reason this bill is not paid for is because Republicans, in lockstep almost, in both bodies, have precluded us from paying for this, which everybody wants to do, and that is to relieve the tax burden on those who are confronted with a tax that everybody agrees was not meant for them. It was meant for the wealthy.

So who is being protected by this? The wealthy, whom this tax was intended to hit.

So when you get up here and tell me nobody intended the tax to hit, that is correct. But the people you are protecting are the people it was specifically intended to impact, to pay their fair share, not to run offshore and avoid taxes, not to have their taxes computed at 15 percent while all of us pay 35 percent. That's what this is about.

Ladies and gentlemen of this House, what we do tonight I will not support if we do it. I have a lot of people who live in my district who will be confronted with the alternative minimum tax. I don't want them confronted by the alternative minimum tax. But if we are going to continue to buy, if we are going to do what we will do later tonight, part of the $196.4 billion that you're spending of the legacy of those children that I just mentioned of mine, which you are not going to pay for, and you said this enterprise will cost $60 billion.

This administration has been a failed administration economically and a failed administration fiscally. But you continue to pursue these policies, and we are forced today to recognize that we don't have the votes to pursue the pay-as-you-go principle that we adopted in a bipartisan fashion in 1990, we reaffirmed with many of you voting for it in 2007, and which you abandoned in 2001. And deep deficits and now economic recession facing us is the result.

I don't urge my colleagues to vote for this bill as I usually do when we bring something to the floor. This is on suspension not because we believe, in my opinion, many of us, that this is good policy, but because we are faced with two stark alternatives: A President who will veto paying for things that we buy, a President who will veto this bill if it is paid for, responsible fiscal policy; and a Senate that will not vote with us and, frankly, House Republicans who won't vote for this. But we can pass it here, as we did twice. Twice we have passed this fix, and we have paid for it.

This is a sad day for America. It is a sad day for my three grandchildren and my great granddaughter, 13 months of age, on whom we will pile an additional $80 billion of debt with this vote tonight if it passes. So $50-some-odd billion and then the interest to follow, she will have to pay that.

We ought to pay our bills. We talk about personal responsibility. We ought to have the personal responsibility in this generation to pay for what we buy. I regret this day and this bill.

Madam Speaker, I believe that every single Member of this body—on both sides of the aisle—agrees that we must protect middle-income Americans from the Alternative Minimum Tax, the parallel tax system enacted in 1969 to ensure that wealthy Americans pay their fair share.

The question that divides us is this:

Will we enact a fiscally responsible 1-year patch to the AMT that prevents 23 million Americans from paying more in Federal income taxes under the AMT than they otherwise would pay under our standard tax system?

Or, will we take the easy route, the politically expedient route, the fiscally irresponsible route, and enact an unpaid-for, 1-year patch that tacks another $50 billion—yes, $50 billion—onto the deficit and debt, and immorally forces our children and grandchildren to pay our bills?

For months, Democrats on both sides of Capitol Hill have fought to do the right thing—to enact a fiscally responsible AMT patch that is paid for by, among other things, closing a tax loophole that permits many of the wealthiest people in our Nation from denominating their income as "capital gains," and thereby allowing them to pay the 15-percent capital gains tax rate rather than the higher marginal income tax rate.

Time after time after time, House and Senate Republicans rejected our "pay-fors," and demanded that we take the fiscally irresponsible route—and enact an AMT patch that adds $50 billion to the national debt.

Madam Speaker, there is no small irony in the fact that the President and his Republican allies in Congress have fought all year long to prevent Democrats from adding $23 billion in funding for domestic priorities while they have no compunction about voting to add $50 billion to the deficit and debt.

No small irony. Only gross irresponsibility.

Let no one be mistaken: The Republican position on the AMT is part and parcel of an almost theological belief in supply-side economics that is demonstrably false.

The Minority Leader, Mr. BOEHNER, recently stated: "Tax relief pays for itself."

And, the President himself has stated: "You cut taxes, and the tax revenues increase."

The facts, however, show otherwise:

In the last 7 years, the Republican party's economic policies have erased a projected 10-year budget surplus of $5.6 trillion, instigated record budget deficits, and added more than $3.4 trillion to the national debt.

As my good friend, Congressman TANNER of Tennessee, recently pointed out: Since President Bush took office, the gross national debt has increased by $1.37 billion per day; $57 million per hour; and $948,907 per minute.

This, of course, is the record of a President and Republicans in Congress who pretend that they are "fiscally responsible."

And today, they don't bat an eye at adding another $50 billion to the debt.

Madam Speaker, our Nation is on a perilous course.

Just listen to our non-partisan Comptroller General, David Walker, who stated last year: "Continuing on this unsustainable fiscal path will gradually erode, if not suddenly damage, our economy, our standard of living, and ultimately our national security."

Democrats recognize the danger of continuing on this unsustainable fiscal path—and in one of our first acts back in the majority, we reinstated the Pay-As-You-Go budget rules that Republicans formerly supported and which are credited with restoring fiscal discipline in the 1990s.

Today, we will protect 23 million middle-income Americans from bearing the brunt of the dreaded AMT—a tax they should not pay, a tax that must be permanently reformed.

And we should also be passing a fiscally responsible AMT patch that is revenue-neutral—a position supported by the President in his budgets.

However, it is regrettable and, yes, shameful that we will not be doing so because the President and his allies in Congress have insisted on political expedience and fiscal irresponsibility.

Mr. MCCRERY. Madam Speaker, I wish you would urge the previous speaker, the majority leader, not to give up on his desire for fiscal responsibility.

☐ 1515

All is not lost because of this bill. There are many of us on this side of the aisle who want to work with him and others to plot a fiscally responsible path for the United States Government. That would include entitlement reform, spending savings, as well as tax reform. So I hope he doesn't give up, and I hope he will work with us in the future to achieve that.

At this time, Madam Speaker, I would recognize the distinguished gentleman from New York, a member of the Ways and Means Committee, Mr. REYNOLDS for 2¼ minutes.

Mr. REYNOLDS. Madam Speaker, we're talking about the young age of my colleague and fellow seat mate in Ways and Means. I'm a little older, so I heard the President when he said, There they go again. Ronald Reagan. I heard him, and it kind of reminded me today as the liberals of this great body and the Blue Dogs of this great body come down and rant and rave over the fact, while they run the House, we're going to have the will of the House, and the will of the House is to fix the AMT for a 1-year patch, just like we've done in the past. Not an unusual fix.

The last time I introduced this legislation, in 2005, 414-4 voted to support that bill. As a matter of fact, I looked and there were 33 Blue Dogs, some of which will speak today, that voted for my bill. And I promise you it didn't raise taxes. It just simply provided a 1-year patch for 2006 to give relief to the middle-class taxpayers that never were supposed to be caught up with this thing since it was created in 1969.

And so when we look at this today, we've got a blame game from everybody saying, hey, it's the Republicans in the Senate, it's the Republicans here, the Republican President.

The Democrats run the House. We're here right before the holiday, and this is the best bill you've got and we're going to pass it. We're going to pass it just like I knew when I put it in in February, that all of the talk, all of the hope, all of the desire to change comes down to the fact we couldn't do it.

And it gets me down to three words, deny, deceive and delay. Deny that you would raise taxes. You've already outlined how you're going to raise taxes. Deceive, you promised the American people you'd fix this permanently. And we're here today, at this late hour, doing a patch.

And then we look at delay. For 11 months, we have delayed this to where we could have fixed it so that the American taxpayer would at least have the forms when the 2007 tax bill comes home.

I urge a "yes" vote on this legislation.

Mr. RANGEL. Madam Speaker, I have two requests. One, that Dr. McDERMOTT, one of our most expert legislators, who is trained as a psychiatrist, be given the opportunity to try to bring some reasonableness to the last speaker's remarks for 1 minute.

And also, that I be allowed to yield the balance of my time to the chairman, RICHARD NEAL, of the Select Committee on Revenues, who had the responsibility of guiding us through the alternative minimum tax.

The SPEAKER pro tempore. Without objection, the gentleman from Massachusetts will control the time.

There was no objection.

Mr. McDERMOTT. Perhaps, Mr. Chairman, the best way is to recite a poem, maybe to lower the temper in here.

'Twas the night before Christmas,
When all through the House,
Every tax lawyer was stirring,
Even the hedge fund's spouse.
The stockings were hung by the chimney with care,
In hopes that AMT relief soon would be there.
The children were nestled all snug in their beds
While visions of health care and surplus danced in their heads.
The Speaker with gavel and Bush with his pen,
And Republican Visa cards on the mend,
Blue Dogs, debt and dollar in decline,
Our fiscal sanity all on the line,
"Away with PAYGO" the Republicans cheer,
Sack the children with debt, year after year.
Our majority too slim to beat a veto,
The luster of debt is all the minority know..
When what to my dismayed eyes should appear,
The upcoming election year.
New Hampshire is close and the caucuses near,
It won't be long before the voters make clear.
We only have 397 more days of this administration.

Mr. McCRERY. Madam Speaker, at this time I yield 1½ minutes to the distinguished gentleman from California, the ranking member of the Trade Subcommittee of the Ways and Means Committee, Mr. HERGER.

Mr. HERGER. Madam Speaker, the alternative minimum tax was never meant to reach down and ensnare middle-class taxpayers. It does so because it was never indexed for inflation. The AMT was created in 1969 to capture 155 of the wealthiest taxpayers in America. If we don't pass this legislation today, it will increase taxes on not 155, but 23 million mostly middle-income families this year. A clean AMT patch is the right policy for taxpayers. There are no new taxes in this bill to comply with the so-called PAYGO tax increase budgeting. PAYGO can't control spending, and it really only makes tax relief virtually impossible. So I'm pleased that we're not falling for the PAYGO trap on this temporary patch.

No new taxes also means that we're not dipping into the economy for revenue. This is good, since we're facing rough economic waters due to the mortgage situation. Although I'm concerned our delay in passing this patch could result in added waiting time for tax returns from the IRS, this inconvenience is minor compared to the alternative, tens of billions in new taxes to offset temporary tax relief.

I strongly support House passage of this clean AMT patch and urge an "aye" vote.

Mr. NEAL of Massachusetts. Madam Speaker, may I inquire how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Massachusetts has 12½ minutes. The gentleman from Louisiana has 11¼ minutes.

Mr. NEAL of Massachusetts. I yield myself 1 minute, Madam Speaker.

Madam Speaker, my friend, the gentleman from New York, said the Republicans are blamed for this and the Republicans are blamed for that, and the Republicans are blamed for this. Let's make it clear. They ought to be blamed for this. It is the Republicans in the Senate, it's the Republicans in the House, and it's the Republican at the White House that have caused this moment. They want to borrow the money. They talk about finding common ground. The easiest loophole to close that I have been part of in the last 19 years is the one that we've offered on this floor for wealthy hedge fund managers who hide money on the island nations to avoid taxes. We're asking them to pay for a middle-class tax cut for 23 million people.

Let me repeat: The Republicans in the House, the Republicans in the Senate, and the Republican at the White House, they have all opposed that measure. That's why we're here today at this moment to get this done.

It has been their intransigence and their unyielding position on insisting that this money be borrowed when the minority has had its day in this House of Representatives. That's why we're here, and that ought to be eminently clear to the people that are watching today.

Madam Speaker, I reserve the balance of my time.

Mr. McCRERY. Madam Speaker, I appreciate the gentleman giving Republicans total credit for stopping a $50 billion tax increase, but he's really way too humble. This bill wouldn't be on the floor today were it not for the consent of the majority.

At this time I would yield 2 minutes to the distinguished minority whip, the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Madam Speaker, the truth is that this $50 billion that we're now prohibiting being collected from 23 million new American families next year isn't our money. It's their money. It's not money that we have this year. Now, it's money that we said at the first of this year we never want to collect from these families, but then we decided we immediately wanted to go right ahead and spend it.

That's the real fallacy here. Whether the White House makes that mistake or the legislature makes that mistake, we have no right to this money.

As my good friend from Massachusetts said, Republicans oppose raising taxes. Now, because of that, our friends on the other side kept putting this issue off, and because of that, when it comes time for Americans who aren't impacted by the alternative minimum tax at all to get a refund, their refund is going to be slowed up. This should have been done 6 months ago. But we are getting it done today. We need to move forward in a way that doesn't let this continue to be a pattern.

This tax was put in place in 1969. Unfortunately, it's still affecting the same families that were affected in 1969. But no modification for inflation. No forward thinking.

It was made worse in 1993. Republicans in the House, and some Democrats, voted to repeal this tax in 1999. And that's the best answer.

We need to get on to how we eliminate this unfair tax. It doesn't do what it's supposed to do. And we have no claim on this money. Acting like we do, spending it in advance, waiting till the last minute to do anything to protect these families was bad management. But we are getting the job done today of protecting these families.

Madam Speaker, I'm glad we're doing that.

Mr. NEAL of Massachusetts. Madam Speaker, we're debating theology here today, as opposed to reality.

With that, I would like to recognize the gentleman from Michigan, a member of the Ways and Means Committee, Mr. LEVIN, for 1 minute.

Mr. LEVIN. Madam Speaker, it's interesting to listen to the minority. They don't defend this tax loophole. No one has gotten up and said people who should pay their taxes aren't paying those taxes and so it's okay. That's really what you're saying. You're saying it's a tax increase when you go after people who should be paying their taxes. It's absurd. It's carrying a political label to an absurd level, and unbelievable.

I suppose if we give more money for the collection of taxes for people who owe them who don't move offshore, that's also a tax increase?

You're hiding behind a label. What you're doing is saying, once again, when there's a hole of debt, dig it deeper.

This has become the theater of the absurd.

Mr. McCRERY. Madam Speaker, at this time I yield 1½ minutes to the distinguished gentleman from Michigan, the ranking member of the Health Subcommittee of the Ways and Means Committee, Mr. CAMP.

Mr. CAMP of Michigan. Madam Speaker, they say it's better to be a day late than a dollar short. In this case, however, the majority party is over a month late, costing taxpayers $75 billion.

As I listened to some of the previous speakers on the other side, just because they can't deliver on their promises, somehow it's our fault. But by postponing action on legislation to exempt 23 million Americans from paying the alternative minimum tax, the majority party has caused taxpayers, both those affected by the AMT and those who are not, to have their refund checks significantly delayed.

When Republicans were the majority party during the last Congress, we got our work done and fixed the AMT exemption amounts in May. As a result, no taxpayer funds were delayed. No additional taxpayers were forced to pay the AMT last year.

This year, under their majority, 23 million Americans will be subject to the AMT. Last year under a Republican majority, 4 million Americans would have paid the tax.

The sad part is 23 million Americans should not have to pay the AMT.

□ 1530

They could have been shielded if the Democratic-controlled Congress was able to finish its work on time.

The Senate has already passed a 1-year AMT fix that did not include tax increases. They passed this legislation almost 2 weeks ago, and instead of immediately taking up this bill, the House Democrats have insisted the legislation include billions of dollars of permanent tax increases just to maintain current tax law and tax rates.

I'm glad the majority party in the House has finally seen the light of day. And despite being much more than a day late and far worse than a dollar short, I'm pleased the House is finally getting around to passing this critical legislation, and I urge my colleagues to support the bill before us.

Mr. NEAL of Massachusetts. Madam Speaker, at this time, I yield 1 minute to my classmate, my friend and a champion of the taxpayer, a member of the Ways and Means Committee, Mr. TANNER from Tennessee.

Mr. TANNER. Madam Speaker, as slow as I talk, I'll talk fast.

No political leadership in the history of this country has done what these people have done at the White House and here in the Congress in the last 6 years. When they say they oppose raising taxes, let me tell you, they have placed the largest adjustable rate mortgage on the American people in the history of humankind.

Just in the last 72 months this country has borrowed more money in a shorter period of time than ever in its history. We're presently borrowing from foreigners a little over $20 million an hour.

When in the name of all that is holy are you going to stop? We are trying to pay our bill and you won't let us. The Republicans in the Senate won't let us.

When you place a $50 billion debt on every man, woman and child in this country to protect less than 10,000 people who are exploiting a tax loophole, and this is exactly what's happening here, when in the name of all that's holy are you going to quit? When China forecloses us?

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

Mr. McCRERY. Madam Speaker, at this time I yield 1½ minutes to the gentleman from Pennsylvania (Mr. ENGLISH), the distinguished ranking member of the Select Revenue Measure Subcommittee.

Mr. ENGLISH of Pennsylvania. Madam Speaker, I'll keep my remarks brief and submit the bulk of my remarks for the RECORD where they contain economic analysis and no theology, so they may be out of place in this floor debate.

It's been fascinating to listen to the lecture that we've heard about failure. The failure that is on display here is the failure of this majority to fix the AMT as they promised or even to patch it in a timely fashion.

We are voting today on a bill that we should have voted on 4 to 6 months ago and easily could have, and the blame here, if there is to be any blame, is on the other side for having passed a budget that was built on quicksand, that was balanced based on revenues from applying the AMT to 23 million mainly middle-class families. And every one of them that voted for it voted to do it.

They took PAYGO and they made a burlesque of it. What they have been doing up until this point is trying frantically to hold the AMT crisis that they created as a hostage in order to drive higher taxes. They've been using the AMT issue as a locomotive for a tax increase that is unnecessary and is inappropriate, particularly if, as the majority leader feels, the economy might be slowing down.

They have been single-minded in their approach to try to drive higher taxes. Today, we have an opportunity to protect the taxpayers without a tax increase. Let's take it.

Madam Speaker, since coming to Congress, I have been a vocal champion for repealing the Alternative Minimum Tax. The AMT is a horribly inefficient parallel tax system that was never intended to impact those it is, or soon will ensnare.

This Congress, like so many before it, I have introduced legislation to repeal the AMT.

In recent years, Congress has turned to enacting temporary relief—or a patch—to keep the AMT from reaching more and more taxpayers in the middle class. This is necessary because the AMT was never indexed for inflation.

This fact, in conjunction with the Democrats' distortion of pay-as-you-go budgeting has placed us in the situation we face today.

While I think it is fair to say that most people believe the AMT was a mistake and it should be addressed, the debate is over how it should be addressed and if, in fact, other taxpayers should pay more taxes in order to keep the AMT at bay.

In other words, does it make sense for the rule of the House to require Congress to find revenue through real tax increases in order to stop a tax increase from happening?

The Democratic majority says yes. I say that this premise is utterly absurd.

Only in Washington could some green-eyeshade type conjure up the idea that it is necessary to raise taxes on one group of Americans in order to prevent another group of Americans from paying more taxes.

Instead of focusing our energy on who should pay more taxes, as this majority has done, Congress should be focused on what kind of pro-growth, pro-innovation and pro-job tax policies to enact.

Sadly, Madam Speaker, this majority has failed in this regard, even at a time the economy is beginning to show signs of softening.

Even on the more narrow issue of ensuring 21 million new taxpayers aren't subject to the AMT next year, the majority has barely received a passing grade.

This is the latest in the year Congress has dealt with an AMT patch—ever. Well, in this instance, tardiness as a severe consequence.

The Internal Revenue Service has said that the delay in enacting an AMT patch this year will result in massive confusion for taxpayers and lengthy delays for those expecting refunds this year.

And perhaps most disappointing of all is that when you dig deeper, the misguided banner of paygo which the majority holds up today is nothing more than a feeble attempt to mask their true intention with the AMT all along: to hold 23 million taxpayers hostage as they implement a protracted effort to permanently raise taxes in exchange for temporary tax relief.

They may say today that they are issuing an "IOU" to taxpayers that they intend to "pay for" this bill to prevent a tax increase. But, no American is fooled by these reindeer games. They know that all that means is that the House Democrats have just made a reservation to come to your house and raise your taxes.

I'm particularly pleased Republicans were able to call the majority out on this folly today in the name of the American taxpayer and economy. But, we must also insist that the majority's reservation is never honored.

Mr. NEAL of Massachusetts. Madam Speaker, I'd like at this time to yield 1 minute to the gentleman from Texas (Mr. DOGGETT), a member of the Ways and Means Committee.

Mr. DOGGETT. Madam Speaker, two-thirds of the benefit of this tax cut will go to families who earn $100,000 a year or more. Now, I support giving them the tax break, but I don't support borrowing $50 billion to do it.

Our Republican colleagues say today that, well, you don't have to borrow the money. Why don't you just cut spending? Well, that's the very question that we asked President Bush's representative when he came in front of our committee, and he stood there and he kind of scratched his head and said, I can't think of any spending cuts, nor have these Republicans offered a single spending cut to finance this $50 billion tax cut.

No, their approach is their old borrow-and-spend approach that they've used for the last 7 years. The debt goes up; the dollar goes down. We have the specter on the horizon of both inflation and recession, and they follow the same old broken policy.

I believe that they are holding taxpayers across this country hostage to force the Congress to borrow more money for yet another tax break. It does not make good economic sense, nor is it equitable.

Mr. McCRERY. Madam Speaker, may I inquire as to the remaining time?

The SPEAKER pro tempore. The gentleman from Louisiana has 6 minutes remaining. The gentleman from Massachusetts has 8½ minutes remaining.

Mr. McCRERY. In that case, I will let the majority go.

Mr. NEAL of Massachusetts. Madam Speaker, with that, I'd like to yield 1 minute to the gentlelady from Pennsylvania (Ms. SCHWARTZ), a valued member of the Ways and Means Committee.

Ms. SCHWARTZ. Madam Speaker, I thank Chairman NEAL for his leadership on this bill and rise today to support tax relief for hardworking American families.

Our action today will protect 23 million Americans from unexpectedly having to pay the AMT for the first time this year.

We in the Democratic majority are committed to enacting fiscally responsible tax relief, but the President and the obstructionist Republicans have made it clear that to them adding to the national debt matters not at all.

Under their watch, the national debt has nearly doubled. Rather than making tough decisions, they have opted time and again to push the cost of government on to future generations.

Congressional Republicans repeatedly and stubbornly resisted our efforts to ensure that we protect 23 million Americans from the AMT and do so without adding to the national debt.

The Democratic Congress is committed to our pledge of fiscal responsibility. We will work to ensure the tax relief we pass today will not add to the national debt.

I vote for this AMT tax relief to give 60,000 hardworking American families in my district the tax relief they deserve, and I pledge to work to make sure we don't pass on the cost to future generations.

Mr. McCRERY. Madam Speaker, I yield 1½ minutes to a distinguished member of the Ways and Means Committee, the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Madam Speaker, let's check the facts. The facts are the only reason we're here today is because the Democrat Congress created this alternative tax. The only reason we're here today is because a Democrat President, Bill Clinton, vetoed the repeal of this alternative tax. That's why we're here today.

As for being fiscally responsible, let's check the facts for just this year alone. For years, Democrats have said it is irresponsible not to pay for this war; it's irresponsible to borrow for this war. This year, they have spent, with our support, billions of dollars for this war and didn't pay for a dime.

The majority leader stood on this floor and said it was fiscally irresponsible to raise the debt limit; yet they did it in the first 60 days in their own budget.

This year they have used multiple pay-fors, the same pay-fors, more than 20 times on different bills; just this week, the same pay-for on two different bills within 24 hours. That's like using your house for collateral over and over and over for different loans, which is called fraud, and they've even used budget gimmicks by directing our own budget office to assume there will be no terrorist attacks for the next 5 years so they can avoid their own PAYGO rules.

PAYGO, the way it is working this year is a sham. A sham. Being lectured on fiscal irresponsibility by this Democratic Congress is like being lectured on parenting by Britney Spears; it makes no sense at all.

What we need to do is sit down together and find a way to cut this budget.

Mr. NEAL of Massachusetts. Madam Speaker, let me clear up what the gentleman said as the Democrat he quoted previously. They have decided to borrow the money for Iraq, almost all $800 billion of it on the Republican side, $800 billion.

Madam Speaker, at this time I yield 1 minute to a leader in the Blue Dog Coalition, a friend, and on this issue in particular I think a voice of great reason, the gentleman from Florida (Mr. BOYD).

Mr. BOYD of Florida. Madam Speaker, I thank my friend Mr. NEAL for yielding.

And let's be clear that the passage of this suspension of the rules abandons our commitment to fiscal responsibility and waives the PAYGO rules that were put in place by this Democratic majority back in January. And the blame lays squarely at the feet, Madam Speaker, of my colleagues on the other side of the aisle and those in the United States Senate who, at the behest of the President, have blocked all attempts for this Congress to responsibly pay, responsibly pay for an AMT fix.

It is a sad, sad day, Madam Speaker, and it's a strong testament to how far we have gotten off track as a United States Government.

The Republicans are expected to vote almost unanimously for the rule that waives PAYGO. It is abundantly clear that they have chosen to abandon fiscal responsibility.

Madam Speaker, the Blue Dogs are standing firm on PAYGO, and in the coming year we will continue to fight for what's right, for a Congress that pays its bills and for strict adherence to the PAYGO rules.

Mr. MCCRERY. Madam Speaker, I yield 1 minute to the distinguished gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Madam Speaker, I thank the gentleman for yielding.

I was in my office and I heard the distinguished majority leader talk about personal responsibility and how we've got to get this deficit and this debt under control.

Personal responsibility begins with personal responsibility. There's an article that ran a couple of weeks in the Washington Post that mentioned one Member, who shall remain nameless, tucked in $96 million worth of pet projects into next year's Federal budget, almost all of which is in today's bill that we will deal with.

Included in that was an earmark for a group called InTune. When asked what they would do with the grant, they said it might be music camps, it might be lessons, it might be how to be a DJ, it might be how to create a television show. The last earmark that this group got was spent on lesson plans for funk music.

This is not personal responsibility. Were there not earmarks in this bill, we would likely have a continuing resolution that would fund at last year's levels, and we could start to get a grip on this debt and deficit that we have.

Mr. NEAL of Massachusetts. Madam Speaker, there isn't an economist in this town who would argue that the reason that the Federal deficit and debt has exploded is because of earmarks.

With that, I'd like to introduce the gentleman from Arkansas, a leader in the Blue Dog Coalition and a champion on the AMT issue, the gentleman from Arkansas (Mr. ROSS) for 1 minute.

Mr. ROSS. Madam Speaker, this Democratic House has voted twice in a fiscally responsible manner to provide this tax relief which I voted for. Unfortunately, Senate and House Republicans have sadly chosen to side with protecting tax cheats and their offshore accounts instead of siding with 23 million working families and providing them with the tax relief they deserve.

Abandoning our commitment to the fiscal responsibility and passing an AMT bill that is not paid for leaves our children to foot the bill to the tune of some $80 billion.

It is morally wrong to continue to borrow money from China and to rob the Social Security trust fund to fund our domestic needs here at home. This vote today will do just that, a vote forced on us by Senate Republicans.

I urge my colleagues to vote "no" on this Republican tax increase on our children, grandchildren and future generations.

PARLIAMENTARY INQUIRY

Mr. RYAN of Wisconsin. Parliamentary inquiry, Madam Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. RYAN of Wisconsin. When a Member makes a motion to suspend the rules pursuant to clause 1 of rule XIV, is clause 10 of rule XXI, the PAYGO rule, suspended and thereby waived?

The SPEAKER pro tempore. The motion to suspend waives all rules.

Mr. RYAN of Wisconsin. Does the motion to suspend waive the PAYGO rule as well, then?

The SPEAKER pro tempore. The motion to suspend waives all rules.

Mr. RYAN of Wisconsin. Including PAYGO?

The SPEAKER pro tempore. All rules.

□ 1545

Mr. MCCRERY. Madam Speaker, I yield 1 minute to the distinguished gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. Madam Speaker, Republicans have come to the floor this afternoon to prevent a huge Democrat tax increase from taking place on millions of working families across America.

Democrats have come to the floor to pay for their tax increase with yet another tax increase.

Now, Madam Speaker, they call it the PAYGO rule. It fits nicely on a bumper sticker. Now, supposedly it means if you increase spending here or you have tax relief there, somehow you pay for it. But when I look at the budget, I see that Medicare has grown by almost 9 percent. They didn't pay for that. It was exempt. I saw Medicaid grow almost 8 percent. That was exempt from their PAYGO rule. Social Security increased 5½ percent. That was exempt from their PAYGO rule. Discretionary spending, 38 percent of the budget, well, PAYGO doesn't apply to that, either. And now they bring a 1-year AMT delay bill that's also exempt from their PAYGO rule.

This proves that the Democrats' PAYGO rule has gone from a fig leaf to no leaf. Let's reject it.

Mr. NEAL of Massachusetts. Madam Speaker, I would like to at this time yield 1 minute to the gentlewoman from South Dakota, a leader in the Blue Dog Coalition (Ms. HERSETH SANDLIN).

Ms. HERSETH SANDLIN. I thank the gentleman, the distinguished chairman, for yielding.

Madam Speaker, throughout the year the House has made great strides and has made tough choices, beginning the difficult work of getting the Nation's fiscal house in order. The Blue Dog Coalition has worked closely with our colleagues to draft fiscally responsible legislation that complied with PAYGO rules that the new majority put in place at the beginning of this Congress, rules the minority rejected for the past 6 years.

I commend the Speaker and the majority leader for their firm commitment to fiscal discipline. Under their leadership and that of the Ways and Means Committee, this House voted twice to provide AMT relief for 23 million families without burdening future generations with more debt.

Madam Speaker, there can be no mistake as to why the House is faced today with effectively waiving PAYGO for AMT relief: The bad habits of my colleagues in the minority who would continue to use borrowed money to provide the relief, thereby raising taxes in the form of interest payments, and the obstructionism and the lack of fiscal responsibility of the minority in the U.S. Senate. They would prefer to protect those who evade taxes even when the cost of that protection is to further mortgage the future of our children and grandchildren.

For these reasons and others, I urge my colleagues to vote "no" on the Senate amendment on behalf of the children in our lives and the children in our districts.

Mr. MCCRERY. Madam Speaker, I reserve the balance of my time.

Mr. NEAL of Massachusetts. Madam Speaker, I yield 2 minutes to the distinguished chairman of the Ways and Means Committee, who has been a leader on this issue from day one, and his leadership on AMT, I think, has brought about a reformed opinion here on how it ought to be handled, the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Madam Speaker, at the end of this day, notwithstanding the philosophical arguments that we have exchanged on this floor and whatever they do in the other body, the American people and taxpayers are going to ask the question, Did this Congress deliberately allow a $50 billion tax burden to fall on their shoulders? And we have to be in the position to say we have a long way to go in getting our tax reform straight. But it would be just so totally unfair for people to say that because of our differences of opinion that on this close to Christmas Day, we have blessed them with billions of dollars of a tax burden that they should not have.

It was the Congress that allowed this to go forward in 1969 without fixing it for indexing. And I hope it will be this Congress that would say that we remove this burden.

I do really hope that even though this President has only 1 year left in his term of office that somewhere, maybe the Treasury Secretary, maybe the Republican leadership, that they might come forward with any plan or some plan to remove the alternative minimum tax. And even though we know it's going to cost over $800 billion or maybe $1 trillion, I just hope that maybe next year that it's not smoke and mirrors and we didn't intend to tax in the first place, but we either cut programs or raise the revenue but, for God's sake, not only do the right thing for our taxpayers that are out there today wondering what we are going to do, but for those taxpayers that decades from now after many of us have gone, they'll ask the question, Why did you burden us with this load? Why did you have us to have to pay this indebtedness to Japan, to China? And why didn't you do the right thing?

Mr. McCRERY. Madam Speaker, I yield 1½ minutes to the distinguished gentleman from Virginia, a member of the Ways and Means Committee (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman for yielding.

Madam Speaker, I think what we are hearing across the country today is a collective sigh of relief on the part of tens of millions of American families who now will not be subjected to an over $3,000 tax increase this year. This is real relief for real people and real families to compensate for a flagging economy and the soaring cost of living.

Yet with the economic anxiety gripping this country, it is just astounding to me that it took so long to bring a clean AMT bill to the floor. As the majority's concession makes clear, this was the wrong time to raise taxes on the American people. The government never intended to collect the AMT revenue from the 21 million American families who this year would have fallen under the AMT net.

So the horror stories that we continue to hear all year long about increasing the deficit was thus only smoke and mirrors for a desire to raise taxes. And thank goodness we are here today because passage of this bill is vindication for those of us who refuse to cave in to tax-and-spend onslaught, and it is my only wish that this day had come sooner.

Mr. NEAL of Massachusetts. Madam Speaker, I reserve the balance of my time, and I might inquire at this time as to how the minority intends to proceed.

The SPEAKER pro tempore. The gentleman from Louisiana has 1 minute remaining.

Mr. McCRERY. Madam Speaker, I have one speaker remaining and I will yield to him, the distinguished gentleman from California (Mr. CAMPBELL), the entire 1 minute.

Mr. CAMPBELL of California. I thank the gentleman for yielding.

Madam Speaker, I support this bill today, which is going to leave taxes alone.

And understand that's all it's going to do. It is not cutting taxes on anyone. It's just leaving them where they are.

But yet to do this, the majority Democrats are going to violate their own vaunted PAYGO rule. And I would argue that PAYGO was just a sham to begin with. I mean, you can add $40 million more than last year to the budget. You can add $10 billion more here, $20 billion more there, and you don't have to pay for that. But to leave somebody's taxes alone, somehow you in theory were going to pay for it. But today that's a sham that, even as a sham, the Democrats haven't been able to keep. It goes from a sham to a double sham.

The lesson here is clear: You can balance budgets by holding down spending, and that's what we ought to do.

Mr. NEAL of Massachusetts. Madam Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman is recognized for 2½ minutes.

Mr. NEAL of Massachusetts. Madam Speaker, I'm here in reluctant support of this legislation. In this process of governing, you oftentimes reach a difficult intersection. Sometimes you do not have the luxury of either supporting a bill you like or opposing a bill that you don't like. Sometimes you have to support a bill that you do not like simply because it has to be done. And that is the crossroads at which we find ourselves today.

We have sent to the Senate what was possibly the easiest of offsets: Closing a loophole so that wealthy hedge fund managers cannot hide money in offshore accounts. But the Senate minority joined by the President and a group here in the House of Representatives have rejected on theological grounds any provision that raises revenue.

Some 160,000 troops are in Iraq, 26,000 in Afghanistan, and at some point we're going to have to pay for these wars. We are borrowing $2 billion every 7 days to fund the war in Iraq, and that's a bill our children and grandchildren will have to pay. And yet, and yet, we cannot ask the hedge fund managers to stop hiding money in offshore accounts. That's what this debate is about and has been. They are hiding money, scheming to avoid taxes in offshore accounts.

I support this bill in front of us today. We need to protect 23 million working families from being hit by higher taxes via the alternative minimum tax. But without fiscal responsibility here, and we've abandoned it when it comes to the alternative minimum tax and closing down an offshore tax haven, we have little choice.

Madam Speaker, I urge adoption of the resolution.

Mr. UDALL of New Mexico. Madam Speaker, I rise today with great disappointment that the intransigence of the President and the minority in the Senate has presented us with only bad options to fix the AMT. If we do nothing, this bad tax is going to affect families it was never supposed to affect. The bill forces us to choose between saddling middle class families in New Mexico with additional tax burdens under the AMT and saddling our grandchildren with debt because of the fiscal irresponsibility of past Congresses.

Twice this year the House has done right by middle class families, fixing the AMT and paying for the fix by closing two different tax loopholes that allow some of the wealthiest in the Nation avoid income taxes. The minority in the Senate, unfortunately, spurred by the President whom they continue to follow in lockstep, blocked both of those commonsense efforts because they don't represent the middle class.

So we find ourselves in the predicament we face today. I do not believe that middle class families in my state should be penalized for the poor choices and fiscal irresponsibility of the minority in the Senate and the stubbornness of the President, and I reluctantly support this bill.

Mr. UDALL of Colorado. Madam Speaker, I will vote for this bill—as I did for a similar measure last month—because of the urgent need to protect middle-income families from a massive tax increase that will hit them if we do not act to adjust the Alternative Minimum Tax, or AMT.

But I do so with some reluctance, because unlike the versions of the legislation previously passed by the House, this version reflects the inability of the Senate to bring itself to make the legislation fiscally responsible.

As changed by the Senate, this bill does not even attempt to offset the costs of changing the AMT.

I still think that should not be our first choice, because for too long the Bush Administration and its allies in Congress have followed that course—their view, in the words of Vice President CHENEY, has been that "deficits don't matter."

I disagree. I think deficits do matter, because they result in one of the worst taxes—the "debt tax," the big national debt that must be repaid, with interest, by future generations. I think to ignore that is irresponsible and falls short of the standard to which we, as trustees for future generations, should hold ourselves.

But, as of today we are left with no choice except to vote to protect middle-class taxpayers, or to insist on making them pay the price for the stubbornness of others.

So, I will vote for this bill today, without enthusiasm but with determination to continue working for greater fiscal responsibility when the House reconvenes next year.

Mr. COSTA. Madam Speaker, I rise to urge the House to defeat the rule as well as the AMT fix bill.

Legislation before us violates the promises we made to American people in January. We knew in January that complying with PAYGO would not be easy, but up until today, we've fulfilled our commitment.

In passing this legislation, we are merely again borrowing from China to pay for a short-term fix that needs a long-term solution. This administration has run up $5.6 trillion in debt over the last 6 years of irresponsible fiscal policy. How much debt passed on to our children is enough? Enough is enough.

PAYGO was to be one of the most important reforms we pledged, and today we are now becoming part of that problem by adding to the already $30,000 in federal debt for every man, woman and child in our country.

For decades, Republicans have preached the gospel of fiscal discipline and balanced budgets. When and how has that notion gotten lost? We should stay here until New Year's if we have to in order to find a way to offset the less revenue that will be going to the Treasury.

I support fixing the AMT problem, both in the short run and long term, but the issue is whether we are responsible or irresponsible legislators.

Mr. HOLT. Madam Speaker, the Alternative Minimum Tax (AMT) was originally enacted in 1969 to ensure that the wealthiest Americans paid at least some income taxes—like everybody else. Before the AMT, the richest Americans could unfairly dodge their taxes by using deductions to sidestep their social obligations. However, what began at the end of the Johnson administration as an attempt to guarantee that the top few hundred Americans pay their fair share of taxes—has not been indexed for inflation and as a result has slowly morphed into a middle-class tax hike.

More families in Central New Jersey are affected by the AMT than anywhere else in the country. Currently 33,292 of my constituents are hit by the AMT and this number will increase to 121,503 if we do not take action today.

Madam Speaker, I believe that this bill should have been paid for. I voted twice now for appropriate offsets to ensure that we keep our promise to the American people that we will not continue to spend money that this Congress does not have. We can not continue to borrow money from China and other countries in order to pay for the choices we make today. It is our children and grandchildren that will be forced to pay this debt around the world. Unfortunately President Bush and the Republicans in the Senate refuse to worry about the costs of this bill and the effect it will have on the next generation. I will continue to support my colleagues in making sure increase in spending or cuts in taxes are paid for and that next year we find an offset so that we do not pass this debt to the future generations.

However, with the prospect of having an additional 88,211 of my constituents pay the AMT, I believe we must move today to enact an AMT fix. We cannot make the middle class pay for the failures of the administration. I urge all my colleagues to support this important tax reform that will help middle class families from unfair tax burden.

Mr. LANGEVIN. Madam Speaker, I rise today in support of the Temporary Tax Relief Act (H.R. 3996), which will provide tax relief for hard-working, middle-class Americans. However, while I strongly support shielding these taxpayers from the Alternative Minimum Tax, I am deeply disappointed that our efforts to pay for this fix now, rather than charging it to future generations, have been blocked.

Congress first enacted the alternative minimum tax (AMT) in 1969 to ensure that 155 wealthy taxpayers paid their fair share of the federal income tax. But because the tax was not indexed for inflation, it has since become outdated and unfair. Without a fix, this year over 23 million Americans—and 75,000 Rhode Islanders—would be forced to pay nearly $2,000 in additional taxes to which they were never intended to be subjected. Today's bill will provide a one-year patch to prevent these middle-class Americans from being caught in the ever widening-net of the AMT.

While everyone agrees that AMT relief must be passed swiftly, I am concerned with the circumstances under which this bill is being considered. Just two months ago the House of Representatives passed a fiscally responsible measure that fully complied with pay-as-you-go (PAYGO) rules. In fact, I was proud to vote twice for legislation that provided for the necessary AMT relief and was fully paid for. Unfortunately, Republican obstructionism has forced us to consider a measure that will add $50 billion to the national debt. Fixing the AMT is important, and taxpayers should not suffer the consequences of political games. What saddens me is that there was an easy way to accomplish this goal without adding to the deficit, and we chose to ignore it.

I am also disappointed that this measure provides only temporary relief rather than presenting a long-term sustainable solution. We must develop a more permanent and fiscally responsible solution to the AMT, as it will continue to affect an increasing number of taxpayers in future years.

I would like to thank Chairman RANGEL for his leadership in bringing this measure to the floor, and for his valiant efforts to follow a more fiscally responsible course. I am hopeful that as we continue to debate national tax policy, we will develop permanent solution to the AMT issue which does not place the burden of paying for it on our future generations.

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, today I am voting against H.R. 3996, a bill adjusting the Alternative Minimum Tax. While the bill helps some middle class families, it does so at the expense of expanding our national debt and burdening the next generation with the cost of paying for it. I voted for the original version of this bill that came before the House earlier this fall because it was fiscally responsible. It brought relief to middle class families in a budget-neutral way by closing tax loopholes for hedge fund managers and corporate CEOs who shield their income off-shore. Unfortunately, the Senate stripped out the provisions that would replace the revenue lost through this AMT adjustment, so I cannot in good conscience support it.

The AMT was originally enacted to ensure that high income taxpayers pay at least a minimum amount of federal taxes. It prevents individuals from taking unfair advantage of the various preferences and incentives under the regular income tax and reducing their income tax liability below what we as a society consider an appropriate tax contribution given their wealth. The reckless tax policies advanced by President Bush during the past 6 years further complicated the way the AMT is applied. As a result, it will affect around 20 million families next year, many of whom the AMT was not originally intended to reach.

Reforming the AMT is warranted, and that's why I voted for this bill when it was paid for. Now we have a $50 billion give-away that's not paid for. Instead, it will increase our national debt, a debt financed by China and other nations. And the next generation—our children and grandchildren—will be stuck paying China back instead of investing in America. That's wrong. I believe that we must adhere to the pay-as-you-go rules that this House adopted at the beginning of the year. Just as a family has to balance its checkbook, the federal government must do the same. A federal government that is not fiscally sound cannot make the necessary investments we need in education, health care, housing, defense, homeland security, and other national priorities.

Mr. MAHONEY of Florida. Madam Speaker, I rise to express my concerns with H.R. 3996, the Tax Increase Prevention Act of 2007. Today, the American people were offered a false choice—tax families today or tax their children in the future.

This year the House of Representatives has twice passed alternative minimum tax relief bills intended to provide more than 23 million American's with tax relief. These two previous pieces of legislation were fiscally responsible. By closing tax loopholes, the House of Representatives sought to ensure that we did not pass the cost of this temporary fix along to our children and grandchildren.

Let me be clear. With passage of this bill tonight, President Bush and the Republicans have decided to mortgage our children's future and add to the national debt.

I will reluctantly vote for this legislation because without an AMT fix, more than 46,500 people in the 16th Congressional District of Florida will be burdened with a tax increase. These are hardworking families already struggling with skyrocketing property taxes, staggering homeowners insurance premiums, rising mortgage payments and out of control gas prices. These are seniors already forced to choose between purchasing life saving medications and putting food on the table. Simply stated, my constituents do not need the burden of an additional tax increase.

In closing, I call upon the House of Representatives to return to fiscal responsibility and Pay As You Go rules. Like many of my fellow Blue Dog colleagues, I believe we have a moral obligation not to pass our debt along to future generations.

Mr. ETHERIDGE. Madam Speaker, I rise in support of H.R. 3996, Tax Increase Prevention Act of 2007 and urge my colleagues to join me in voting for its passage.

This bill provides tax relief for millions of Americans by raising the exemption amounts on the Alternative Minimum Tax, and ensuring that no new taxpayers would be subject to this higher rate. H.R. 3996 would prevent a tax increase on 21 million taxpayers when they file their 2007 tax returns. The Alternative Minimum Tax was originally enacted to prevent only the very wealthiest of Americans from avoiding income tax payment. However, over the years its reach has grown to affect more and more middle income taxpayers, and estimates show that as many as 30 million taxpayers would be ensnared by this higher tax rate by 2010. This bill will spare over 15,000 people in my district alone, from paying the Alternative Minimum Tax. As a part-time farmer and a former small business owner, I know the crucial importance of this sector to the economy as a whole. I support tax relief for the middle class workers and families who help drive our economy.

However, I am concerned that this bill does not include an offset and is not budget-neutral. I am strongly in favor of providing tax relief to millions of Americans, but we need to address this problem in a responsible way that maintains the integrity of our budget, and avoids adding to the budget deficit and our national debt. As a member of the House Budget Committee, I am hopeful that we can address the Alternative Minimum Tax issue further when Congress returns in the new year.

Mr. HALL of New York. Madam Speaker, the nineteenth district of New York is one of the districts in this country most affected by the AMT. Last year over 30,000 families in my district paid AMT. I wish we had the support in both the majority, and the minority, that we need to advance the major tax reform necessary to prevent the AMT from unfairly penalizing thousands of families in the Hudson Valley. The "patch" legislation that we considered today is the best legislation that we can pass at this time to prevent more families from being impacted by the AMT, and will ensure that an additional 70,000 families in my district alone will not be hit next year by the AMT.

I am proud that the Democratic Majority in the House of Representatives has twice passed a responsible AMT patch; offsetting the $50 billion in lost revenue from the AMT by eliminating tax loopholes for some of the richest people in the country, who choose to use offshore tax havens to avoid paying their fair share of taxes. However, neither the President nor his allies in Congress are fiscally responsible. They will not accept any legislation that acts responsibly by ensuring that the cost of protecting working families from the AMT will not be borne by their grandchildren. I believe I was elected to Congress last year to help restore fiscal integrity to the Federal Government, and I stand by the numerous votes I have cast in support of a responsible Pay-Go system.

Although I am deeply disappointed that we will not be able to pass a version of AMT reform with a revenue offset this year. I am unwilling to let working families in my district suffer as a result of the President and the minority in Congress. That is why, despite its obvious inadequacies, I feel that I must support this bill. I am disappointed that we were forced to pass this bill by borrowing the resources to do so. As Congress continues its work in the future, I am committed to working to make sure our government operates within its means and respects the principle of fiscal responsibility.

Mr. DINGELL. Madam Speaker, I rise today in support of H.R. 3996, legislation that will provide critical tax relief to millions of middle class Americans. I support the Democratic majority's commitment to passing sensible legislation that will provide a solution to the looming Alternative Minimum Tax crisis. I am disappointed that President Bush and the Republican minority have opposed our efforts on this matter every step of the way. If this bill is not signed by the President, more than 60,000 families which I have the honor of representing here in the House will be required to pay the AMT when filing their 2007 return—an increase of almost 1000 percent since 2005.

I also support the Democratic majority's continuing commitment to responsible fiscal policies. Last week when the House passed AMT relief, it was paid for by closing tax loopholes that allow hedge fund managers and corporate CEOs to use offshore tax havens as unlimited retirement accounts. Unfortunately, the President and our Republican colleagues in the Senate once again sided with a few of the wealthiest individuals over millions of middle class American families. This speaks volumes about their misplaced priorities, and we are left with an AMT bill that does not meet paygo rules. However, I understand Chairman RANGEL—for whom I have the utmost respect—has committed to finding an offset for this fix next year as he continues to find a permanent solution to the AMT crisis.

Mr. VAN HOLLEN. Madam Speaker, I rise to support the importance of patching the Alternative Minimum Tax (AMT) this year. Although it would have been my strong preference to pay for the middle class tax relief we are providing today, I do not believe we should penalize 23 million Americans for the Republican party's fiscal irresponsibility and intransigence.

Throughout this debate, we have demonstrated that it is possible to provide important tax relief in a fiscally responsible manner. Unfortunately, the White House and an obstructionist minority in the other chamber have blocked these efforts. That obstruction is regrettable. But it must not be permitted to create an additional liability for millions of middle class Americans the AMT was never intended to burden.

Madam Speaker, the hour is late. The need is clear. I urge my colleagues' support.

Mr. SPRATT. Madam Speaker, the Alternative Minimum Tax was not meant for middle-income Americans, and here in the House, we, as Democrats, have proposed and twice passed legislation that would prevent the AMT from coming down on 23 million taxpayers for whom it was never intended, without increasing the deficit. That's important to us as Democrats, which is why we believe in the Pay-Go principle. Last month, we passed a bill showing that you can patch the AMT, comply with Pay-Go, and not add to the deficit or to the tax burden of middle-income Americans.

We were not the only one proposing such a solution. In February 2006, the Director of OMB, Josh Bolten, testified that the Bush Administration believed the AMT "can be corrected in the context of overall revenue neutral tax reform." In February 2007, OMB Director Rob Portman said: "Our budget assumes that we will have a revenue neutral correction to AMT." And in March 2007, Hank Paulson told us the same.

But what the Bush administration proposed, they have not supported. Their counterparts in Congress voted down in the Senate an AMT fix consistent with Pay-Go, and forced the issue before us, an AMT patch that works for one year, but adds $50 billion to the deficit.

We all agree that we must stop the AMT from coming down on 23 million middle-income taxpayers. That's why I and most of this House voted twice to fix the AMT the right way, the way the Bush administration once itself supported, with offsets that kept the fix from worsening the deficit.

As chairman of the Budget Committee, I proposed an alternative idea, consistent with Pay-Go. What I proposed was that we postpone designation of the offsets necessary to keep this bill deficit-neutral until such time as we dealt with extension of expired or expiring tax deductions, such as the research and experimentation tax credit. At that point, we would require that the offsets for this bill be passed before any such deductions, credits, exemptions, or preferences be extended.

This idea won support among many of my caucus, including our leadership, but in the end, not enough support to warrant its being offered. I regret that it was not, but I would remind everyone that this bill only buys one year of absolution. The same issue, the impact of the AMT on middle-income taxpayers, will have to be addressed again within months as we prepare and implement the budget resolution for fiscal year 2009. I hope we take a page from this year's experience and fix the AMT the right way next year, without impacting middle-income taxpayers, but also without impacting the deficit.

Mr. NEAL of Massachusetts. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. RANGEL) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 3996.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. McCRERY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to suspend on H.R. 3996 will be followed by 5-minute votes on the motion to suspend on S. 2499 and the motion to suspend on H.R. 4040.

The vote was taken by electronic device, and there were—yeas 352, nays 64, not voting 17, as follows:

[Roll No. 1183]

YEAS—352

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)

Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carnahan
Carney
Carter
Castle
Chabot
Clarke
Clay
Cleaver
Coble
Cohen
Cole (OK)
Conaway
Conyers
Courtney
Crenshaw
Crowley
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green, Al
Grijalva
Hall (NY)
Hall (TX)
Hare
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meeks (NY)
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Mitchell
Mollohan
Moore (WI)
Moran (KS)
Murphy (CT)
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Olver
Pallone
Pascrell
Payne
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sali
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Space
Spratt
Stearns
Sullivan
Sutton
Tancredo
Tauscher
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Wamp
Wasserman Schultz
Waters
Watson
Weiner
Weldon (FL)
Westmoreland
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—64

Andrews
Baird
Becerra
Berry
Boyd (FL)
Boyda (KS)
Butterfield
Capps
Capuano
Cardoza
Castor
Chandler
Clyburn
Cooper
Costa
Costello
Cramer
Cuellar
Davis, Lincoln
DeFazio
Delahunt
Doggett
Emanuel
Gordon
Green, Gene
Gutierrez
Harman
Herseth Sandlin
Hill
Hoyer
Kanjorski
Kind
Larsen (WA)
Larson (CT)
Matheson
McCollum (MN)
McDermott
Meek (FL)
Melancon
Michaud
Miller, George
Moore (KS)
Moran (VA)
Murphy, Patrick
Obey
Pelosi
Peterson (MN)
Price (NC)
Ross
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Scott (VA)
Sherman
Shuler
Smith (WA)
Stark
Stupak
Tanner
Taylor
Walz (MN)
Watt
Waxman
Welch (VT)

NOT VOTING—17

Cubin
Gilchrest
Hastings (FL)
Hooley
Jefferson
Jindal
Johnson, E. B.
Kucinich
McNulty
Miller, Gary
Ortiz
Pastor
Paul
Thompson (CA)
Weller
Wexler
Woolsey

□ 1619

Messrs. BECERRA, GUTIERREZ, BUTTERFIELD, CLYBURN, and WAXMAN, and Ms. McCOLLUM of Minnesota changed their vote from "yea" to "nay."

Mr. KAGEN and Ms. LEE changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RECOGNIZING JIM OLIVER ON HIS RETIREMENT FROM THE HOUSE

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, we are very fortunate, as Members of Congress, to rely on the services of so many dedicated staffers who help all of us get our job done and keep this process here moving. One of those staffers is someone who I think is familiar to Members on both sides of the aisle.

Jim Oliver is the assistant manager of the Republican cloakroom. He has served in that position for some 21 years. He served for 30 years as an employee of the House, having first come here 40 years ago as a page.

Jim, as we all know, is a solid professional. He is patient, he is humble, and he always seems to have the right answer no matter what the question is.

But the most interesting thing about Jim, and something that I know we will all miss, is his deep love of this institution. He has a deep and long understanding of the history of this Chamber, and he is an expert on the history of the page program and the Congressional Cemetery.

We are all going to miss Jim. We are going to miss his dry sense of humor and the institutional knowledge that he helps pass on to all of us.

We wish him well, and we wish him many years of success and happiness in his retirement.

Jim, job well done.

And, Mr. Speaker and my colleagues, if I could take 10 seconds more to wish all of you a very merry Christmas.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HOLDEN). Without objection, 5-minute voting will continue.

There was no objection.

MEDICARE, MEDICAID, AND SCHIP EXTENSION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the Senate bill, S. 2499, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the Senate bill, S. 2499.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 3, not voting 18, as follows:

[Roll No. 1184]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly

Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—3

Cannon
Flake
Tancredo

NOT VOTING—18

Boyd (FL)
Cubin
Gilchrest
Hastings (FL)
Hooley
Jefferson
Jindal
Johnson, E. B.
Kucinich
McNulty
Miller, Gary
Ortiz
Pastor
Paul
Thompson (CA)
Weller
Wexler
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1630

So (two-thirds being in the affirmative) the rules were suspended and the Senate bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BOYD of Florida. Mr. Speaker, on rollcall No. 1184, I was unable to vote. Had I been present, I would have voted "yea."

CONSUMER PRODUCT SAFETY MODERNIZATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 4040, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. RUSH) that the House suspend the rules and pass the bill, H.R. 4040, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 407, nays 0, not voting 25, as follows:

[Roll No. 1185]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton

Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Tsongas
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Westmoreland
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—25

Brown-Waite, Ginny
Capps
Cubin
Gilchrest
Gohmert
Hastings (FL)
Honda
Hooley
Jefferson
Jindal
Johnson, E. B.
Jones (OH)
Kucinich
McNulty
Miller, Gary
Neal (MA)
Ortiz
Pastor
Paul
Rangel
Saxton
Thompson (CA)
Weller
Wexler
Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1636

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, on rollcall No. 1185, I inserted my card to vote but did not check it. Apparently it did not register my vote. Had my card worked, I would have voted "yea."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1201

Mr. BOOZMAN. Mr. Speaker, I would like to ask unanimous consent to withdraw my name as a cosponsor of H.R. 1201.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE, AND A CONDITIONAL ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution:

S. CON. RES. 61

Resolved by the Senate (the House of Representatives concurring), That when the Senate adjourns on any day from Tuesday, December 18, 2007, through Monday, December 31, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution; and that when the House adjourns on any legislative day from Tuesday, December 18, 2007, through Saturday, December 22, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned sine die, or until the time of any reassembly pursuant to section 3 of this concurrent resolution.

SEC. 2. When the Senate recesses or adjourns on Thursday, January 3, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand recessed or adjourned until noon on Tuesday, January 22, 2008, or such other time on that day as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first; and when the House adjourns on the legislative day of Thursday, January 3, 2008, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it shall stand recessed or adjourned until noon on Tuesday, January 15, 2008, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first.

SEC. 3. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify Members of the Senate and the House, respectively, to reassemble at such a place and time as they may designate if, in their opinion, the public interest shall warrant it.

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY:

Page 1, line 2, strike "adjourns" and insert in lieu thereof "recesses or adjourns".

Page 1, line 6, strike "or until the time of any reassembly pursuant to section 3 of this concurrent resolution" and insert in lieu thereof "or until such day and time as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first".

The amendment was agreed to.

The Senate concurrent resolution, as amended, was concurred in.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON FINANCIAL SERVICES TO HAVE UNTIL NOON, JANUARY 3, 2008 TO FILE REPORT ON H.R. 3524, HOPE VI IMPROVEMENT AND REAUTHORIZATION ACT OF 2007

Mr. FRANK of Massachusetts. Mr. Speaker, I ask unanimous consent that the Committee On Financial Services have until noon on January 3, 2008, to file a report on H.R. 3524.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

THE DEPARTMENT OF STATE, FOREIGN OPERATIONS, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2008 (CONSOLIDATED APPROPRIATIONS ACT, 2008)

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 893, I call up the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes, with a Senate amendment to the House amendment to the Senate amendment thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will designate the Senate amendment.

The text of the Senate amendment is as follows:

Senate amendment to House amendment to Senate amendment:

Page 1431, line 15, of the House engrossed amendments to the Senate amendment to the text of the bill, strike division L and insert:

DIVISION L—SUPPLEMENTAL APPROPRIATIONS, DEFENSE

TITLE I—MILITARY PERSONNEL

MILIARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $782,500,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $95,624,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $56,050,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $138,037,000.

TITLE II—OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $35,152,370,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $3,664,000,000: Provided, That up to $110,000,000 shall be transferred to the Coast Guard "Operating Expenses" account.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $3,965,638,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $4,778,000,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $2,116,950,000, of which up to $300,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided, or to be provided, to United States military operations, notwithstanding any other provision of law: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in *consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.*

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $77,736,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $41,657,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $46,153,000.

OPERATIONS AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $12,133,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $327,000,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $51,634,000.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Iraq Freedom Fund", $3,747,327,000, to remain available for transfer until September 30, 2009, only to support operations in Iraq or Afghanistan: Provided, That the Secretary of Defense may transfer the funds provided herein to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and working capital funds: Provided further, That funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation or fund to which transferred: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

AFGHANISTAN SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Afghanistan Security Forces Fund", $1,350,000,000, to remain available until September 30, 2009: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Office of Security Cooperation–Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

IRAQ SECURITY FORCES FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Iraq Security Forces Fund", $1,500,000,000, to remain available until September 30, 2009: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Multi-National Security Transition Command-Iraq, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Iraq, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: Provided further, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: Provided further, That the Secretary of Defense may transfer such funds to appropriations for military personnel; operation and maintenance; Overseas Humanitarian, Disaster, and Civic Aid; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purposes provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds so transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: Provided further, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, and used for such purposes: Provided further, That the Secretary shall notify the congressional defense committees in writing upon the receipt and upon the transfer of any contribution delineating the sources and amounts of the funds received and the specific use of such contributions: Provided further, That the Secretary of Defense shall, not fewer than five days prior to making transfers from this appropriation account, notify the congressional defense committees in writing of the details of any such transfer: Provided further, That the Secretary shall submit a report no later than 30 days after the end of each fiscal quarter to the congressional defense committees summarizing the details of the transfer of funds from this appropriation.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For the "Joint Improvised Explosive Device Defeat Fund", $4,269,000,000, to remain available until September 30, 2010: Provided, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: Provided further, That within 60 days of the enactment of this Act, a plan for the intended management and use of the Fund is provided to the congressional defense committees: Provided further, That the Secretary of Defense shall submit a report not later than 30 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of this Fund: Provided further, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: Provided further, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon determination that all or part of the funds so transferred from this appropriation are not necessary for the purpose provided herein, such amounts may be transferred back to this appropriation: Provided further, That the Secretary of Defense shall, not fewer than 5 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

TITLE III—PROCUREMENT

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $943,600,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $1,429,445,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $154,000,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $2,027,800,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $48,500,000, to remain available for obligation until September 30, 2010.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $304,945,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $91,481,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $703,250,000, to remain available for obligation until September 30, 2010.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $51,400,000, to remain available for obligation until September 30, 2010.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $30,725,000, to remain available for obligation until September 30, 2010.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $274,743,000, to remain available for obligation until September 30, 2010.

TITLE IV—REVOLVING AND MANAGEMENT FUNDS

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount of "Defense Working Capital Funds", $1,000,000,000, to remain available for obligation until September 30, 2010.

TITLE V—OTHER DEPARTMENT OF DEFENSE PROGRAMS

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $575,701,000 for Operation and maintenance.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $192,601,000.

TITLE VI—GENERAL PROVISIONS

GENERAL PROVISIONS

SEC. 601. Appropriations provided in this division are available for obligation until September 30, 2008, unless otherwise so provided in this division.

SEC. 602. Notwithstanding any other provision of law or of this division, funds made available in this division are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2008.

(TRANSFER OF FUNDS)

SEC. 603. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer between appropriations up to $4,000,000,000 of the funds made available to the Department of Defense in this division: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense.

SEC. 604. Funds appropriated in this division, or made available by the transfer of funds in or pursuant to this division, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414).

SEC. 605. None of the funds provided in this division may be used to finance programs or activities denied by Congress in fiscal years 2007 or 2008 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 606. (a) AVAILABILITY OF FUNDS FOR CERP.—From funds made available in this division to the Department of Defense, not to exceed $500,000,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people, and to fund a similar program to assist the people of Afghanistan.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter (beginning with the first quarter of fiscal year 2008), the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

SEC. 607. During the current fiscal year, funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Iraq and Afghanistan: Provided, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 608. During fiscal year 2008, supervision and administration costs associated with projects carried out with funds appropriated to "Afghanistan Security Forces Fund" or "Iraq Security Forces Fund" in this division may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 609. (a) REPORTS ON PROGRESS TOWARD STABILITY IN IRAQ.—Not later than 60 days after the date of the enactment of this Act and every 90 days thereafter through the end of fiscal year 2008, the Secretary of Defense shall set forth in a report to Congress a comprehensive set of performance indicators and measures for progress toward military and political stability in Iraq.

(b) SCOPE OF REPORTS.—Each report shall include performance standards and goals for security, economic, and security force training objectives in Iraq together with a notional timetable for achieving these goals.

(c) SPECIFIC ELEMENTS.—In specific, each report shall require, at a minimum, the following:

(1) With respect to stability and security in Iraq, the following:

(A) Key measures of political stability, including the important political milestones that must be achieved over the next several years.

(B) The primary indicators of a stable security environment in Iraq, such as number of engagements per day, numbers of trained Iraqi forces, and trends relating to numbers and types of ethnic and religious-based hostile encounters.

(C) An assessment of the estimated strength of the insurgency in Iraq and the extent to which it is composed of non-Iraqi fighters.

(D) A description of all militias operating in Iraq, including the number, size, equipment strength, military effectiveness, sources of support, legal status, and efforts to disarm or reintegrate each militia.

(E) Key indicators of economic activity that should be considered the most important for determining the prospects of stability in Iraq, including—

(i) unemployment levels;

(ii) electricity, water, and oil production rates; and

(iii) hunger and poverty levels.

(F) The criteria the Administration will use to determine when it is safe to begin withdrawing United States forces from Iraq.

(2) With respect to the training and performance of security forces in Iraq, the following:

(A) The training provided Iraqi military and other Ministry of Defense forces and the equipment used by such forces.

(B) Key criteria for assessing the capabilities and readiness of the Iraqi military and other Ministry of Defense forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping these forces), and the milestones and notional timetable for achieving these goals.

(C) The operational readiness status of the Iraqi military forces, including the type, number, size, and organizational structure of Iraqi battalions that are—

(i) capable of conducting counterinsurgency operations independently;

(ii) capable of conducting counterinsurgency operations with the support of United States or coalition forces; or

(iii) not ready to conduct counterinsurgency operations.

(D) The rates of absenteeism in the Iraqi military forces and the extent to which insurgents have infiltrated such forces.

(E) The training provided Iraqi police and other Ministry of Interior forces and the equipment used by such forces.

(F) Key criteria for assessing the capabilities and readiness of the Iraqi police and other Ministry of Interior forces, goals for achieving certain capability and readiness levels (as well as for recruiting, training, and equipping), and the milestones and notional timetable for achieving these goals, including—

(i) the number of police recruits that have received classroom training and the duration of such instruction;

(ii) the number of veteran police officers who have received classroom instruction and the duration of such instruction;

(iii) the number of police candidates screened by the Iraqi Police Screening Service, the number of candidates derived from other entry procedures, and the success rates of those groups of candidates;

(iv) the number of Iraqi police forces who have received field training by international police trainers and the duration of such instruction; and

(v) attrition rates and measures of absenteeism and infiltration by insurgents.

(G) The estimated total number of Iraqi battalions needed for the Iraqi security forces to perform duties now being undertaken by coalition forces, including defending the borders of Iraq and providing adequate levels of law and order throughout Iraq.

(H) The effectiveness of the Iraqi military and police officer cadres and the chain of command.

(I) The number of United States and coalition advisors needed to support the Iraqi security forces and associated ministries.

(J) An assessment, in a classified annex if necessary, of United States military requirements, including planned force rotations, through the end of calendar year 2008.

SEC. 610. Each amount appropriated or otherwise made available in this division is designated as an emergency requirement and necessary to meet emergency needs pursuant to subsections (a) and (b) of section 204 of S. Con. Res. 21 (110th Congress), the concurrent resolution on the budget for fiscal year 2008.

SEC. 611. None of the funds appropriated or otherwise made available by this division may be obligated or expended to provide award fees to any defense contractor for performance that does not meet the requirements of the contract.

SEC. 612. No funds appropriated or otherwise made available by this division may be used by the Government of the United States to enter into an agreement with the Government of Iraq that would subject members of the Armed Forces of the United States to the jurisdiction of Iraq criminal courts or punishment under Iraq law.

SEC. 613. Notwithstanding any other provision of law, the Secretary of the Army may reimburse a member for expenses incurred by the member or family member when such expenses are otherwise not reimbursable under law: Provided, That such expenses must have been incurred in good faith as a direct consequence of reasonable preparation for, or execution of, military orders: Provided further, That reimbursement under this section shall be allowed only in situations wherein other authorities are insufficient to remedy a hardship determined by the Secretary, and only when the Secretary determines that reimbursement of the expense is in the best interest of the member and the United States.

SEC. 614. In this division, the term "congressional defense committees" means—

(1) the Committees on Armed Services and Appropriations of the Senate; and

(2) the Committees on Armed Services and Appropriations of the House of Representatives.

SEC. 615. This division may be cited as the "Emergency Supplemental Appropriations Act for Defense, 2008".

MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Speaker, pursuant to House Resolution 893, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. Obey moves that the House concur in the Senate amendment to the House amendment to the Senate amendment to H.R. 2764.

The SPEAKER pro tempore. Pursuant to House Resolution 893, the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. LEWIS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin.

GENERAL LEAVE

Mr. OBEY. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the pending legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. OBEY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, before I get to the matter at hand, I would like to, as the minority leader did just a moment ago, I would like to take special note of the fact that the Appropriations Committee in the House is losing a highly valuable member of our staff.

David Morrison has served the Appropriations Committee and the Defense Appropriations Subcommittee with distinction for a number of years. I know I have certainly come to rely on him for many things, and I know the gentleman from Pennsylvania, Mr. MURTHA, has certainly heavily relied on him as well. I hesitate to point out that before he served the Appropriations Committee in the House, he had an errant career. He spent part of that career at the Office of Management and Budget, and he spent another portion of that career in the other body. Despite that fact, he has recovered very well, and he has served us extremely well in the House. We hate to see him leave, and I think we all owe him a round of applause.

Mr. Speaker, I don't want to take much time. I know people want to leave. Let me explain the procedure that is being followed. I have a ministerial duty to call up this Senate amendment, even though I intend to vote against it.

As the House I think understands, yesterday the House considered an omnibus appropriation bill, and what we did was to consider two amendments; one amendment related to the domestic funding for the bill, and the other amendment related to funding for Afghanistan and for certain force protection items. We sent those two amendments over to the Senate, and the Senate has amended the product in one respect. They have substituted for the $30 billion that we sent to the Senate for Afghanistan and for force protection items, they have substituted $70 billion, and sent it back to the House.

I have an obligation to allow the House to work its will on this matter, even though I suspect I am going to disagree with the result of this action.

□ 1645

In my view, when we sent legislation over to the Senate 3 weeks ago, that legislation provided for $50 billion for the purpose of helping to shut down the war by establishing a timeline, by requiring that all agencies of the Federal Government adhere to the U.S. Army Manual with respect to torture, and would also require that every unit be militarily ready to perform its duties. That is still sitting in the Senate. In my view, all that we had to do to deal with the so-called shortfall that the White House has been talking about is for the President to sign that bill with those conditions. The White House has blocked that legislation in the Senate, and so we have come to this.

Members will vote however they choose. I intend to vote "no," but this is an individual vote of conscience.

I reserve the balance of my time.

Mr. LEWIS of California. Mr. Speaker, in the last several days we have said all that we perhaps need to say about the omnibus. We have discussed every inch of it. We all know about the amendment on the Senate side. And, because of that, I am going to give up my 20-minute speech.

I would like to take just a moment nonetheless to ask the Members to join me in paying a very special tribute to one of the most beloved and respected staffers on Capitol Hill.

After 3 years as my staff director, Frank Cushing is leaving the committee at the end of the year to pursue other opportunities. With more than 25 years of Capitol Hill experience, Frank leaves behind a record of integrity and service that few can match.

I got to know Frank in 1995 when he served as my clerk on the House VA-HUD subcommittee of appropriations, a position he held until 2003. In very little time, I saw that Frank was one of those rare staffers who not only loves and respects this institution, but he in turn is respected and trusted by Members on both sides of the aisle.

Prior to his service in the House, Frank held numerous positions in the Senate, including staff director, both majority and minority, of the Committee on Energy and Natural Resources, and clerk of the Interior Appropriations Subcommittee. More than one professional on both sides of the aisle have said to me, and I would quote them, "You are fortunate if you have been trained in this business by Frank Cushing."

Frank, we are going to miss you. We want you to know that, as we express our love for you and for Amy, the entire body wishes you well and wishes your family Godspeed. Thanks, Frank.

Mr. Speaker, we are now just 6 days away from the Christmas holidays. I know the Members and staff are eager to get home to their families so I intend to be very brief in my remarks today.

The House is considering a yearend omnibus spending package that, I must confess, is a much better product than what we considered Monday evening. I reluctantly opposed both amendments passed by the House 2 days ago because they failed to provide for our troops in harm's way in Iraq. Fortunately, the Senate has now addressed this oversight. The Omnibus returns to the House a much better and complete bill.

Because this spending package adheres to the President's top line on spending, and it contains funding for our men and women in uniform in both Iraq and Afghanistan, I intend to support this legislation. And, I'm pleased to say that all indications are that the President will sign it.

Before concluding my remarks, I want to thank Chairman OBEY and the fine committee staff for their tireless efforts this year. Few people realize the tremendous amount of work that goes into the appropriations process each year.

The Appropriations Committee is the workhorse committee. Chairman OBEY and our staff have worked very long hours to produce this legislation, and they deserve our gratitude. DAVID, it is time for you to go home to Wisconsin and for me to go to California for a few weeks. It's time to let the staff catch up on some long overdue family time for the holidays.

Mr. Speaker, I am going to take almost no more time except to recognize a couple of my colleagues for unanimous-consent requests.

I first recognize the gentleman from Florida, my chairman of the Appropriations Committee, BILL YOUNG.

Mr. YOUNG of Florida. Mr. Speaker, I rise in strong support of the amendment to provide funding for our troops in Iraq and Afghanistan.

These funds should have been provided much earlier this year. They are vital if we are to ensure that our troops have the support they need until enactment of a full-year supplemental appropriations bill for the Global War on Terror.

As I've said before, engaging in a debate on war policy is a legitimate and proper role for the Congress. However, we should never put ourselves in the position of threatening funding for our troops in the field. They deserve our full, unrestricted support.

With passage of this amendment, both the Army and the Marine Corps will have the funds they need to continue war operations for the first half of fiscal year 2008. However, we need to move quickly next year to provide full funding for our soldiers and marines, and for all our men and women in uniform. Let's not hold them hostage to Congressional debates ever again.

In conclusion, I strongly support this amendment and urge that it be adopted by the House. Then we can truly wish all our military a Merry Christmas and a Happy New Year.

Mr. LEWIS of California. Mr. Speaker, I recognize the gentleman from Mississippi (Mr. WICKER) for a unanimous-consent request.

Mr. WICKER. Mr. Speaker, I too rise in strong support of the amendment, thanking my subcommittee chairman, Mr. EDWARDS, for his kind remarks about me 2 days ago and about the staff, expressing regret that we couldn't have done the MilCon-VA bill earlier.

Mr. Speaker, allow me to say a word or two about the Military Construction and Veterans Affairs portion of this omnibus bill. When the legislation was before the House earlier this week, Chairman EDWARDS was generous in his praise of our majority and minority staff members of the subcommittee. I wholeheartedly echo that sentiment. We have been blessed with a capable and hard-working staff.

Chairman EDWARDS was also kind enough to acknowledge that he and I have worked in partnership on this bill from day one. I want to take this opportunity to return that salute. Mr. EDWARDS sought my input throughout the process, and I am grateful that together with our subcommittee members we have been able to put together a bipartisan product that provides historic increases for our veterans, for our troops, and for the quality of life of current military families. These funds come on top of substantial increases for these accounts during the 12 years when Republicans were in the majority.

I would also gently remind my colleagues that this vital funding has been unnecessarily delayed. We could have moved to conference quickly on this type of funding—in a bipartisan and unifying way. Instead, powers above Mr. EDWARDS' and my pay grades decided to attach the bill to a much more controversial Labor-HHS-Education measure, and there it has sat, now some 80 days into the new fiscal year.

In an attempt to break the logjam, I introduced legislation identical in every respect to the Milcon-VA conference agreement, and every Republican member of this body cosponsored that bill. We could have had funding in the pipeline for family housing, childcare centers, veterans and military construction early on. But the bill was held hostage as leverage for an additional $22 billion in completely unrelated areas.

In the end the ploy did not work. Thankfully we are passing an omnibus bill at roughly the President's level, and the veterans and troops are finally getting a bill. I would simply urge my fellow Members to resist these types of maneuvers in the future. Let's not hold up Milcon and VA spending in an effort to spend more elsewhere.

Having made that point as cordially and charitably as I can and in the spirit of the Christmas season, I again thank and commend my Chairman for allowing me to participate in an excellent bipartisan achievement.

Mr. LEWIS of California. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Ms. LEE).

Ms. LEE. Let me thank the gentleman for his leadership and for yielding.

Here we go again, another payment on a war that should not have been fought and an occupation that keeps our young men and women in harm's way. By forcing Congress to tie the fate of spending for critical domestic programs to Iraq funding, this President held these programs hostage just to prop up his failed policy. This is not only shameful, it is unacceptable. The American people want our troops and our contractors home.

A recent CNN poll found that 69 percent of respondents favored withdrawing all of our troops from Iraq. Nearly half believe that our troops should be home in under 1 year.

The only funds that we should be giving this President today should be to protect our troops and our contractors and to bring them home in a safe and timely and orderly fashion, in other words, what we tried to do several weeks ago, and, that is, fully fund the redeployment of our troops and military contractors from Iraq. And we should be using this opportunity to shore up vital programs such as our poverty elimination efforts, vital HIV/AIDS programs, both domestic and international, and providing health care for all, which we tried to do in the Appropriations Committee under Chairman OBEY but which the President, unfortunately, threatened to veto. Now, Congress, this body, once again is complicit in the President's games. And these are war games that he is playing.

Why in the world are we going to put another payment down on this war that should have ended? Actually, it should have never started. So let's vote "no" on this. His inflexibility, the President's inflexibility, this House, this body's inflexibility has already cost America too much in terms of lives, in terms of treasure, in terms of our standing in the world, and in terms of our national security.

Mr. LEWIS of California. I reserve the balance of my time.

Mr. OBEY. I yield 2 minutes to the distinguished gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker and Members, I would like to commend those who have worked so hard for so long to try and right the wrong of our occupation in Iraq. I would like to thank the leadership for all the attempts that they have made to try and engage people on the opposite side of the aisle and those who don't have enough courage to do the right thing.

We find ourselves here at a moment with an omnibus bill that we have had to support, and many people have many things in the bill that they would like to have back home. I understand that. But in the final analysis, we are never going to end this war until we stop feeding this war with the taxpayers' dollars after they have told us to bring our soldiers home.

I stand here today in support of our soldiers. I support them coming home. Young men and women are dying in Iraq, the victims of IEDs, not even knowing how to protect themselves. And they come home, and we have to struggle to make sure that they are taken care of, that their health care needs are met.

When are we going to come to our senses? We are fighting a war that we never should have been in in the first place. We are fighting a war where we were told there were weapons of mass destruction and there were none. We are fighting a war where we have contractors who are abusing civilians in Iraq. We have contractors who are stealing the taxpayers' money in Iraq. And yet we continue to nuance this debacle. We continue to say, I didn't understand. I didn't know. Well, let me make it perfectly clear.

There is $70 billion in this bill for Iraq and Afghanistan, and it is fungible. We don't know how much of it is going to be spent where. But don't go away saying, I didn't understand, I didn't know, that is not what I intended to do. There is $70 billion here. If you don't want to continue this war, don't vote for this bill.

Mr. OBEY. I yield 2 minutes to the distinguished gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. I thank the very distinguished chairman of the Appropriations Committee and the very distinguished chairman of the Defense appropriations subcommittee. Because, over the last 2 years, six times this body has passed responsible limits on the conduct of this war. Six times we have tried to make sense and pass legislation.

What we are about to do now is to give the President a blank check to continue this war until the end of his term, to continue what has gone down in history as the worst foreign policy fiasco in American history. Nobody in their right mind can argue that this war was thoughtfully planned or responsibly executed, and yet we are going to give him a blank check. We will look back on this day and people will ask, why?

Well, I want to thank Mr. OBEY, I want to thank Mr. MURTHA, the Out of Iraq Caucus, and the majority of my colleagues. We did the right thing. History will record that. But this is a very sad day for us. When you think that 4,000 young men and women have given up their lives, tens of thousands seriously wounded. For what? For a nation that will wind up far more loyal to Iran than it will be to the United States, to a nation that in fact is allowing young people to roam the streets with guns and forcing school girls going to school having to wear their veils. A repressive society, what will become a Shiite theocracy.

Sure, there is less violence. But that is because we have ethnically cleansed most of Baghdad. There is less violence because the Sunni warlords have taken time off from shooting American soldiers to ridding themselves of al Qaeda in Iraq because Muqtada al-Sadr has decided to take a 6-month hiatus from shooting us. But all of this is going to come back. We see no end in sight. This is a very bad day, and we ought to vote "no." It is the responsible thing to do.

Mr. OBEY. I yield 2 minutes to the distinguished gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank Chairman OBEY, my good friend, for yielding time.

Mr. Speaker, I know there are a lot of good things in this bill, but there is one bad thing. Billions of dollars, more billions of dollars to fund the war in Iraq.

The best present, the best gift we could give to our young men and women in the military during this season of peace and goodwill would be to bring this madness to an end and bring our young people home, and bring them home now. This war was ill-conceived from the beginning. It is a war of choice and not a war of necessity. The time is long overdue. Now is the time to bring this madness to an end.

I said it before and I will say it again. In good conscience, I will not vote for one dollar or one dime to continue this war. The American people are sick and tired of this war and I am tired and sick of this war. It is time to give peace a chance.

Mr. LEWIS of California. Mr. Speaker, I yield back the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think that probably no bill that the House will consider this year more aptly demonstrates the divided nature of this Congress and this government than does the bill that is before us right now. People often say there is not a dime's worth of difference between the two political parties. My response, at least on this occasion, is you are absolutely right. At least with respect to this legislation, there is a $40 billion difference between the two parties. Because when you take into account what this Congress did in January when it passed the continuing resolution in January, and if you take into account the money that has been moved from the President's priorities into congressional priorities in this bill, you will see that that amounts to almost $40 billion. It is not as much as I would like, but it certainly is worth the fight.

□ 1700

So I think there is a very big difference between a Congress run by our friends on the other side of the aisle and a Congress run by the now-majority Democratic Party.

But I think there is another significant difference, and that is the way the two parties have approached the war in Iraq. We have tried every way known to man to bring this war to a conclusion. Mr. MURTHA has produced out of his subcommittee time and time again language trying to produce a policy change, and on each occasion, that language has either been vetoed by the President or it has been blocked by the President through the use of his friends in the other body.

So I think it is clear that if the Nation wants a change in direction with respect to this war, it has only two options: Number one is to elect more progressive voices in the United States Senate; second is to elect a President who has a different set of priorities domestically and a different vision for America's involvement in the Middle East and especially in Iraq.

This, in my view, is a conscience vote. As it comes down to us at this point, we have disposed of all of the domestic issues and we have this one remaining issue with respect to Iraq. I would simply say that I think we have provided more than enough money for that war.

I would note that earlier today, just a few moments ago, we had some 64 Members of this House vote against the alternative minimum tax fix because it was not paid for, and it added $50 billion to the debt. I would point out that the document before us will add $70 billion to that debt. And so I would hope that persons who felt it necessary to express their concern about the debt a few moments ago would be willing to do so on this occasion as well.

I would also point out that Mr. MURTHA, Mr. McGOVERN and I have offered this Congress a way to avoid adding to that debt because we believe that if this war is such a hot idea, then we ought to at least pay for it so we don't shovel yet another bill off on our kids.

It is apparent that this House does not have the will to do that. And so not only do I think this is an unnecessary war, it is also an unnecessary add-on to the national debt.

Mr. LEWIS of California. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from California.

Mr. LEWIS of California. As we are closing this down, I would like to join you and use this moment to express my deep appreciation for the fine work in our committee of David Morrison. Thank you.

Mr. OBEY. I thank the gentleman, and I would simply say that I am not going to advise anyone how to vote. This is a conscience vote, in my view.

Mr. DOOLITTLE. Mr. Speaker, I am pleased that 80 days into the fiscal year, the House has passed a budget that remains within the spending limits set by the President and contains essential funding for our soldiers serving in Iraq. Furthermore, I am glad several projects within the Fourth Congressional District are included in the final version of the bill. These projects are important to the people within my district, and will provide essential funding for new highway infrastructures, wastewater treatment facilities, and law enforcement upgrades, as well as other important projects. In addition, I am pleased at what this bill does not contain; harmful policy riders that would have opened the door for American tax dollars to be spent on abortions for citizens of foreign nations, and those that would tie the hands of our military leaders in Iraq.

However, I could not support this legislation due to the harm it causes to the completion of the border fence, which was authorized by Congress in the passage of the Secure Fence Act of 2006. Congress sent a clear message that a border fence should be constructed when it passed the Secure Fence Act. Specifically, it mandated the construction of 700 miles of fence along our southwestern border. Instead of building on this legislation, provisions in the omnibus increase bureaucratic roadblocks, create new restrictions for the Department of Homeland Security (DHS), and repeal important measures that were signed into law in the 2006 bill.

In particular, a provision in the omnibus gives DHS the discretion on whether or not to build a fence, essentially eliminating the central tenet of the Secure Fence Act, which specifies locations where a fence shall be built. I am also deeply concerned that restrictions included in the omnibus, such as eliminating the authority of DHS to identify additional areas for fencing at the end of 2008 and requiring an onerous analysis of each 15 miles of planned fencing, will essentially end the project before the fence will be completed.

In addition to this harmful language, a provision in the omnibus requires that in locations where a border fence will be constructed, DHS must abide by excessive consultation and reporting requirements, thereby placing further bureaucratic roadblocks in front of an already delayed process. This language will require DHS to consult with other Federal agencies, State and local governments, Indian tribes, and landowners to minimize the impact on the environment, culture, commerce, and quality of life near where the fence will be constructed. However, while requiring this excessive consultation to be completed, this provision gives no guidance as to when the consultation can be determined to be completed and construction can begin.

Americans should not have to sacrifice border security for the passage of the fiscal budget. It is my hope that Congress will readdress this issue when it reconvenes in January and correct these provisions to ensure a border fence will be completed.

Mr. VAN HOLLEN. Mr. Speaker, I rise today in opposition to the Senate amendment to the omnibus appropriations bill for an unconditional $70 billion for the war in Iraq. This amendment gives the President a blank check to continue a flawed strategy that has no end in sight. It does nothing to bring home our brave men and women of the armed forces serving faithfully in Iraq, many of them on their third tour of duty in that country, at considerable sacrifice and strain to them and their families. Nor does this amendment place any conditions on the Iraqi government, which has continually failed to pursue political reconciliation. Our intelligence community has publicly concluded that the political situation Iraq is getting worse, not better. Moreover, the indefinite presence of American forces has sadly contributed to Iraq's political stagnation because it has allowed the different factions there to postpone making the difficult compromises necessary to achieve stability and reconciliation. Meanwhile, our men and women of the armed services continue to die every day in Iraq's ongoing civil war. A strategy of more of the same is no strategy at all.

I have and will continue to vote to ensure that our troops in Iraq receive the support and equipment that they need. That is why in November I voted in support of the House measure to provide our troops in Iraq with an additional $50 billion. At the same time, this House legislation required the safe and responsible redeployment of our troops in Iraq. That legislation aimed to transition the U.S. military mission in Iraq. It would redeploy our combat forces out of Iraq by a target date of December 15, 2008. The House proposal, modeled after the approach recommended by the bipartisan Baker-Hamilton Commission of the Iraq Study Group, would focus the remaining forces on the more limited missions of training Iraqi security forces, providing logistical and intelligence support for Iraqi security forces, and engaging in targeted counter-terrorist operations against Al-Qaeda and affiliated groups. The House bill also called for a "comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq."

Instead of supporting the sensible approach passed by the House, the Senate Republicans, taking their cue from the White House, threatened to filibuster it. Now these same political elements have collaborated in sending us an amendment for more war funding with no accountability and no plan to redeploy our combat forces. This irresponsible approach will have the effect of prolonging the war, not bringing it to an end.

While I am opposed to another blank check for war funding in Iraq, I support continued military operations and reconstruction activities in Afghanistan. Moreover, my opposition to the Senate amendment does not extend to the underlying Omnibus, which—while far from perfect—was at the end of the day the best that we could do this year.

Mr. DICKS. Mr. Speaker, the House of Representatives today is faced with a regrettable decision on the eve of the adjournment of the first session of the 110th Congress. With the appropriations bills that fund the routine operations of all of the departments and agencies of the Federal Government now approved by both Houses of Congress, we are once again being asked to provide additional funding for the ongoing military operations in Iraq and Afghanistan. The House has already expressed its view on this question when we voted on November 14th to approve $50 billion in supplemental defense funding with three very clear and very reasonable conditions: that our troops should be properly trained; that our forces will not use torture when conducting interrogations of enemy combatants; and, that we should establish a goal of redeploying all offensive troops from Iraq by the end of 2008. It would have been easy—and appropriate—for the President to sign the bill that was approved by a majority of the Members of this House and supported by a majority of Americans, rendering the debate we are having today unnecessary. The President has remained stubbornly determined to continue our involvement in Iraq without clearly defining a plan for the eventual re-deployment of our troops, and he has stated his intention to veto any legislation that attempts to change the course he has set.

After more than 4½ years, it is clear that our Nation's involvement in Iraq has cost far too much. It has cost the lives of nearly 3,900 men and women in our military and it has affected the lives of many thousand more who have been seriously wounded—both physically and psychologically. It has cost at least $450 billion in national debt to date, with hundreds of billions more in future costs that will be incurred no matter how quickly we are able to extricate ourselves. It has also seriously diminished our military readiness and our ability to respond to other national security threats. And finally, our initial invasion and our protracted involvement in Iraq has diminished our international prestige and made it more difficult for the United States to exert leadership and influence around the globe.

It is against this backdrop that we in Congress have been working toward a strategy of timely redeployment of our troops that I believe is both militarily appropriate and necessary for encouraging the Iraqi government to assume greater control of the security of the Iraqi people. It was discouraging to me on our visit to Iraq last month led by the Chairman of the Defense Appropriations Subcommittee, Congressman JACK MURTHA, that the Iraqi government has clearly not taken advantage of the improved security climate, brought about largely by the increased numbers of U.S. troops in Iraq during this past year. President Maliki and his government have not taken the steps they pledged to take in national reconciliation, in the distribution of the oil revenues or in several other key benchmarks that were established as indicators of progress.

On the face of it, the provision that has been sent to us by the Senate appears to be strictly about providing funds for the military operations in Iraq and Afghanistan. It is true that these funds would ensure that the soldiers, marines, sailors and airmen in harm's way are protected and continue to have the equipment, the supplies, the fuel, and the transportation resources that keeps them fed, repairs their equipment, treats their medical needs, and allows them to continue to operate. The reality, however, is that these funds will necessarily have an impact on our entire military. Because of the immediate need to protect troops in wartime conditions, all of the men and women in uniform—as well as the civilian workforce of the Defense Department—are caught in the position of having to curtail important operations that underpin the very readiness of our forces, not just for Iraq, but for all aspects of our nation's defense.

The Army is on the leading edge of these impacts with installations across the country already having been notified to prepare for curtailing operations in the middle of February. The Army can keep going that long only by accelerating spending regular operations funds intended to last for the entire year, and by reprogramming other funds to the maximum allowed in law. If no further action is taken on this funding, the Army intends to furlough as many as 100,000 civilian employees and a comparable number of contractor personnel. In addition, it will sharply reduce travel, training, maintenance and child care and other day-to-day activities at installations across the Nation. And we know that the Marine Corps is close behind the timing of the Army in experiencing these impacts, all of which will exacerbate the level of readiness already diminished by our long involvement in Iraq.

So it is frustrating for me and for many Members of this House to be presented with the Hobson's choice that we have before us today: whether to impose a terribly chaotic situation on the entire U.S. military or whether to approve another substantial increment of funding for the Iraq war without any clear and well-articulated strategy for the eventual re-deployment of American troops. We are presented with this choice by a President who is unwilling to consider any change whatsoever in our strategy in Iraq and who has clearly not listened to the will of the American people or the views of their representatives here in Congress.

I have reluctantly concluded at this point that a vote to deny these funds now could potentially harm the troops in theater and could seriously diminish the condition of all of our military forces who still face other threats around the globe. Out of a responsibility to the men and women in uniform, to their families, to the civilian workforce in DOD and to our Nation's overall security, I intend to vote in favor of this resolution.

At the same time, it is my intention to continue working with what I believe is a growing majority here in Congress and a solid majority in the country to advocate for a major change in the direction of our policy in Iraq, and for the prompt re-deployment of the U.S. troops currently stationed in Iraq.

Mr. HALL of New York. Mr. Speaker, today this body did something that it failed to do last year under the previous majority by passing legislation to direct the spending of our Federal Government.

I am disappointed that the choice of the President and the minority to engage in confrontation and obstruction instead of cooperation and progress prevented us from more fully meeting America's needs in this bill. Despite their intransigence, we were able to pass a bill that began to reinvest in critical national priorities that had been neglected for too long. Priorities like life saving medical research, law enforcement, border and homeland security, K–12 education, college aid, needed infrastructure improvements, renewable energy, and energy efficiency. In addition to those steps, this bill lived up to the commitment of this Congress to keep our promises to America's veterans by providing $3.7 billion over the President's request for veterans' medical care, claims processing, and facility improvements.

I indicated when the House considered this legislation earlier this week that I believed this is not a perfect bill. However, I believe that the spending bill we approved on December 17, 2007, does a tremendous amount of good by funding key programs that will make America more secure and more prosperous. It makes necessary investments in America's future, and that is why I voted for it.

Unfortunately, the Senate has added funding for the war in Iraq without placing a time line for withdrawal. For that reason, I could not support the Senate version of the bill and voted against it.

Mr. ETHERIDGE. Mr. Speaker, I rise in strong support of this legislation. It has been a long process, and this bill is far from perfect, but I enthusiastically support this measure as an important first step in a long-overdue effort to provide for the needs of our most vulnerable citizens and begin to invest in priority items here at home to build a brighter future for America.

As a member of the House Budget Committee, I believe that budget-making is about more than just numbers on a ledger or a spreadsheet. Budgets reflect our Nation's priorities, and Congress has a solemn duty to pass a funding that honors the values of the American people. I have worked with the leadership of this new Democratic Congress to reverse the misguided budget course of the current administration that has neglected America's domestic needs and created massive annual deficits and record national debt. I am pleased that the New Direction Congress has rejected the President's misguided budget cuts for critical American priorities like education, medical research and energy independence. This responsible legislation fulfills Congress's obligation to govern and charts a better course for the American people.

I especially want to thank the House Democratic Leadership for including $600 million for disaster assistance for victims of the record drought in North Carolina and throughout the southeastern United States. My farmers are hurting, and this disaster assistance will provide real relief and some measure of hope for the future. I have been proud to lead the fight for this funding, and I want to thank Speaker PELOSI, Majority Leader HOYER, Majority Whip CLYBURN, Appropriations Committee Chairman OBEY and Agriculture Committee Chairman PETERSON for their leadership on this priority item.

Beyond disaster assistance, I support this omnibus appropriations bill because it invests in:

K–12 Education: $767 million above the President's request with targeted increases to Title I, Special Education, Teacher Quality Grants, After-School Initiatives and Head Start.

Student Aid: $1.7 billion above the President's request for Pell Grants and other student aid.

Vocational Education: $575 million above the President's request for technical training at high schools and community colleges.

State and Local Law Enforcement: $1.2 billion above the President's request to help local communities across the country.

Homeland Security Grants: $1.8 billion above the President's request, recognizing that homeland security begins with hometown security.

Medical Research: $607 million above the President's request to study diseases like cancer, Alzheimer's, Parkinson's and diabetes.

Health Care Access: $1 billion above the President's request, making targeted increases to efforts like Community Health Centers to provide 280,000 more uninsured Americans with access to health care and High Risk Insurance Pools to help 200,000 more people afford health insurance.

Rural Health Care: $147 million above the President's request to help 1,200 small rural hospitals.

Veterans: $3.7 billion more than the President's request for VA health care, medical and prosthetic research, medical services for injured and ill veterans, and the construction of new VA medical facilities.

Highway Infrastructure: Meets the guaranteed levels set in the authorization bill and provides a $1 billion initiative to repair our bridges.

Renewable Energy & Energy Efficiency: $486 million above the President's request for critical investments in Solar Energy, Wind Energy, Biofuels, and Energy Efficiency, with a careful blend of new scientific investments and conservation efforts.

Finally, Mr. Speaker, this bill contains funding the President requested for ongoing operations in Iraq and Afghanistan, to support our troops and avoid any risk that Defense Department employees could be subject to furlough notices this holiday season. I regret that the stubborn opposition of the President and his allies in Congress to investing more in America's priorities prevent us from making more progress. But I strongly support this compromise legislation, and I urge my colleagues to join me in voting for it.

Mr. UDALL of New Mexico. Mr. Speaker, 2 days ago, this body passed an omnibus appropriations bill that, while limited in its priority only to the most basic domestic needs in this country due to the stubbornness of the President and Republicans in the Senate, funded over a half a trillion dollars for important programs that will help all Americans. Now, however, we are being asked to attach to that bill $70 billion in unchecked, unconditional, and unqualified spending for the war in Iraq. It is absolutely unacceptable that we continue to provide the President with funding without providing explicit requirements that he redeploy our troops from Iraq, bolster our diplomatic efforts throughout the Middle East, and engage other countries in the region in a political solution. For those reasons, I will be voting against this funding.

Our soldiers have acted with unquestionable bravery and patriotism in Afghanistan and Iraq. They have given their time, their devotion, and in some cases their lives. And it is time for them to come home. Yet, their military accomplishments are not being complemented with political or diplomatic accomplishments. The Iraqi government refuses to step up to the plate, move toward reconciliation, and unite the Iraqi people.

As we prepare to start a new year, it is expected for people to reflect on what has transpired from the past, learn from their mistakes and decide how they can improve in the future. This does not hold true for the President, who instead is blindly demanding unfettered war funds without demonstrating any plans for removing our troops from harm's way and turning Iraq over to the Iraqi people. We cannot and must not continue on this path.

Mr. MCCAUL of Texas. Mr. Speaker, the Committee has spoken and the result is positive. I appreciate the words of the Committee in the Statement of the managers accompanying the Omnibus Appropriations legislation specifically regarding the USAID and hunting conservation programs in Africa and around the world.

The initial problem that came to light earlier this year was language that denied USAID funding of recreational, sport, and trophy hunting in its assistance programs in Africa. The language in the Statement of the Managers to accompany the Omnibus legislation offers out the opportunity for the USAID conservation projects to continue and states that they need to come before the Committee and explain these important conservation programs. I support this effort and commend the Committee on this language.

These USAID projects are very important tools in the effort to promote conservation. Tourist hunting in foreign lands has proven to be vital and critical to community-based natural resource management programs such as the CAMPFIRE Program in Zimbabwe and the LIFE Plus Project in Namibia. The CAMPFIRE and the LIFE Plus Projects in Africa are just two examples of working conservation programs that involve controlled, regulated sport and trophy hunting. These programs literally support the entire tribal system in many areas of Africa. Without them, literally millions of acres that are properly managed now would fall prey to poachers and the land would prove to have no economic value. Animals in this environment would be killed for food, overhunted and poached. None of us want that result.

These programs provide conservation and social benefits like growth, revenue, poverty reduction, improved livelihoods and empowerment—all of which alleviate human suffering.

The facts are in: in twenty-three African countries that allow licensed, regulated hunting, approximately 18,500 hunters generate over $200 million annually in remote rural areas. The USAID programs are extremely important to the survival of many species worldwide and I thank the Appropriations Committee for recognizing the flaw in the House Report language and speaking to it appropriately in the Statement of the Managers that accompanies the Omnibus legislation.

Mr. HUNTER. Mr. Speaker, I rise today in great reluctance to support final passage of the FY2008 Omnibus Appropriations Act. I am voting in favor of this legislation because it rightfully supplies our men and women on the battlefields of Afghanistan and Iraq with the resources they need to continue their mission, while also supporting the Global War on Terror. These brave men and women deserve our support and I will never waiver from this responsibility.

However, despite my vote in favor of this legislation, I remain adamantly opposed to the underlying Omnibus legislation that effectively guts the Secure Fence Act passed during the 109th Congress. Securing the border of the United States is one of the most important responsibilities of the federal government. The Republican-led Congress last year did the right thing by passing the Secure Fence Act that mandated the construction of 854-mile double layered border fence along our Southwest border. Unfortunately, one of the few acts actually accomplished by this first session of the 110th Congress will be to remove that mandate and ensure that our southern border remains one of our weakest links in the effort to secure our homeland. Frankly, this is unacceptable.

I will be working with my colleagues during the second session of this Congress to address this travesty, however, I will not hold back the needed resources from our brave men and women in uniform because of this irresponsible move by this Congress. Therefore, I reluctantly support this Omnibus package.

Mr. UDALL of Colorado. Mr. Speaker, when the House considered this measure earlier this week, I voted for it even though I was far from enthusiastic about doing so.

Now that it is before us again—because the Senate changed it—I am even less enthusiastic about it, but I have reluctantly concluded that bad as it is, it needs to be passed. And so I will vote for it again.

Earlier, I said that one of its worst shortcomings, ironically, was that it was too long—rolling into one massive measure provisions from no fewer than 11 regular appropriations bills that the House passed earlier this year.

And now it is even longer, because the Senate has added an additional $39 billion, all for military activities in Iraq.

There is no mystery about why that happened. It happened for two reasons.

The first reason is that President Bush has insisted that he will not sign the bill unless these funds were added—just as he has insisted he will veto it if it provided more funding than he has requested for domestic purposes.

The second reason is that our Republican colleagues, both here and in the Senate, have made clear they will support any such veto.

And the result of the president's stubborn insistence and our Republican colleagues stubborn loyalty is that of the nearly $190 billion the president requested for Iraq and Afghanistan, this bill includes $39 billion for Iraq, to be available without conditions or significant restrictions.

This essentially unconditional funding approach is very different from the war funding bill I supported and the House passed last month, which would have provided targeted funding toward an "immediate and orderly" redeployment of U.S. troops from Iraq.

I agree with those who say there are clear signs of progress on the security front in Iraq. But when he announced the "surge" of additional troops to Iraq, President Bush promised us more than progress on the security front. We sent more troops to Iraq to provide "breathing space" for the Iraqi government to move toward political reconciliation, and that hasn't even begun to happen.

I think that in the long term, there is no sustainable role for large numbers of U.S. troops to remain in Iraq—whether refereeing a civil war or waiting for the Iraqi government to decide to act within the "breathing space" our brave troops have provided and our taxpayers are paying for at $9 billion per month.

So I regret that this bill sends the wrong message by including no Congressional direction on how the funds for Iraq should be spent.

At the same time, we all understand that this bill includes no "strings" on Iraq funding because the Senate simply doesn't have the votes to pass such a bill and that Republican support for a veto would prevent it from becoming law if it should be passed.

What we need is consensus here at home on a path forward in Iraq.

I believe consensus can be found around the recommendations of the Iraq Study Group, which I introduced as legislation earlier this year, including supporting a course of escalating economic development, empowerment of local government, the provision of basic services, a "surge" in regional and international diplomatic efforts, and lightening the American footprint in Iraq.

If legislation along those lines had been agreed to, we would not find ourselves making the difficult choice presented by this bill now before us.

Only Democrats and Republicans working together can find the best path out of Iraq. I will continue to work with colleagues on both sides of the aisle on further steps we can take to change our broader Iraq policy.

And today, I will vote for this omnibus bill because despite its shortcomings, I will not vote to deny funding for the body armor and other supplies our troops require and because in terms of funding for domestic programs, it still is a better bill than would have resulted if we had simply rubber-stamped the president's budget requests—and it includes provisions that will directly benefit Colorado and the nation.

Mr. YOUNG of Alaska. Mr. Speaker, I rise today in support of H.R. 2764, which provides, among other things, $500 million for the Commanders Emergency Response Program (CERP). Our continued support for this program is vital for winning the war on terror and ensuring stability in Iraq and Afghanistan. General Petraeus himself recently described it as "a critical tool with which to prosecute the counterinsurgency campaign."

Our continued support for CERP will be especially important for achieving long term success in Iraq. The Iraqi people must be convinced that their lives are getting better and that their future is one of peace and prosperity, rather than violence and sectarian strife. As David Ignatius pointed out this morning in the Washington Post, "the success of the U.S. troop surge seems to be bolstering, ever so slightly, the advocates of conciliation and weakening the partisans of sectarian war." However, "[t]he recent progress in Iraq has resulted from bottom-up efforts to build trust, neighborhood by neighborhood." CERP has proven to be one of the key tools in this effort.

CERP allows our military commanders and civil affairs officers on the ground in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the indigenous population. The funding is allocated to brigade commanders to support a wide variety of small-scale relief and reconstruction projects, including reconstruction of water and sanitation facilities, school repair, restoring power stations, lines and generators, providing humanitarian relief, renovating cultural centers, museums and libraries, and repairing telecommunications infrastructure.

Most importantly, CERP grants can be dispensed quickly and applied directly to local needs, rather than slowed down by the bureaucratic process in Washington and watered down by foreign contractors and subcontractors. As Secretary Gates recently explained in his testimony before Congress, ". . .by building trust and confidence in Coalition forces, these CERP projects increase the flow of intelligence to commanders in the field and help turn local Iraqis and Afghans against insurgents and terrorists."

CERP could also serve to be a key component in helping to normalize the more than 2 million internally displaced Iraqis and provide a stable environment for the more than 2 million externally displaced in neighboring countries to return home.

The Iraqi Red Crescent Organization (IRCO), for example, has recently proposed a one-year plan to normalize up to 600,000 internally displaced residents of Baghdad into 120 self sustaining neighborhood units. The IRCO Neighborhood Reconstruction Program (NRP) could help provide unemployed IDPs with the opportunity to construct and service approximately 100,000 homes, 440 schools, 132 mobile health clinics, 60 water treatment plants, and 44 electrical generators. With the financial support of CERP and the Government of Iraq, this program would be coordinated through IRCO's existing 44 offices in

Baghdad and, within a year, these formerly displaced people would have the opportunity live in homes with electricity and water, within neighborhoods that have access to nearby healthcare, schools, and jobs.

We have an obligation to continue funding CERP so that the Iraqi and Afghan people can build peaceful and prosperous societies for themselves. The sooner this occurs, the quicker our troops can come home.

Mr. RYAN of Wisconsin. Mr. Speaker, I want to thank the Committee on Appropriations for addressing language contained in the House State, Foreign Operations Committee Report regarding funding of recreational, sport and trophy hunting in its assistance programs in Africa. The language included in the Manager's Statement accompanying the Omnibus Appropriations Legislation offers USAID the opportunity to come before the Committee and explain the need for these important conservation programs to continue. I support this effort and commend the Committee on this language.

I urge USAID to take advantage of this opportunity to come before the Committee and explain the benefits of these valuable projects as directed by the Manager's Statement. Conservation projects have made great contributions to wildlife management and have a great story to tell. The CAMPFIRE and the LIFE Plus Projects in Africa are just two examples of successful conservation programs involving controlled, regulated sport and trophy hunting that economically supports tribal systems in many areas of Africa. Without programs like these, millions of acres of properly managed conservation areas would fall prey to poachers, eliminating the economic value these lands provide.

Additionally, tourist hunting has proven to be a valuable tool for conserving wildlife and habitat for particularly threatened species such as the African elephant, white and black rhino, leopard, markhor, argali and others. Licensed, regulated tourist hunting provides tens of millions of dollars for the operating budgets of foreign wildlife departments, significantly reduces poaching, and creates incentives for local inhabitants to perpetuate biodiversity on hundreds of millions of acres where it is needed beyond the borders of protected areas. Without these programs, animals in this environment would be killed for food, over-hunted, and poached, placing the continued survival of these species in serious jeopardy.

The facts are that in the twenty-three African countries that allow licensed, regulated hunting, approximately 18,500 hunters generate over $200 million annually in remote rural areas. These conservation programs are extremely important to African tribal culture, not to mention the survival of the many animal species they protect worldwide. While I cannot support the overall bill, I thank the Appropriations Committee for recognizing this flaw in the Committee Report on H.R. 2764 and speaking to it appropriately in the Omnibus Legislation's accompanying Manager's Statement.

Mr. SESSIONS. Mr. Speaker, for many years, our government has been involved in the funding of several successful conservation programs that are supported by recreational, sport and trophy hunting programs in Africa. The Committee wisely spoke to these important programs in the Statement of the Managers which accompanies the Omnibus Appropriations legislation. I support the language and welcome the USAID coming before the Appropriations Committee and detailing these important conservation projects.

Initially, the language in the State Foreign Operations Report denied USAID funding of recreational, sport and trophy hunting in its assistance programs in Africa. Again, the language in the Statement of the Managers to accompany the Omnibus legislation offers out the opportunity for the USAID conservation projects to continue and further states that they need to come before the Committee and explain these important conservation programs. I support this effort and commend the Committee on this language.

Tourist hunting in foreign lands has proven to be vital and critical to community-based natural resource management programs such as the CAMPFIRE Program in Zimbabwe and the LIFE Plus Project in Namibia.

These programs provide conservation and social benefits like growth, revenue, poverty reduction, improved livelihoods and empowerment—all of which alleviate human suffering. Isn't that what we are trying to accomplish with these programs? Closer to home, National Geographic News reported in March of 2007 that "trophy hunting is of key importance to conservation in Africa by creating [financial] incentives to promote and retain wildlife as a land use over vast areas..."

As I previously mentioned, the CAMPFIRE and the LIFE Plus Projects in Africa are just two examples of working conservation programs that involve controlled, regulated sport and trophy hunting. These programs literally support the entire tribal system in many areas of Africa. The programs which are funded with matching funds from groups like the World Wildlife Fund and the Dallas Safari Club supply money for drinking water wells and schools for the local population. Without these programs, literally millions of acres that are properly managed now would fall prey to poachers and the land would prove to have no economic value. Animals in this environment would be killed for food, over-hunted and poached. These programs provide conservation and social benefits like growth, revenue, poverty reduction, improved livelihoods and empowerment—all of which alleviate human suffering.

The USAID conservation programs are extremely important to the survival of many species worldwide and I thank the Appropriations Committee for recognizing that the language in the Foreign Operations House Report needed to be revised and I thank the Committee for speaking to it appropriately in the Statement of the Managers that accompanies the Omnibus legislation.

Mr. SKELTON. Mr. Speaker, I am pleased that the Congress and the President have come together to find common ground on the fiscal year 2008 budget. It is often said that politics is the art of compromise, and the bill we are considering today—H.R. 2764—represents a compromise position that allows the Congressional majority to advance some of its priorities while adhering to the President's overall budgetary constraints.

H.R. 2764 funds a number of programs that are important to the American people, including investments in education, life-saving medical research, law enforcement, border security, veterans' health care, and energy independence initiatives.

H.R. 2764 is especially good for rural America. The bill rejects deep cuts that were proposed by the President in rural health care, housing, economic development, Internet access, and law enforcement programs. At the same time, the bill nearly doubles funds available for renewable energy loans and grants in rural areas, commits significant resources to fix aging bridges, and adds $1 million to the President's request for rural drinking water and waste water infrastructure projects. Additionally, the measure slashes funding for the Administration's efforts to create a National Animal Identification Program, reducing it by $23 million.

H.R. 2764 also extends through December 31, 2007, most of the agricultural disaster assistance programs included as part of the emergency supplemental spending bill signed into law earlier this year. These programs allow many American farmers to recoup some losses associated with drought and other natural disasters in 2005, 2006, or in the first two months of 2007. Between February and December of this year, Missouri farmers have seen their fair share of damaging weather events. I am pleased that Congress is extending disaster programs that may be beneficial to qualifying Show-Me State producers.

The measure also funds U.S. military efforts in Afghanistan and Iraq. And, while I would have preferred to send the President war funding legislation that sets a goal of redeploying most American troops from Iraq by next Christmas, H.R. 2764 will provide our service men and women with the resources they need to do their jobs while serving in harm's way and will alleviate any need by the Administration to reallocate funds from domestic military operations.

H.R. 2764 represents a compromise bill that is in the best interest of our Nation. I am pleased to support its passage and urge the President to sign it into law.

Mr. BOREN. Mr. Speaker, I rise today to thank my colleagues on the Committee on Appropriations for language in the Manager's Statement accompanying the Omnibus Appropriations bill, regarding USAID and hunting conservation programs in Africa and around the world. This language provides an opportunity for these USAID conservation projects to continue and asks them to come before the Committee and explain how these important conservation programs have seen success in Africa and around the world. I support this effort and commend the Committee on this language.

Earlier this year, language to deny funding for USAID assistance programs in Africa utilizing recreational, sport and trophy hunting was included in the House State, Foreign Operations Appropriations Committee Report. I opposed this language as tourist hunting has proven to be a valuable tool for the conservation of wildlife and habitat. These programs have proven to be particularly useful in the survival of African elephants, white and black rhinos, leopards, markhor, argali, and other threatened and endangered species. To block this revenue would do nothing for the conservation of species and would simply be one step further in a campaign to ban hunting.

I welcome the opportunity for USAID to come before the Committee and explain these valuable and beneficial projects as the language directs. USAID and their conservation projects will have their opportunity to tell their conservation story and how revenue brought in by these hunters benefits the local native communities, encouraging them to conserve and manage wildlife populations responsibly. The CAMPFIRE and the LIFE Plus Projects in Africa are just two examples of working conservation programs that involve controlled, regulated sport and trophy hunting. These programs literally support the entire tribal system in many areas of Africa. Without them, millions of acres that are properly managed now would fall prey to poachers and the land would prove to have no economic value. Animals in this environment would be killed for food, overhunted and poached. None of us want that result.

Licensed, regulated tourist hunting provides tens of millions of dollars for the operating budgets of foreign wildlife departments, significantly reduces poaching, and creates incentives for local inhabitants to perpetuate biodiversity on hundreds of millions of acres where it is needed beyond the borders of protected areas. In twenty-three African countries that allow licensed, regulated hunting, approximately 18,500 hunters generate over $200 million annually in remote rural areas. The USAID programs are extremely important to the survival of many species worldwide and I thank the Appropriations Committee for recognizing the flaw in the House Report language and speaking to it appropriately in the Statement of the Managers that accompanies the Omnibus legislation.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in support of the FY08 Consolidated Appropriations Legislation. Although this bill does not accomplish everything that we had wanted for the next fiscal year, the bill will provide critical funding to many programs that for too long have been underfunded.

Among many other important provisions, this legislation will provide $607 million above the President's request for medical research of diseases including Alzheimer's, cancer, Parkinson's and diabetes. It will make investments in education including K through 12, Pell Grants, and vocational education. It will help make communities across the country safer by providing $1.2 billion above the President's request for state and local law enforcement. Lastly, it will provide critical homeland security funding at $1.8 billion above the President's request.

I want to note several other items in this bill that are of particular interest to me and many of my constituents.

The bill provides $108 million for the health needs of World Trade Center responders, residents, students, and others exposed to the toxins of Ground Zero, to be administered by the National Institute for Occupational Safety and Health. The legislation also requests that the Administration prepare a plan for a comprehensive program for health screenings, analysis, and medical treatment for the entire exposed community. I want to sincerely thank Chairman OBEY and his incredibly able staff for their continued dedication to the heroes of 9/11.

I commend the Appropriations Committee for including enough baseline funding to continue the invaluable Survey of Income and Program Participation (SIPP) in FY 2008, despite the Bush Administration's initial desire to eliminate the survey. The SIPP provides the most comprehensive data on the economic well-being of American families, and I am glad that the Committee understood its importance.

The legislation before us will provide $75 million to help Afghan women and girls including funding for the Afghan Independent Human Rights Commission which does essential work in Afghanistan to combat human rights abuses. Additionally, the bill provides more than $147,000,000 for processing the backlog of DNA evidence kits as provided by the Debbie Smith Act, legislation I first introduced in 2001.

I want to thank Chairman OBEY and the Appropriations Committee for its work under very difficult conditions, and I urge my colleagues to support this legislation.

Mr. DINGELL. Mr. Speaker, I rise today in support of H.R. 2764, the Consolidated Appropriations Act of 2008. While this is a vastly different package than the 11 stand-alone appropriations bills that the House passed earlier this year, it is a package that for the first time in over eight years focuses on the priorities of the American people.

Without a doubt the budgetary process is never easy. This year, however, the process has been exacerbated by the fact that this Administration has been unwilling to come to the negotiating table to hammer out the details of this legislation, instead barking orders at Congress—the people's representatives—from 1600 Pennsylvania Avenue. Furthermore, this process has been held up by the inability of the Senate to pass these bills as stand-alone measures. As a result, Congress has no choice but to consolidate the remaining appropriations bills in order to complete our budget work.

Like many of my colleagues, I had hoped that this Administration would have worked with Congress to find a compromise that would have reflected the domestic needs of our country and the priorities of our working families. Unfortunately, the budget proposal the Administration sent to Congress earlier this year proposed cuts to many important domestic programs including: Medical research grants at NIH; Grants for low-income schools; Vocational education programs in high schools and community colleges; Homeland Security Grants for police, firefighters and medical personnel; Renewable energy programs; and Community Health Centers.

Yet after proposing cuts to these vital programs, the President had the nerve to request another blank check for the war in Iraq.

The truth of the matter is our troops have the funding they need. Congress passed and the President signed a Defense Appropriations bill last month that contained more than $450 billion in funding for the military. Moreover, the House passed an Iraq supplemental last month that would provide $50 billion worth of funding for the war efforts in Iraq and Afghanistan. Unfortunately, that bill has been blocked by Republicans in the Senate because it contains important provisions that would require the President to begin to plan for the withdrawal of American troops from Iraq.

I would note that recently, the Congressional Budget Office has reported that costs related to the Iraq war could reach $2.4 trillion over the next decade, even if the number of troops is cut by half. Furthermore, we have seen more than a billion dollars gone unaccounted for in Iraq due to fraud and misuse on the part of contractors and poor accounting by our own government.

By threatening to veto any spending bill that does not give him a blank check in Iraq, it is the President who is playing politics—playing politics with our service men and women and their families, and playing politics with critically important domestic programs.

The bill before us today is significantly better than what the President sent us at the beginning of this year. It does, as I mentioned earlier, focus on the priorities of the American people. For example, the bill invests in:

Medical Research: $607 million above the President's request to study diseases like Alzheimer's, cancer, Parkinson's and diabetes.

Healthcare Access: $1 billion above the President's request, making targeted increases to programs like Community Health Centers to provide 280,000 more underinsured Americans with access to healthcare and High Risk Insurance Pools to help 200,000 more people afford health insurance.

Rural Healthcare: $147 million above the President's request to help 1,200 small, rural hospitals.

K–12 Education: $767 million above the President's request with targeted increases to Title 1, Special Education, Teacher Quality Grants, After School Programs, and Head Start.

Student Aid: $1.7 billion above the President's request for Pell Grants and other student aid programs.

Vocational Education: $575 million above the President's request for technical training at high schools and community colleges.

State and Local Law Enforcement: $1.2 billion above the President's request, to help local communities across the country.

Homeland Security Grants: 41.8 billion above the President's request, recognizing that fighting terror must be a top priority.

Highway Infrastructure: Meets the guaranteed levels set in the authorization bill and provides a $1 billion initiative for our bridges.

Renewable Energy & Energy Efficiency: $486 million above the President's request for important investments in Solar Energy, Wind Energy, Biofuels, and Energy Efficiency, with a careful blend of new scientific investments and conservation efforts.

Chairman DAVID OBEY deserves our thanks for plowing through what many of us would consider unworkable circumstances and producing a bill that puts the American people first.

Now, it is unfortunate that Senate Republicans have chosen to give the President the blank check he requested in terms of war funding. I cannot, however, in good conscience, hold the rest of the federal government—and the above investments—hostage to Iraq funding. Instead, I will continue to work with my colleagues in the coming year to bring an end the President's failed Iraq policy.

Mr. Speaker, it is the duty of Congress to pass spending legislation each year, and it is a duty we take very seriously. I would like to take just a moment to remind President Bush that Congress is a co-equal branch of government. Our founding fathers intended that no one branch should set the course for our country, and in fact compromise has long been one of the hallmarks of our government. It is time that the Administration recognizes that a seat at the negotiating table can accomplish much more than the wave of the veto pen.

Mrs. LOWEY. Mr. Speaker, I rise today in support of the House amendment to H.R. 2764 to highlight the key elements of division J, the Department of State, foreign operations, export financing, and related programs appropriations act of fiscal year 2008.

This amendment reflects a bipartisan, bicameral process. We worked tirelessly with ranking member WOLF, Senator LEAHY, and Senator GREGG to create a product that addresses our strategic priorities and our national security interests, as well as increases assistance for programs that promote development, reduce poverty, meet humanitarian needs and respond to global health crises.

Despite our bipartisanship, the President's intransigence forced us to make difficult cuts to worthy programs. His unwillingness to compromise with Congress, while spending $12 billion a month in Iraq, is both fiscally and morally irresponsible. We have worked to limit the damage of this President's misplaced priorities, and I appreciate Chairman OBEY and Speaker PELOSI's commitment to robust foreign assistance.

Division J includes over $5.3 billion for State Department operations in the United States and abroad, and exceeds the President's request for worldwide security protection to ensure that our diplomats and development workers remain safe and secure. It also provides $501 million for educational and cultural exchanges, and $366 million for public diplomacy.

PROMOTING NATIONAL SECURITY THROUGH SUPPORT FOR STRATEGIC PARTNERS

The bill also provides $7.5 billion in economic and military assistance for our strategic partners throughout the world, including Israel, Egypt, Jordan, Afghanistan, Pakistan, the Philippines, and Indonesia among other countries. It fully meets the President's request of $2.4 billion for Israel and $1.715 billion for Egypt, excluding the 0.81% across-the-board cut required to reach agreement with the President, and provides assistance to Jordan, including debt relief critical to its economic revitalization.

ADDRESSING GLOBAL HEALTH AND HUMANITARIAN CRISES AND PROMOTING PEACE

Combating global health threats—including tuberculosis, avian flu, HIV/AIDS, and malaria—is a security imperative as well as a moral responsibility. We are leading the fight against HIV/AIDS and other global health emergencies—providing $6.5 billion, $796 million above the President's request and $1.4 billion over fiscal year 2007, to address these critical needs. Within the total provided for global health, $5 billion is for HIV/AIDS prevention, treatment and care efforts internationally, $544 million above the President's request. We have also included, governmentwide, $841 million for the Global Fund to Fight AIDS, TB, and Malaria.

I must express my great disappointment that President Bush was willing to veto this entire vital bill because it would have allowed the U.S. to send contraceptives to poor men and women around the world. The President's dogmatic adherence to an illogical position diminishes our influence around the world and thwarts one of the most effective strategies for stemming the spread of HIV/AIDS and reducing unintended pregnancies and abortions. This is a fight we cannot win if our policy continues to put ideology ahead of proven results, and I will continue fighting to restore common sense to our international family planning initiatives.

I am pleased that we were able to provide significant funding to promote peace and address humanitarian crises throughout the world. Without the across-the-board cut, we would have provided the full request for the Peace Corps to support 7,749 volunteers in 67 posts serving in 73 countries.

The bill includes over $1 billion to help displaced people around the world, especially the growing number of Iraqi refugees. Additionally, over $430 million is provided to avert famines, provide life-saving assistance during natural disasters, and assist internally displaced persons in Iraq, Darfur and elsewhere.

Since declaring the atrocities in Darfur, Sudan, genocide in July, 2003, this committee has appropriated over a billion dollars to support the African Union peacekeeping mission and to provide emergency assistance. We are hopeful that the long-overdue United Nations mission will finally be able to bring stability to this region, and allow the Darfuri people to rebuild their lives. To that end, this bill provides over $550 million to support the UN peacekeeping mission in Darfur. We have made a strong commitment to international peacekeeping activities, and this bill includes $1.6906 billion for ongoing operations in Liberia, the Democratic Republic of Congo, South Sudan, Ethiopia/Eritrea, Haiti, Timor-Leste, Lebanon, and Kosovo.

I am also pleased that we were able to provide additional funding to meet our commitment to provide critical security sector assistance for Liberia.

INVESTING IN DEVELOPMENT AROUND THE WORLD

The bill also increases funding for development programs managed by the U.S. Agency for International Development. These resources will expand our basic education, safe water and environment programs.

Access to basic education has been one of my top priorities for many years because it not only improves an individual's chances for a better, more productive life, it creates a more tolerant and informed citizenry. We have provided a total of $694 million for basic education programs in this bill, including $189 million targeted to help developing countries with national education plans meet the international goal of quality education for all children by 2012.

This bill also provides $510 million for clean energy and biodiversity programs worldwide. This includes funding for the Global Environment Facility and international conservation programs that work with developing nations to reduce greenhouse gas emissions, preserve national parks, and protect wildlife.

There is also $1.544 billion for the Millennium Challenge Account in this bill. While this funding level is lower than that provided by the House, it is $344 million above the Senate level, and it will allow the MCC to undertake all its planned compacts and threshold programs through fiscal year 2008.

RESPONDING TO DEVELOPING SITUATIONS

This bill responds to a number of evolving diplomatic needs throughout the world. In addition to providing the strong annual aid package to Israel, we must ensure that our assistance to the Palestinians supports the current movement toward negotiating a peaceful two-state solution between the two parties.

In addition to language on assistance to the Palestinians that has been carried in the Foreign Operations bill for many years, we have included additional accounting conditions on part of any funding provided as cash transfer to the Palestinian Authority. It also ensures that no funding goes to Hamas or to salaries of Palestinian Authority personnel located in Gaza. It is essential that we track every dollar of any cash transfer, and before funding is obligated or expended, I expect the Department of State to take the following steps:

(1) Representatives of the government of the United States and the Palestinian Authority will develop a list of mutually-agreed disbursements. Emphasis will be on funding projects in the West Bank that quickly demonstrate quality of life benefits for the population.

(2) The Palestinian Authority may not obligate or expend any funds on items not mutually-agreed upon and will repay any funds which are used in any way not mutually agreed by the United States and the Palestinian Authority.

(3) The Secretary of State shall certify that none of the funds will be used to support violence or terrorism. All contractors will be investigated through the same United States embassy process that is used to vet implementers of United States-administered assistance programs.

(4) The Palestinian Authority will establish a separate account to hold funds received in the cash transfer. Authorized United States officials will have complete and unfettered access to the records of this account.

(5) The Department of State will report biweekly to the Committees on Appropriations on all expenditures, disbursements and balances associated with the cash transfer assistance to the Palestinian Authority.

(6) The Secretary of State shall report to the Committees on Appropriations, in classified form if appropriate, on how much funding the Arab states are providing to the Palestinian Authority, and steps the Palestinian Authority is taking to end incitement.

I look forward to working with the State Department to ensure that these funds are fully accountable and used to support President Abbas and Prime Minister Fayyad as they work to end corruption and bring needed services to the Palestinian people in the West Bank.

Also related to peace in the Middle East, I remain gravely concerned about the smuggling operation from Egypt to Gaza, and funds in this bill for Egypt are conditioned on steps taken to detect and destroy these tunnels.

The developing situation in Pakistan, which continues to be an important ally of the United States, also demands action in this bill. I appreciate the recent steps towards restoring the constitution and advancing democracy and human rights. However, the actions of the past few months warranted measures in this bill to end cash transfers and condition military assistance on continued progress on political reforms. We remain steadfast in our support of the Pakistani people, and this assistance package maintains the robust development and security assistance that is central to reducing poverty, increasing stability, and fighting Al Qaeda, the Taliban, and other terrorist groups.

Because our efforts to combat narcotics in Colombia have been ineffective for some time, this bill restructures assistance for Colombia. We have shifted greater resources to the development and interdiction programs. We have also increased funding for rule of law and justice efforts in order to strengthen the Government of Colombia's ability to combat and demobilize their criminal paramilitary organizations that fuel the drug war. It is time for the Colombians to take ownership over their eradication and military assistance programs, and restructuring of our assistance package reflects that position.

ADVANCING OUR PRIORITIES AT HOME

In addition to the many steps we have taken in this bill to advance international stability and security here at home, this bill also addresses many of our most important domestic priorities from education funding to worker training to biomedical research to public health activities.

It provides relief for families that desperately need child care and afterschool programs; for first responders in need of training and equipment that will help keep our communities safe; for teachers anxious to receive classroom training or professional development; for students who won't be able to attend college without an increase in the maximum Pell Grant; and for the elderly who depend on LIHEAP to help pay for the rising cost of home heating oil.

Initiatives funded in this bill literally make a life-or-death difference in the lives of countless individuals and families who are struggling to make ends meet. While we could have done much more with the cooperation of the President, the work that we have accomplished together in this final product will help make America more secure and will improve the lives of millions throughout the world.

In closing, I would like to thank our staff for their tireless work, and their many sleepless nights as they put together this final product. Nisha Desai, and her new baby Safya, Craig Higgins, Michele Sumilas, Steve Marchese, Lucy Heenan, Celia Alvarado, and our minority staff Christine Kojac, Rob Blair and Molly Miller. Lastly, I would like to thank Cherith Norman, as she prepares the leave the State Department, for her years of outstanding work with this Committee.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise to speak in support of Department of Homeland Security FY 2008 Appropriations Bill which is part of the larger omnibus spending package, Amendment to the Senate amendment to H.R. 2764. Specifically, I want to note that the Democrats have done a better job at funding key homeland security programs, but as always, more needs to be done.

As the first Democratic chairman of the Committee on Homeland Security, I am happy to note that the appropriated dollars will go a long way to implementing the recommendations of the 9/11 Commission which are codified in a bill I had the distinct honor of developing and steering toward passage—the Implementing Recommendations of the 9/11 Commission Act of 2007, P.L. 110–53. I am also glad that the fiscal year 2008 appropriations for the Department of Homeland Security are fairly consistent with my eight-point plan—the "Real Deal on Homeland Security." This 8–point plan is what I have used to develop key legislative and oversight initiatives aimed at ensuring that ours is a Nation that can flourish free from fear. In particular, the fiscal year 2008 appropriations reflect the Real Deal in the following way:

1. IMPROVING THE FUNCTIONALITY, GOVERNANCE, AND ACCOUNTABILITY OF THE DEPARTMENT OF HOMELAND SECURITY

The Department of Homeland Security FY 2008 appropriations bill provides $28.49 million for the Chief Procurement Officer which is $11.5 million above the enacted fiscal year 2007 level. This increase funding can help the office attract and retain experienced staff to manage procurements. The bill also provides a $108.7 million for the Office of Inspector General at the Department of Homeland Security, $6 million above the enacted fiscal year 2007 level. It is also notable that the bill's Joint Explanatory Statement makes clear that Congress favors contracts awarded by full and open competition. The bill also acknowledges the operation of the Small Business Act and therefore does not adversely affect the award of contracts to small, minority and disadvantaged businesses. In addition, the bill requires the Inspector General to review contracts awarded by means other than full and open competition to determine compliance with the law. Finally, I am very pleased that the bill provides no funding for MAX–HR but rather provides $10 million for the Department of Homeland Security to address the issues revealed in the 2006 Federal Human Capital Survey. The bill further requires the Secretary to submit an expenditure plan for the $10 million prior to the obligation of the funds.

However, I must point out that the Committee on Homeland Security was disappointed with the decision not to fund the relocation of the headquarters for the Department of Homeland Security at the St. Elizabeths site in Washington, DC.

2. ENHANCING SECURITY FOR ALL MODES OF TRANSPORTATION

I applaud the bill which provides over $4.5 billion to enhance aviation security. That funding makes the bill consistent with meeting aviation security mandates in P.L. 110–53. For example, the bill fully funds the Aviation Security Capitol Fund at $250 million. Furthermore, this bill provides $15 million for a pilot program to screen 100 percent of airport workers.

Although the bill does not provide sufficient resources to implement the authorization levels in P.L. 110–53, the Appropriations Committee has provided the foundation to reach that goal. For example, the bill provides $400 million in Public Transportation and Railroad Security Grants. This includes not less than $25 million for Amtrak, $11.5 million over the road bus security grants, and $16 million for trucking security grants. This is in contrast to the authorized amount in P.L. 110–53 which called for $650 million for public transit, $300 million for rail, and $150 million for Amtrak.

I also support the bill's provision of $523.5 million for information technology and intelligence for transportation security and the increased funding for Red Teams at $6.26 million—a 50 percent increase over the enacted level of fiscal year 2007. Finally, the bill provides $46 million for surface transportation security, an increase from the $41.4 million enacted in fiscal year 2007. Of the proposed amount for fiscal year 2008, $24.5 million is for staffing and operations, $22.1 million is for inspectors and canines, and another $30 million is provided for security training program, transportation risk assessment, and the development of regulation for name-based immigration screening for public transportation and rail workers.

3. RESPONSE, RESILIENCE, AND RECOVERY IN THE WAKE OF A NATIONAL CATASTROPHE

I am pleased that key programs to assist first responders and State, local, and tribal governments have been funded above the President's request. Specifically, the State Homeland Security Grant Program which provides grants to first responders in all 50 States and U.S. Territories to help them prevent, prepare for, and respond to an act of terrorism or other emergency is funded at $950 million. The Urban Area Security Initiative, which addresses the unique planning, operations, equipment, training, and exercise needs of high-threat, high-density urban areas, is funded at $820 million—a $50 million increase in funding over FY 2007 levels.

The bill also provides $41 million for the Metropolitan Medical Response System, MMRS; $300 million for Emergency Management Performance Grant, EMPG, program; $560 million for FIRE grants; $190 million for the SAFER Act program; and $32.5 million for the Urban Search and Rescue System, USAR, a $7.5 million increase over the enacted level in fiscal year 2007.

I also support the bill for directing FEMA to assist communities by ensuring disaster preparedness and response education materials are developed and distributed to children. The bill also supports the Office of the Disabilities Coordinator and directs the Department of Homeland Security's Inspector General to investigate FEMA's policies and processes regarding formaldehyde in trailers purchased by the agency to house disaster victims in the office created by the Post-Katrina Emergency Management Reform Act of 2006.

I will note, however, that it is unfortunate that the splintered oversight jurisdiction of the Department of Homeland Security has resulted in the inclusion of section 541 of the bill which states that "none of the funds provided by this or previous appropriations Acts shall be used to fund any position designated as a Principal Federal Official, PFO, for any Robert

T. Stafford Disaster Relief and Emergency Assistance Act declared disasters or emergencies." I am very concerned that this language micromanages Federal emergency response through the appropriation process, interferes with the writing of the National Response Framework which aims to clarify the role of the PFO and does not recognize the situations where the appointment of PFO would be necessary, public health emergencies, cyber attacks, etc. Simply stated, this language unnecessarily reopens a policy question that was settled in the Post-Katrina Emergency Management Reform Act of 2006.

4. SHIELDING THE NATION'S CRITICAL INFRASTRUCTURE FROM FOREIGN AND DOMESTIC TERRORISM

I commend the $50 million appropriated for chemical security. The bill also includes preemption language that supports States that have stronger law as it relates to the security of chemical facilities. In addition, the bill directs the Assistant Secretary for Infrastructure Protection to provide semi-annual briefings to the Appropriations Committee on implementing the National Infrastructure Protection Plan. I, too, look forward to being included in such briefing. The bill also provides $10 million for the Office of Bombing Prevention, a legislative initiative from the Committee on Homeland Security, H.R. 4749, with the requirement that the office will develop a national strategy on bombing prevention.

5. SECURING THE HOMELAND AND PRESERVING CIVIL LIBERTIES IN TIMES OF TERROR

I believe strongly that civil liberties guaranteed under the U.S Constitution need not be compromised to make the Nation more secure. One particular area of concern was the Department of Homeland Security's attempt to skirt congressional oversight by developing and implementing a spy satellite program. After I demanded answers about the program's reach, the Department modified its spy satellite plans. Going forward, the Committees on Homeland Security, Budget, and Appropriations should closely examine the Department's authority to ensure transparency and accountability.

6. CONNECTING THE DOTS: INTELLIGENCE INFORMATION SHARING AND INTEROPERABILITY

I am very pleased that the bill includes $50 million to fund the Interoperability Emergency Communications Grant Program which was enacted in P.L. 110–53 and provides for improved emergency communications capabilities for first responders. Also, the bill includes $35.7 million for the Office of Emergency Communications, an $18.7 million increase over the enacted fiscal year 2007. The office, which was established in April 2007, pursuant to the Post-Katrina Emergency Management Reform Act of 2006, is the focal point within the Federal Government to improve national interoperable communication capabilities.

7. IMPLEMENTING COMMONSENSE BORDER AND PORT SECURITY

I believe that border and port security must reflect the Nation's commitment to facilitating the flow of commerce and demanding accountability from our Government. That is why we cannot allow fear to drive the discussion of building fences that may wind up disrupting commerce or poor governmental planning that leads to Government waste. I commend the appropriator's for providing $2 million reimbursement to the Defense Acquisition University for a review of Secure Border Initiative procurement; $60 million for reimbursement of State and local law enforcement agencies in U.S.-Mexico border communities; and $225 million for the extension of the Western Hemisphere Travel Initiative. We must remember that border security is fundamentally a Federal responsibility and that we should not pass unfunded mandates to State and local governments that will be burdened by bad public policy.

I am especially pleased that the appropriations bill provides $475 million for U.S.–VISIT along with report language that makes clear that at least $13 million is to be used to develop an exit system. The provision also requires a schedule for implementing the exit program. Under my chairmanship, the Committee on Homeland Security has held several hearings examining the exit aspect of the US–VISIT. In fact, on September 5, 2007, I called on Secretary Chertoff to implement the US–VISIT air exit by the end of the calendar year 2008. Simply put, it is folly to speak of security if we rely on a process that tells us who comes into the country but cannot verify if or when individuals leave the country.

Other commonsense border security measures in the fiscal year 2008 appropriations bill include the language that amend current law by requiring consultation with the Secretaries of Agriculture and Interior, States, local land owners, and tribes; authorizing programs to study the modernization of ports-of-entry. I also commend the bill's inclusion of $36 million for the implementation of the Electronic Travel Authorization program—a provision that I promoted in P.L. 110–53. One particular area that reflects sound policy is language that provides "law enforcement officer", LEO, status and retirement benefits to Customs and Border Protection officers in order to enhance recruitment and retention. I was pleased to advocate the LEO status during the Committee of Homeland Security's consideration of H.R. 1684, the "Department of Homeland Security Authorization Act for Fiscal Year 2008." We must do all that we can to retain our trained staff who are the eyes and ears along this Nation's vast borders.

I also note that the bill prohibits the use of funds for the planning, testing, piloting, or development of a national ID card and directs CBP to brief the Appropriations committees no later than Jan. 31, 2008 on how it is using the Workload Staffing Model to allocated staffing resources.

With regard to port security, I commend the appropriators for requiring improved oversight of the Deepwater Program which is funded at $783 million. Under my chairmanship, the Committee on Homeland Security has closely examined and demanded accountability over Deepwater, particularly in H.R. 2830, the U.S. Coast Guard Reauthorization Act and the SAFE Port Act, P.L. 109–347. Other notable funding is the $2 million for LNG and dangerous cargo suitability assessments; the $3.1 million to develop and finalize SAFE Port Act rulemakings; and the $60 million for Interagency Operational Centers for Port Security, a requirement from the SAFE Port Act; and $400 million for port security grants.

I note that the appropriation's bill requires the Transportation Security Administration, TSA and Coast Guard to work closely with terminal operators, local port police, and other law enforcement agencies to develop the operational procedures to ensure the effective implementation of the Transportation Worker Identification Card, TWIC program. I am concerned, however, that while the bill directs TSA to work with the appropriate officials of Florida and other port authorities to resolve differences between TWIC and the State's transportation facility access control programs, the requirement maybe interpreted as indicating that the Federal TWIC program does not pre-empt the Florida program. This is very troubling and counterproductive.

Finally, the bill appropriates $13 million for the CBP's Global Trade Exchange, GTX. CBP recently announced the Request for Quotations for the Global Trade Exchange 1 despite significant criticism from industry concerning the lack of transparency with this new initiative. I am concerned that the Department has not fully developed this initiative and that it is premature to fund it until the Department has provided the Committee of Homeland Security and industry with a more in-depth analysis of this new pilot.

8. INSPIRING MINDS AND DEVELOPING TECHNOLOGY—THE FUTURE OF HOMELAND SECURITY

I am very concerned about the emerging threats of a chemical, biological, nuclear, and radiological attack. As chairman of the Committee on Homeland Security, I will continue to conduct oversight into this area to ensure that there is improved coordination between the Departments of Homeland Security and Health and Human Services and State, local, and Tribal governments. I recognize that the appropriation's bill does not provide a large amount of funding for pandemic flu due to the fact that the Department of Health and Human Services has $1.2 billion in unobligated funds from fiscal year 2007.

I am pleased that the bill provides $116.5 million to the Office of Health Affairs and includes a provision that would allow agricultural inspectors to stay at CBP and the Transportation Security Lab to recoup fees for testing. With regard to the threat of a cyber security attack, the bill provides $125 million for the Chief Information Officer to improve information technology security at the Department of Homeland Security—a much needed act.

I am also glad that the appropriators support the development of technology and the future minds in the field homeland security. For example, the bill provides that the Science and Technology Directorate will be appropriated at $830 million and funds the Third Generation Bio Watch at $5.8 million. The bill also provides $325 million for research and development. With regard to university programs, the bill provides $49.3 million for fiscal year 2008. This amount includes $4 million for the Transportation Security Center of Excellence. While that is far shy of the $18 million authorized in P.L. 110–53, the Committee on Homeland Security remains optimistic that appropriators will support the Centers of Excellence as they are the training grounds for future homeland security experts.

The $455 million appropriated to the Domestic Nuclear Detection Office, DNDO, and $90 million for the Radiation Portal Monitor program is critical to tracking loose nuclear weapons. However, I am very concerned, like the appropriators, that there has not yet been certification by the DHS Secretary of Advanced Spectroscopic Portal, ASP, radiation monitors. We must push out the boundaries of technology if we are going to have 21st century security.

In closing, I would like to thank the appropriators for funding the vital programs that are critical to securing the Nation. As chairman of the authorizing committee, I will vigilantly monitor the Department of Homeland Security to ensure that it is drawing on the diverse talents of its experts to ensure that it is providing the American people security, accountability, and freedom from fear.

Mr. OBEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 893, the previous question is ordered.

The question is on the motion offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 272, nays 142, not voting 18, as follows:

[Roll No. 1186]

YEAS—272

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Broun (GA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Chandler
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Cramer
Crenshaw
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Donnelly
Doolittle
Drake
Dreier
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hill
Hinojosa
Hobson
Hoekstra
Holden
Hoyer
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kanjorski
Keller
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lampson
Larsen (WA)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
Melancon
Mica
Miller (FL)
Miller (MI)
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Rush
Ryan (WI)
Salazar
Sali
Saxton
Schmidt
Schwartz
Scott (GA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Souder
Space
Spratt
Stearns
Sullivan
Tancredo
Tanner
Taylor
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Weldon (FL)
Westmoreland
Whitfield (KY)
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wittman (VA)
Wolf
Young (AK)
Young (FL)

NAYS—142

Abercrombie
Ackerman
Allen
Andrews
Arcuri
Baca
Baldwin
Becerra
Bishop (NY)
Blumenauer
Boswell
Brady (PA)
Braley (IA)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Castor
Clarke
Clay
Cleaver
Cohen
Conyers
Costello
Courtney
Crowley
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Doggett
Doyle
Duncan
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Higgins
Hinchey
Hirono
Hodes
Holt
Honda
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Johnson (GA)
Jones (OH)
Kagen
Kaptur
Kennedy
Kilpatrick
Klein (FL)
Langevin
Lantos
Larson (CT)
Lee
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Maloney (NY)
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McNerney
Meek (FL)
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Perlmutter
Price (NC)
Rahall
Rangel
Richardson
Rothman
Roybal-Allard
Ryan (OH)
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Solis
Stark
Stupak
Sutton
Tauscher
Thompson (MS)
Tierney
Towns
Tsongas
Udall (NM)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wu
Wynn
Yarmuth

NOT VOTING—18

Cubin
Gilchrest
Hastings (FL)
Hooley
Jefferson
Jindal
Johnson, E. B.
Kucinich
Markey
McNulty
Miller, Gary
Ortiz
Pastor
Paul
Thompson (CA)
Weller
Wexler
Woolsey

☐ 1726

Mr. WYNN, Mr. BECERRA, Ms. DELAURO and Ms. ESHOO changed their vote from "yea" to "nay."

Mr. DOOLITTLE changed his vote from "nay" to "yea."

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ORTIZ. Mr. Speaker, due to personal medical reasons, I was unable to vote during the following rollcall votes. Had I been present, I would have voted "yea" on the following rollcall Nos.: 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1184, 1185, and 1186.

REAPPOINTMENT AS MEMBERS TO UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

The SPEAKER pro tempore. Pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), amended by division P of the Consolidated Appropriations Resolution, 2003 (22 U.S.C. 6901), and the order of the House of January 4, 2007, the Chair announces the Speaker's reappointment of the following members on the part of the House to the United States-China Economic and Security Review Commission for terms to expire December 31, 2009:

Ms. Carolyn Bartholomew, District of Columbia

Mr. Jeffrey L. Fiedler, Great Falls, Virginia

☐ 1730

DON'T PLAY POLITICAL GAMES WITH VETERANS FUNDING

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Mr. Speaker, today we completed work on an omnibus spending bill

Hopefully, by Friday, a full 82 days into the fiscal year, our Nation's veterans will finally have access to the $6.7 billion in increased spending, and the new and expanded programs included in the original veterans bill, a bill that passed the House and Senate this summer.

For all of these days, our veterans have done without these additional resources.

So why the delay? Why were our veterans made to wait when a nearly identical bill could have been passed and signed by the President prior to October 1?

I believe our veterans deserve an explanation and an apology. Playing political games with veterans funding not only hurts our veterans but the credibility of this Congress and the American people. Our Nation and its heroes deserve better.

EXPLOITS OF MIKE FLYNT

(Mr. CONAWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONAWAY. Mr. Speaker, last August a man named Mike Flynt attempted to use his final year of college eligibility by walking on at Sul Ross State University in Alpine, Texas. He endured the rigors of two-a-days and made the team. Although a nagging groin injury prevented him from participating in games through the first half of the season, his leg healed to the point that he could participate in several games on special teams and, in the final game of the season, played at linebacker for the final defensive series.

Mr. Speaker, so far, this story is not unusual. However, Mike Flynt's story is unique in that he will turn 60 years of age next year. Mike and I graduated from high school together and played on the first State championship team at Odessa Permian.

Mike fulfilled a 30-year desire to compete one more time in a game he loves. His efforts and accomplishments amaze us all. He was an inspiration to his teammates, coaches and fellow Sul Ross students. His efforts brought positive publicity to a small university in far west Texas.

Mr. Speaker, in a world where athletes often seem to let us down, it's refreshing to see the example of hard work, dedication and perseverance that is Mike Flynt.

THE GRINCH WHO STOLE CHRISTMAS

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, Christmas will be here in less than 1 week. Most of us will be with people that are very important to us.

But not so for Border Agents Ramos and Compean who are locked up tonight for protecting the Texas-Mexico border from smugglers, especially an admitted drug smuggler. These agents are in prison for their failure to fill out proper paperwork after shooting this drug smuggler bringing in $1 million worth of dope to the United States.

The U.S. Attorneys Office made a backroom deal with the drug smuggler for his testimony, and even the U.S. Attorneys Office admits that he told some lies. Be that as it may, our government was on the wrong side of the border war in this case.

The border agents should be freed by Christmas and put the drug dealer in jail. So there will not be justice this Christmas for our border agents because the U.S. Attorneys Office is obviously the grinch who stole Christmas from our border agents.

And that's just the way it is.

IN MEMORY OF SPECIALIST MATTHEW KYLE REECE, U.S. ARMY

(Mr. BOOZMAN asked and was given permission to address the House for 1 minute.)

Mr. BOOZMAN. Mr. Speaker, I rise solemnly this afternoon to memorialize one of my constituents who's been described as one who makes this country great. I rise to remember Army Specialist Matthew Kyle Reece of Jasper, who passed away in Iraq in December of 2007.

Kyle Reece was born in Harrison and went to school in Jasper and Alpena. He fished, played ball and prayed while growing up in Newton County. His name can be seen in the Alpena gym, marking two championship teams, and his name will long be remembered for the duty he performed on behalf of his country, his friends and his family.

Kyle was a grenadier in the 82nd Airborne who deeply cared for the men in his charge. He accepted his duty proudly, telling his 3-year-old daughter before he left that he had to go to Iraq so she and everyone else in the U.S. could remain free.

There's no way we can adequately thank Kyle, or his family, for his service. However, I will take to heart the words of his wife, Chauntelle, who urges that we not wait until a soldier dies before we honor him. Rather, we should shake their hands and thank them for all that they do for America.

TRIBUTE TO JOYCE HAMLETT: A WOMAN CONTINUING TO BLAZE NEW TRAILS AS KEEPER OF THE MACE

(Mr. MEEK of Florida asked and was given permission to address the House for 1 minute.)

Mr. MEEK of Florida. Mr. Speaker, I rise today to give honor to one of our great House employees here that works in this Chamber every day, and that's Joyce Hamlett.

Joyce has had the opportunity to be appointed as Assistant Sergeant at Arms in charge of the mace of the House of Representatives. I think this is a very high accomplishment for someone like Ms. Hamlett who has a meek-like spirit and very nice lady, and I've been working with her, and she's been working not only with me but my mother and other Members that have served here in the House.

She's the first African American woman to serve as keeper of the mace. Her high moral upbringing prepares her for this honorable position.

Mr. Speaker, I can go further, and I do as it relates to my CONGRESSIONAL RECORD statement, but we honor not only her presence here, but we honor the fact that she gives God all of the grace and the glory for her accomplishments here in the House of Representatives.

Mr. Speaker and Members of Congress, as a Member of Congress, I am moved by Ms. Joyce Hamlett's trust in patience, trust in truth and trust that God has planned a great path for her life.

I rise to ask you to join me in recognizing the excellent service and continued professional success of Ms. Joyce Hamlett, newly appointed Assistant Sergeant of Arms for the U.S. House of Representatives.

Congressional business begins when the Mace is set, and ends when it is lifted.

There is one woman with the great responsibility to ensure that the Mace is available for this historical purpose.

And, in times of emergency, one woman guards the Mace and preserves its protection.

Ms. Joyce Hamlett is the first African American woman to serve as the Keeper of the Mace. Her moral upbringing prepared her for this honorable position.

Ms. Hamlett was raised by her grandfather in a church community that fostered the importance of honesty and faith.

Indeed, Ms. Hamlett's strong heritage has served as the guiding force throughout her career on Capitol Hill.

In the early 1980s, Ms. Hamlett departed Broadway, North Carolina and began her successful professional journey alongside her mother, Betty Pearson, at the Capitol Café.

Within five years, Ms. Hamlett rose to cook for lawmakers upstairs in the Capitol Hill restaurant.

Her respectable interaction with lawmakers continued when she went on to serve as elevator operator under the Architect of the Capitol. During that time, she formed long-lasting friendships with many Members of Congress.

In the early 1990s, Ms. Hamlett interviewed for the position of chamber security, and soon after began to firmly enforce House rules on the floor of the U.S. House of Representatives.

As chamber security, she was well known as one who worked hard to safeguard the principles and rich tradition of the U.S. House of Representatives.

Because of her excellent service, Ms. Hamlett was promoted to her current position as Keeper of the Mace.

Ms. Hamlett is not only Keeper of the Mace, but she is also keeper of a strong moral foundation and keeper of the wisdom and principle represented by the Mace's solid-silver eagle.

Mr. Speaker and Members of Congress, I congratulate Ms. Joyce Hamlett, a woman that continues to blaze new trails with distinction as Assistant Sergeant of Arms for the U.S. House of Representatives.

Thank you Mr. Speaker and Members of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ELLSWORTH). The Chair will recognize Members for Special Order speeches without prejudice to possible further legislative business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE PURPOSE OF GOVERNMENT IS TO PROTECT THE PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, the purpose of government is to protect the people. It is a very simple but yet fundamental principle of the United States Constitution.

Our Federal Government has to protect us from enemies from abroad, and our government does a good job of doing that. Our government also has the secondary responsibility to protect citizens in our country, and our government does a fairly good job of that.

But there is a unique problem where our government seems to be lacking, and that's protecting citizens that are working overseas for American contractors against other American citizens who commit crimes against them.

Today, Mr. Speaker, in the Judiciary Committee, a brave young lady came and testified about what happened to her, an individual by the name of Jamie Leigh Jones from my congressional district down in Texas.

As a young 20-year-old she went to work for KBR Construction Company overseas in Iraq. She was there just a few days when she was sexually assaulted by several individuals. After she was assaulted, Army doctors intervened and treated her initially for her medical injuries, which were devastating. The medical doctors took and prepared a rape kit, as is supposed to be done in cases like a criminal investigation, and for some reason, they never turned that rape kit over to the Federal Government, to the Justice Department, to the FBI. They turned it over to the company, and it has subsequently been damaged and destroyed.

After Jamie Leigh Jones was sexually assaulted, she was imprisoned as a hostage in a trailer, as she says, where she was not allowed to leave, was not allowed to eat or drink water. She frantically was able to find a cell phone that one of her guards let her borrow. She called her father in Texas, and he called me. And within 48 hours the State Department had dispatched two agents from Baghdad Embassy, found Jamie Leigh Jones, rescued her, and brought her back to the United States.

We would hope, then, that our government would continue this investigation to find the rapist who committed this crime against Jamie Leigh Jones.

This occurred in the year of 2005, and for these 2 years we have heard blissful silence from the United States Justice Department on what they are doing, if anything, to find these criminals who committed this crime.

After Jamie Leigh Jones has now come public with this, my office has received numerous phone calls from other workers who were contract workers, civilians, all females who were assaulted while working in Iraq who are now coming forward to tell their stories. And in their case, like Jamie Leigh Jones, nobody has been prosecuted and held accountable for the crimes committed against these women, these American citizens, these American patriots who are working overseas with our military, but yet crimes are being committed against them. And there is silence from the Justice Department about what is being done, if anything.

It seems to me, Mr. Speaker, that Iraq and what has taken place against civilian workers is reminiscent of the days of the Old West, the Wild West, where crime was committed and no one was held accountable for their conduct.

There are hundreds of Department of Justice officials in Baghdad doing all kinds of things. Why aren't they investigating crimes against civilian workers that are being committed by other Americans? We don't know the answer. It's important that our government fulfill its first duty to its people, which is to protect them, and when crimes are committed against American civilians by other Americans in foreign lands, where we have jurisdiction in the green zone of Baghdad, that our government be relentless in bringing those people, those criminals, to the bar of justice and put them in jail rather than remain silent and not responding at all to these crimes.

So I would hope, Mr. Speaker, as this year ends and the next year begins that our Federal Government, our Justice Department, has a renewed interest in the Americans that are overseas. More Americans are serving in Iraq that are civilians than are serving in the military. And we know that crimes are being committed against them. It's important that those criminals be brought to the bar of justice and held accountable in a public trial because, Mr. Speaker, justice is what we do in America.

And that's just the way it is.

□ 1745

HOUSE SHOULD VOTE ON TREATMENT PARITY BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, with 54 million Americans suffering the ravages of mental illness and 26 million suffering from chemical addiction, the failure of this Congress to pass the Paul Wellstone Mental Health and Addiction Equity Act is a slap in the face to millions of Americans with mental illness and/or drug and alcohol addiction. It's also the biggest failure of this session of Congress.

Congress' failure to knock down the discriminatory barriers to treatment is a matter of life or death for people suffering from mental health and addiction diseases, diseases that took the lives of over 200,000 Americans last year alone.

Just 2 weeks ago, my friend of over 25 years took his own life as a result of depression. He joined 34,000 other Americans who have committed suicide from depression this year.

In my home State of Minnesota, Anna Westin was a young woman with anorexia. She suffered for several years from this terrible disease. Her parents' insurance company refused to cover the inpatient treatment that she desperately needed. Distraught at her condition and being a financial burden on her parents, young Anna took her own life.

Representative PATRICK KENNEDY and I held 14 field hearings across our country this year on the need to end insurance discrimination against mental illness and addiction. We heard story after story after story like these.

We heard from Steve Winter, who traveled in his wheelchair to several of our field hearings. When Steve was a young teenager, he awoke one morning with a stinging pain in his back. He stumbled downstairs to breakfast. He realized that blood was streaming down his back. He heard his mother's voice say, "Your sister is in heaven, and now you and I are going there to join her." His mother was pointing a gun at him. She had been taken off the schizophrenia drugs she desperately needed. As Steve put it, "My mother didn't shoot my sister and me; her mental illness did."

Clearly there are not many families in America, Mr. Speaker, who haven't been touched in some way by mental illness or addiction. Like my close personal friend, like Anna Westin and

Steve Winter's sister, I could have been one of the thousands of Americans who die each year from mental illness and chemical addiction.

For on July 31, 1981, I awoke in a jail cell in Sioux Falls, South Dakota, as the result of my last alcoholic blackout after abusing alcohol for 12 long and painful years. I'm alive and sober today, Mr. Speaker, only because of the access I had to treatment in 1981. I'm living proof that treatment works and recovery is real.

But too many people don't have that access to treatment. It's a national disgrace that 270,000 Americans were denied addiction treatment last year. It's a national tragedy that 160,000 of our fellow Americans died from chemical addiction and 34,000 died from suicide as a result of their depression. And it's also, Mr. Speaker, a national crisis that untreated addiction and mental illness cost our economy over $550 billion last year.

And what is Congress' response? Despite bipartisan passage by three House committees and two subcommittees, we were denied a vote in the full House on the Paul Wellstone Mental Health and Addiction Equity Act.

This legislation would give Americans suffering from addiction greater access to treatment by prohibiting health insurers from placing discriminatory barriers on treatment. As many as 16 million Americans in health plans could receive treatment under this act.

Despite the 273 cosponsors of H.R. 1424, this treatment parity bill, no vote was held. Despite the tens of millions of Americans suffering the ravages of addiction and mental illness, no vote was allowed to increase their access to lifesaving treatment.

Mr. Speaker, it is time to end the discrimination against people suffering from mental illness and chemical addiction. It's time to end the higher copayments, deductibles, out-of-pocket costs, and limited treatment stays, discriminatory barriers to treatment that don't exist for any other diseases. It's time to treat mental illness and chemical addiction under the same rules as physical illnesses.

Mr. Speaker, it's time for the House of Representatives to vote on the Paul Wellstone Mental Health and Addiction Equity Act. Those still suffering cannot afford to wait any longer.

RECOGNIZING CRAIG PENDLETON, FOUNDER OF NORTHWEST ATLANTIC MARINE ALLIANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker, I would like to take a few moments to talk about Craig Pendleton, a fisherman from Maine who has dedicated his life to protecting and supporting small-boat fishermen and the communities that depend on them.

Craig is part of a long and proud tradition of fishing families in Maine. Like many fishermen in New England, he experienced the decline of major fishing stocks in the late 1980s and early 1990s and was frustrated by Federal management strategies that seemed to penalize fishermen without really helping to rebuild the stocks.

Many fishermen experienced that frustration, but Craig stands out because he responded by rolling up his sleeves and working hard to find solutions. In 1997, my first year in the Congress, Craig founded the Northwest Atlantic Marine Alliance, or NAMA.

The purpose of NAMA was to work with fishermen up and down the coast of New England to articulate a vision for the future of fishing and fisheries management. Most of these fishermen were small owner-operators who had never participated in politics or management, but through NAMA Craig was able to get them involved.

NAMA was a new voice in the debate over how to manage New England's fisheries. Environmental organizations and Federal managers had long recognized that fish stocks were in trouble, but the small family fishermen were typically shut out of high-level discussions about how to solve the problem. These were the people without advocates, without lawyers, without expensive lobbyists. However, they were often the first to suffer the brunt of any new limits on fishing.

These are the fishermen that NAMA fights for. Over the years, under Craig Pendleton's lead, NAMA has worked tirelessly to help local fishermen understand the complicated jargon of new Federal fisheries regulations and draft their own proposals for new fisheries management plans. I worked closely with Craig and NAMA when I drafted provisions in the recently reauthorized Magnuson-Stevens Act to protect the interests of small-boat fishermen. Fishermen feel empowered by NAMA.

Recently, NAMA became one of the leading proponents of Area Management, an innovative fishery management strategy that allows local communities to take a leading role in managing fisheries resources. The strategy rests on the commonsense idea that fishermen, if they choose, should be able to take responsibility for environmental stewardship and the fair allocation of fisheries resources in their own communities.

Recently, Craig Pendleton announced that he is stepping down from the position he has held for 12 years as coordinating director of NAMA. Here today on the floor of the House, I would like to recognize Craig for all his years as a tireless advocate for fishermen and fish and for all that he has achieved for small-boat owners and operators in Maine and across the country.

I admire Craig and the other men and women involved with NAMA because they are willing to endure significant personal sacrifice to ensure that the fishing industry and way of life that they love are preserved for their children and grandchildren. I hope that those future generations will stand at the helms of their fishing vessels and see our time as a turning point, when small fishing communities across the country began to take a leading role in the management of the fisheries resources on which they all depend. Craig Pendleton is a pioneer of that movement, and I would like to thank Craig on behalf of the people of Maine and wish him the best in his future endeavors.

THE HEALTHY HOSPITALS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. TIM MURPHY) is recognized for 5 minutes.

Mr. TIM MURPHY of Pennsylvania. Madam Speaker, over the last several months, and certainly over the last 2 weeks, Congress has had a number of accomplishments. Today we did a number of things that were important such as funding for our troops. We also improved toy safety. But there have been a number of other opportunities which, unfortunately, with the schedule that we missed, that we could have done and should have done and I hope next year we will do. And that is while we are looking at issues to improve health care and reduce health care costs, when we talk about Medicare or Medicaid or SCHIP, one of the things we should have done was really work to lower costs and save money and save lives.

We hear both sides of the aisle these days talking about the costs of everything: The national debt in the trillions, earmarks need to be reduced, health care is too expensive. But too often we keep talking about these problems or saying perhaps Congress can find a way to pay for these things. But shouldn't we look at how to fix the problem and not just finance it?

We had a solution in front of us that could have saved $50 billion in health care costs. But it didn't happen.

Earlier this year I introduced H.R. 1174, the Healthy Hospitals Act, which received strong bipartisan support. This legislation is a simple solution to lower costs associated with hospital- and health care-acquired infections.

The implementation of this bill is not expensive; it only requires hospitals to publicly disclose their hospital-acquired infection rates and follow simple cleanliness techniques that we already expect our caretakers to follow, things you assume that hospitals and clinics are doing, but, unfortunately, they are not always doing that: washing their hands, wearing gloves, sterilizing equipment before and after uses, testing patients for other diseases prior to treatment or admission to hospitals, giving antibiotics before and after surgery. These aren't revolutionary ideas; they're just ideas that too often are not followed.

Well, how much of a difference does it really make letting the public know about hospital-acquired infection rates of individual hospitals? In my home State of Pennsylvania, to give a great example of what hospitals can do when they're held accountable for these infections, many hospitals, where they are now required by law to publicly post on the Internet their infection rates, have seen their rates drop to zero or near zero. Incredible, and a good story.

According to the Pennsylvania Health Care Cost Containment Council, the average charge of hospitalization in 2005 for a patient who became infected with a hospital-acquired infection was over $185,000, but the average charge for a patient without infection was $31,000. That's $31,000 versus $185,000, a difference of over $150,000 per patient. Doesn't that tell us what we can be doing to save money and save lives? Now, multiply that statistic by 49 other States and we see what happens. We need to seek areas where we can reduce costs.

Let me point out the grim statistics of this year as of today. This year's toll of health care acquired infections, such as pneumonia, urinary tract infections, or what's been called the "super bug of methicillin-resistant infections," as of today, 1,934,246 cases, 87,010 deaths, and over $48 billion spent on infections people acquired when they go to the hospital or go to the doctor.

Twenty-two other States have taken some steps to reduce these, and we need to make sure we make this a universal system of recording.

I hope that we work this next year to emphasize patient choice, patient quality, and patient safety, and pass H.R. 1174.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2640. An act to improve the National Instant Criminal Background Check System, and for other purposes.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3890. An Act to amend the Burmese Freedom and Democracy Act of 2003 to impose import sanctions on Burmese gemstones, expand the number of individuals against whom the visa ban is applicable, expand the blocking of assets and other prohibited activities, and for other purposes.

CLARIFICATION OF TERM OF THE COMMISSIONER OF INTERNAL REVENUE

Mrs. McCARTHY of New York. Madam Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2436) to amend the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2436

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF TERM OF THE COMMISSIONER OF INTERNAL REVENUE.

(a) IN GENERAL.—Paragraph (1) of section 7803(a) of the Internal Revenue Code of 1986 (relating to appointment) is amended to read as follows:

"(1) APPOINTMENT.—

"(A) IN GENERAL.—There shall be in the Department of the Treasury a Commissioner of Internal Revenue who shall be appointed by the President, by and with the advice and consent of the Senate. Such appointment shall be made from individuals who, among other qualifications, have a demonstrated ability in management.

"(B) TERM.—The term of the Commissioner of Internal Revenue shall be a 5-year term, beginning with a term to commence on November 13, 1997. Each subsequent term shall begin on the day after the date on which the previous term expires.

"(C) VACANCY.—Any individual appointed as Commissioner of Internal Revenue during a term as defined in subparagraph (B) shall be appointed for the remainder of that term.

"(D) REMOVAL.—The Commissioner may be removed at the will of the President.

"(E) REAPPOINTMENT.—The Commissioner may be appointed to serve more than one term.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply as if included in the amendment made by section 1102(a) of the Internal Revenue Service Restructuring and Reform Act of 1998.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

TAX TECHNICAL CORRECTIONS ACT OF 2007

Mrs. McCARTHY of New York. Madam Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from further consideration of the bill (H.R. 4839) to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The Clerk read the bill, as follows:

H.R. 4839

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Tax Technical Corrections Act of 2007".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.
Sec. 2. Amendment related to the Tax Relief and Health Care Act of 2006.
Sec. 3. Amendments related to title XII of the Pension Protection Act of 2006.
Sec. 4. Amendments related to the Tax Increase Prevention and Reconciliation Act of 2005.
Sec. 5. Amendments related to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.
Sec. 6. Amendments related to the Energy Policy Act of 2005.
Sec. 7. Amendments related to the American Jobs Creation Act of 2004.
Sec. 8. Amendments related to the Economic Growth and Tax Relief Reconciliation Act of 2001.
Sec. 9. Amendments related to the Tax Relief Extension Act of 1999.
Sec. 10. Amendment related to the Internal Revenue Service Restructuring and Reform Act of 1998.
Sec. 11. Clerical corrections.

SEC. 2. AMENDMENT RELATED TO THE TAX RELIEF AND HEALTH CARE ACT OF 2006.

(a) AMENDMENT RELATED TO SECTION 402 OF DIVISION A OF THE ACT.—Subparagraph (A) of section 53(e)(2) is amended to read as follows:

"(A) IN GENERAL.—The term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

"(i) $5,000,

"(ii) 20 percent of the long-term unused minimum tax credit for such taxable year, or

"(iii) the amount (if any) of the AMT refundable credit amount determined under this paragraph for the taxpayer's preceding taxable year (as determined before any reduction under subparagraph (B)).".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provision of the Tax Relief and Health Care Act of 2006 to which it relates.

SEC. 3. AMENDMENTS RELATED TO TITLE XII OF THE PENSION PROTECTION ACT OF 2006.

(a) AMENDMENT RELATED TO SECTION 1201 OF THE ACT.—Subparagraph (D) of section 408(d)(8) is amended by striking "all amounts distributed from all individual retirement plans were treated as 1 contract under paragraph (2)(A) for purposes of determining the inclusion of such distribution under section 72" and inserting "all amounts in all individual retirement plans of the individual were distributed during such taxable year and all such plans were treated as 1 contract for purposes of determining under section 72 the aggregate amount which would have been so includible".

(b) AMENDMENT RELATED TO SECTION 1203 OF THE ACT.—Subsection (d) of section 1366 is amended by adding at the end the following new paragraph:

"(4) APPLICATION OF LIMITATION ON CHARITABLE CONTRIBUTIONS.—In the case of any charitable contribution of property to which the second sentence of section 1367(a)(2) applies, paragraph (1) shall not apply to the extent of the excess (if any) of—

"(A) the shareholder's pro rata share of such contribution, over

"(B) the shareholder's pro rata share of the adjusted basis of such property.".

(c) AMENDMENT RELATED TO SECTION 1215 OF THE ACT.—Subclause (I) of section 170(e)(7)(D)(i) is amended by striking "related" and inserting "substantial and related".

(d) AMENDMENTS RELATED TO SECTION 1218 OF THE ACT.—

(1) Section 2055 is amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).

(2) Subsection (e) of section 2522 is amended—

(A) by striking paragraphs (2) and (4),

(B) by redesignating paragraph (3) as paragraph (2), and

(C) by adding at the end of paragraph (2), as so redesignated, the following new subparagraph:

"(C) INITIAL FRACTIONAL CONTRIBUTION.—For purposes of this paragraph, the term 'initial fractional contribution' means, with respect to any donor, the first gift of an undivided portion of the donor's entire interest in any tangible personal property for which a deduction is allowed under subsection (a) or (b).".

(e) AMENDMENTS RELATED TO SECTION 1219 OF THE ACT.—

(1) Paragraph (2) of section 6695A(a) is amended by inserting "a substantial estate or gift tax valuation understatement (within the meaning of section 6662(g))," before "or a gross valuation misstatement".

(2) Paragraph (1) of section 6696(d) is amended by striking "or under section 6695" and inserting ", section 6695, or 6695A".

(f) AMENDMENT RELATED TO SECTION 1221 OF THE ACT.—Subparagraph (A) of section 4940(c)(4) is amended to read as follows:

"(A) There shall not be taken into account any gain or loss from the sale or other disposition of property to the extent that such gain or loss is taken into account for purposes of computing the tax imposed by section 511.".

(g) AMENDMENT RELATED TO SECTION 1225 OF THE ACT.—

(1) Subsection (b) of section 6104 is amended—

(A) by striking "INFORMATION" in the heading, and

(B) by adding at the end the following: "Any annual return which is filed under section 6011 by an organization described in section 501(c)(3) and which relates to any tax imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc., organizations) shall be treated for purposes of this subsection in the same manner as if furnished under section 6033.".

(2) Clause (ii) of section 6104(d)(1)(A) is amended to read as follows:

"(ii) any annual return which is filed under section 6011 by an organization described in section 501(c)(3) and which relates to any tax imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc., organizations),".

(3) Paragraph (2) of section 6104(d) is amended by striking "section 6033" and inserting "section 6011 or 6033".

(h) AMENDMENT RELATED TO SECTION 1231 OF THE ACT.—Subsection (b) of section 4962 is amended by striking "or D" and inserting "D, or G".

(i) AMENDMENT RELATED TO SECTION 1242 OF THE ACT.—

(1) Subclause (II) of section 4958(c)(3)(A)(i) is amended by striking "paragraph (1), (2), or (4) of section 509(a)" and inserting "subparagraph (C)(ii)".

(2) Clause (ii) of section 4958(c)(3)(C) is amended to read as follows:

"(ii) EXCEPTION.—Such term shall not include—

"(I) any organization described in paragraph (1), (2), or (4) of section 509(a), and

"(II) any organization which is treated as described in such paragraph (2) by reason of the last sentence of section 509(a) and which is a supported organization (as defined in section 509(f)(3)) of the organization to which subparagraph (A) applies.".

(j) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which they relate.

SEC. 4. AMENDMENTS RELATED TO THE TAX INCREASE PREVENTION AND RECONCILIATION ACT OF 2005.

(a) AMENDMENTS RELATED TO SECTION 103 OF THE ACT.—Paragraph (6) of section 954(c) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

"(B) EXCEPTION.—Subparagraph (A) shall not apply in the case of any interest, rent, or royalty to the extent such interest, rent, or royalty creates (or increases) a deficit which under section 952(c) may reduce the subpart F income of the payor or another controlled foreign corporation.".

(b) AMENDMENTS RELATED TO SECTION 202 OF THE ACT.—

(1) Subparagraph (A) of section 355(b)(2) is amended to read as follows:

"(A) it is engaged in the active conduct of a trade or business,".

(2) Paragraph (3) of section 355(b) is amended to read as follows:

"(3) SPECIAL RULES FOR DETERMINING ACTIVE CONDUCT IN THE CASE OF AFFILIATED GROUPS.—

"(A) IN GENERAL.—For purposes of determining whether a corporation meets the requirements of paragraph (2)(A), all members of such corporation's separate affiliated group shall be treated as one corporation.

"(B) SEPARATE AFFILIATED GROUP.—For purposes of this paragraph, the term 'separate affiliated group' means, with respect to any corporation, the affiliated group which would be determined under section 1504(a) if such corporation were the common parent and section 1504(b) did not apply.

"(C) TREATMENT OF TRADE OR BUSINESS CONDUCTED BY ACQUIRED MEMBER.—If a corporation became a member of a separate affiliated group as a result of one or more transactions in which gain or loss was recognized in whole or in part, any trade or business conducted by such corporation (at the time that such corporation became such a member) shall be treated for purposes of paragraph (2) as acquired in a transaction in which gain or loss was recognized in whole or in part.

"(D) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which provide for the proper application of subparagraphs (B), (C), and (D) of paragraph (2), and modify the application of subsection (a)(3)(B), in connection with the application of this paragraph.".

(3) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by section 202 of the Tax Increase Prevention and Reconciliation Act of 2005 and by section 410 of division A of the Tax Relief and Health Care Act of 2006 had never been enacted.

(c) AMENDMENT RELATED TO SECTION 515 OF THE ACT.—Subsection (f) of section 911 is amended to read as follows:

"(f) DETERMINATION OF TAX LIABILITY.—

"(1) IN GENERAL.—If, for any taxable year, any amount is excluded from gross income of a taxpayer under subsection (a), then, notwithstanding sections 1 and 55—

"(A) if such taxpayer has taxable income for such taxable year, the tax imposed by section 1 for such taxable year shall be equal to the excess (if any) of—

"(i) the tax which would be imposed by section 1 for such taxable year if the taxpayer's taxable income were increased by the amount excluded under subsection (a) for such taxable year, over

"(ii) the tax which would be imposed by section 1 for such taxable year if the taxpayer's taxable income were equal to the amount excluded under subsection (a) for such taxable year, and

"(B) if such taxpayer has a taxable excess (as defined in section 55(b)(1)(A)(ii)) for such taxable year, the amount determined under the first sentence of section 55(b)(1)(A)(i) for such taxable year shall be equal to the excess (if any) of—

"(i) the amount which would be determined under such sentence for such taxable year (subject to the limitation of section 55(b)(3)) if the taxpayer's taxable excess (as so defined) were increased by the amount excluded under subsection (a) for such taxable year, over

"(ii) the amount which would be determined under such sentence for such taxable year if the taxpayer's taxable excess (as so defined) were equal to the amount excluded under subsection (a) for such taxable year.

"(2) SPECIAL RULES.—

"(A) REGULAR TAX.—In applying section 1(h) for purposes of determining the tax under paragraph (1)(A)(i) for any taxable year in which, without regard to this subsection, the taxpayer's net capital gain exceeds taxable income (hereafter in this subparagraph referred to as the capital gain excess)—

"(i) the taxpayer's net capital gain (determined without regard to section 1(h)(11)) shall be reduced (but not below zero) by such capital gain excess,

"(ii) the taxpayer's qualified dividend income shall be reduced by so much of such capital gain excess as exceeds the taxpayer's net capital gain (determined without regard to section 1(h)(11) and the reduction under clause (i)), and

"(iii) adjusted net capital gain, unrecaptured section 1250 gain, and 28-percent rate gain shall each be determined after increasing the amount described in section 1(h)(4)(B) by such capital gain excess.

"(B) ALTERNATIVE MINIMUM TAX.—In applying section 55(b)(3) for purposes of determining the tax under paragraph (1)(B)(i) for any taxable year in which, without regard to this subsection, the taxpayer's net capital gain exceeds the taxable excess (as defined in section 55(b)(1)(A)(ii))—

"(i) the rules of subparagraph (A) shall apply, except that such subparagraph shall be applied by substituting 'the taxable excess (as defined in section 55(b)(1)(A)(ii))' for 'taxable income', and

"(ii) the reference in section 55(b)(3)(B) to the excess described in section 1(h)(1)(B) shall be treated as a reference to such excess as determined under the rules of subparagraph (A) for purposes of determining the tax under paragraph (1)(A)(i).

"(C) DEFINITIONS.—Terms used in this paragraph which are also used in section 1(h) shall have the respective meanings given such terms by section 1(h), except that in applying subparagraph (B) the adjustments under part VI of subchapter A shall be taken into account.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the Tax Increase Prevention and Reconciliation Act of 2005 to which they relate.

(2) MODIFICATION OF ACTIVE BUSINESS DEFINITION UNDER SECTION 355.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendments made by subsection (b) shall apply to distributions made after May 17, 2006.

(B) TRANSITION RULE.—The amendments made by subsection (b) shall not apply to any distribution pursuant to a transaction which is—

(i) made pursuant to an agreement which was binding on May 17, 2006, and at all times thereafter,

(ii) described in a ruling request submitted to the Internal Revenue Service on or before such date, or

(iii) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

(C) ELECTION OUT OF TRANSITION RULE.—Subparagraph (B) shall not apply if the distributing corporation elects not to have such subparagraph apply to distributions of such corporation. Any such election, once made, shall be irrevocable.

(D) SPECIAL RULE FOR CERTAIN PRE-ENACTMENT DISTRIBUTIONS.—For purposes of determining the continued qualification under section 355(b)(2)(A) of the Internal Revenue Code of 1986 of distributions made on or before May 17, 2006, as a result of an acquisition, disposition, or other restructuring after such date, such distribution shall be treated as made on the date of such acquisition, disposition, or restructuring for purposes of applying subparagraphs (A) through (C) of this paragraph. The preceding sentence shall only apply with respect to the corporation that undertakes such acquisition, disposition, or other restructuring, and only if such application results in continued qualification under section 355(b)(2)(A) of such Code.

(3) AMENDMENT RELATED TO SECTION 515 OF THE ACT.—The amendment made by subsection (c) shall apply to taxable years beginning after December 31, 2006.

SEC. 5. AMENDMENTS RELATED TO THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS.

(a) AMENDMENTS RELATED TO SECTION 11113 OF THE ACT.—

(1) Paragraph (3) of section 6427(i) is amended—

(A) by inserting "or under subsection (e)(2) by any person with respect to an alternative fuel (as defined in section 6426(d)(2))" after "section 6426" in subparagraph (A),

(B) by inserting "or (e)(2)" after "subsection (e)(1)" in subparagraphs (A)(i) and (B), and

(C) by striking "ALCOHOL FUEL AND BIODIESEL MIXTURE CREDIT" and inserting "MIXTURE CREDITS AND THE ALTERNATIVE FUEL CREDIT" in the heading thereof.

(2) Subparagraph (F) of section 6426(d)(2) is amended by striking "hydrocarbons" and inserting "fuel".

(3) Section 6426 is amended by adding at the end the following new subsection:

"(h) DENIAL OF DOUBLE BENEFIT.—No credit shall be determined under subsection (d) or (e) with respect to any fuel with respect to which credit may be determined under subsection (b) or (c) or under section 40 or 40A.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the SAFETEA-LU to which they relate.

SEC. 6. AMENDMENTS RELATED TO THE ENERGY POLICY ACT OF 2005.

(a) AMENDMENT RELATED TO SECTION 1306 OF THE ACT.—Paragraph (2) of section 45J(b) is amended to read as follows:

"(2) AMOUNT OF NATIONAL LIMITATION.—The aggregate amount of national megawatt capacity limitation allocated by the Secretary under paragraph (3) shall not exceed 6,000 megawatts.".

(b) AMENDMENTS RELATED TO SECTION 1342 OF THE ACT.—

(1) So much of subsection (b) of section 30C as precedes paragraph (1) thereof is amended to read as follows:

"(b) LIMITATION.—The credit allowed under subsection (a) with respect to all qualified alternative fuel vehicle refueling property placed in service by the taxpayer during the taxable year at a location shall not exceed—".

(2) Subsection (c) of section 30C is amended to read as follows:

"(c) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—For purposes of this section, the term 'qualified alternative fuel vehicle refueling property' has the same meaning as the term 'qualified clean-fuel vehicle refueling property' would have under section 179A if—

"(1) paragraph (1) of section 179A(d) did not apply to property installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer, and

"(2) only the following were treated as clean-burning fuels for purposes of section 179A(d):

"(A) Any fuel at least 85 percent of the volume of which consists of one or more of the following: ethanol, natural gas, compressed natural gas, liquified natural gas, liquefied petroleum gas, or hydrogen.

"(B) Any mixture—

"(i) which consists of two or more of the following: biodiesel (as defined in section 40A(d)(1)), diesel fuel (as defined in section 4083(a)(3)), or kerosene, and

"(ii) at least 20 percent of the volume of which consists of biodiesel (as so defined) determined without regard to any kerosene in such mixture.".

(c) AMENDMENTS RELATED TO SECTION 1351 OF THE ACT.—

(1) Paragraph (3) of section 41(a) is amended by inserting "for energy research" before the period at the end.

(2) Paragraph (6) of section 41(f) is amended by adding at the end the following new subparagraph:

"(E) ENERGY RESEARCH.—The term 'energy research' does not include any research which is not qualified research.".

(d) AMENDMENTS RELATED TO SECTION 1362 OF THE ACT.—

(1)(A) Paragraph (1) of section 4041(d) is amended by adding at the end the following new sentence: "No tax shall be imposed under the preceding sentence on the sale or use of any liquid if tax was imposed with respect to such liquid under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.".

(B) Paragraph (3) of section 4042(b) is amended to read as follows:

"(3) EXCEPTION FOR FUEL ON WHICH LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE SEPARATELY IMPOSED.—The Leaking Underground Storage Tank Trust Fund financing rate under paragraph (2)(B) shall not apply to the use of any fuel if tax was imposed with respect to such fuel under section 4041(d) or 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.".

(C) Notwithstanding section 6430 of the Internal Revenue Code of 1986, a refund, credit, or payment may be made under subchapter B of chapter 65 of such Code for taxes imposed with respect to any liquid after September 30, 2005, and before the date of the enactment of this Act under section 4041(d)(1) or 4042 of such Code at the Leaking Underground Storage Tank Trust Fund financing rate to the extent that tax was imposed with respect to such liquid under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.

(2)(A) Paragraph (5) of section 4041(d) is amended—

(i) by striking "(other than with respect to any sale for export under paragraph (3) thereof)", and

(ii) by adding at the end the following new sentence: "The preceding sentence shall not apply with respect to subsection (g)(3) and so much of subsection (g)(1) as relates to vessels (within the meaning of section 4221(d)(3)) employed in foreign trade or trade between the United States and any of its possessions.".

(B) Section 4082 is amended—

(i) by striking "(other than such tax at the Leaking Underground Storage Tank Trust Fund financing rate imposed in all cases other than for export)" in subsection (a), and

(ii) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following new subsection:

"(f) EXCEPTION FOR LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.—

"(1) IN GENERAL.—Subsection (a) shall not apply to the tax imposed under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.

"(2) EXCEPTION FOR EXPORT, ETC.—Paragraph (1) shall not apply with respect to any fuel if the Secretary determines that such fuel is destined for export or for use by the purchaser as supplies for vessels (within the meaning of section 4221(d)(3)) employed in foreign trade or trade between the United States and any of its possessions.".

(C) Subsection (e) of section 4082 is amended—

(i) by striking "an aircraft, the rate of tax under section 4081(a)(2)(A)(iii) shall be zero." and inserting "an aircraft—

"(1) the rate of tax under section 4081(a)(2)(A)(iii) shall be zero, and

"(2) if such aircraft is employed in foreign trade or trade between the United States and any of its possessions, the increase in such rate under section 4081(a)(2)(B) shall be zero."; and

(ii) by moving the last sentence flush with the margin of such subsection (following the paragraph (2) added by clause (i)).

(D) Section 6430 is amended to read as follows:

"SEC. 6430. TREATMENT OF TAX IMPOSED AT LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.

"No refunds, credits, or payments shall be made under this subchapter for any tax imposed at the Leaking Underground Storage Tank Trust Fund financing rate, except in the case of fuels—

"(1) which are exempt from tax under section 4081(a) by reason of section 4082(f)(2),

"(2) which are exempt from tax under section 4041(d) by reason of the last sentence of paragraph (5) thereof, or

"(3) with respect to which the rate increase under section 4081(a)(2)(B) is zero by reason of section 4082(e)(2).".

(3) Paragraph (5) of section 4041(d) is amended by inserting "(b)(1)(A)," after "subsections".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(2) NONAPPLICATION OF EXEMPTION FOR OFF-HIGHWAY BUSINESS USE.—The amendment made by subsection (d)(3) shall apply to fuel sold for use or used after the date of the enactment of this Act.

(3) AMENDMENT MADE BY THE SAFETEA–LU.—The amendment made by subsection (d)(2)(C)(ii) shall take effect as if included in section 11161 of the SAFETEA–LU.

SEC. 7. AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.

(a) AMENDMENTS RELATED TO SECTION 339 OF THE ACT.—

(1)(A) Section 45H is amended by striking subsection (d) and by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(B) Subsection (d) of section 280C is amended to read as follows:

"(d) CREDIT FOR LOW SULFUR DIESEL FUEL PRODUCTION.—The deductions otherwise allowed under this chapter for the taxable year shall be reduced by the amount of the credit determined for the taxable year under section 45H(a).".

(C) Subsection (a) of section 1016 is amended by striking paragraph (31) and by redesignating paragraphs (32) through (37) as paragraphs (31) through (36), respectively.

(2)(A) Section 45H, as amended by paragraph (1), is amended by adding at the end the following new subsection:

"(g) ELECTION TO NOT TAKE CREDIT.—No credit shall be determined under subsection (a) for the taxable year if the taxpayer elects not to have subsection (a) apply to such taxable year.".

(B) Subsection (m) of section 6501 is amended by inserting "45H(g)," after "45C(d)(4),".

(3)(A) Subsections (b)(1)(A), (c)(2), (e)(1), and (e)(2) of section 45H (as amended by paragraph (1)) and section 179B(a) are each amended by striking "qualified capital costs" and inserting "qualified costs".

(B) The heading of paragraph (2) of section 45H(c) is amended by striking "CAPITAL".

(C) Subsection (a) of section 179B is amended by inserting "and which are properly chargeable to capital account" before the period at the end.

(b) AMENDMENTS RELATED TO SECTION 710 OF THE ACT.—

(1) Clause (ii) of section 45(c)(3)(A) is amended by striking "which is segregated from other waste materials and".

(2) Subparagraph (B) of section 45(d)(2) is amended by inserting "and" at the end of clause (i), by striking clause (ii), and by redesignating clause (iii) as clause (ii).

(c) AMENDMENTS RELATED TO SECTION 848 OF THE ACT.—

(1) Paragraph (2) of section 470(c) is amended to read as follows:

"(2) TAX-EXEMPT USE PROPERTY.—

"(A) IN GENERAL.—The term 'tax-exempt use property' has the meaning given to such term by section 168(h), except that such section shall be applied—

"(i) without regard to paragraphs (1)(C) and (3) thereof, and

"(ii) as if section 197 intangible property (as defined in section 197), and property described in paragraph (1)(B) or (2) of section 167(f), were tangible property.

"(B) EXCEPTION FOR PARTNERSHIPS.—Such term shall not include any property which would (but for this subparagraph) be tax-exempt use property solely by reason of section 168(h)(6).

"(C) CROSS REFERENCE.—For treatment of partnerships as leases to which section 168(h) applies, see section 7701(e).".

(2) Subparagraph (A) of section 470(d)(1) is amended by striking "(at any time during the lease term)" and inserting "(at all times during the lease term)".

(d) AMENDMENTS RELATED TO SECTION 888 OF THE ACT.—

(1) Subparagraph (A) of section 1092(a)(2) is amended by striking "and" at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

"(iii) if the application of clause (ii) does not result in an increase in the basis of any offsetting position in the identified straddle, the basis of each of the offsetting positions in the identified straddle shall be increased in a manner which—

"(I) is reasonable, consistent with the purposes of this paragraph, and consistently applied by the taxpayer, and

"(II) results in an aggregate increase in the basis of such offsetting positions which is equal to the loss described in clause (ii), and".

(2)(A) Subparagraph (B) of section 1092(a)(2) is amended by adding at the end the following flush sentence:

"A straddle shall be treated as clearly identified for purposes of clause (i) only if such identification includes an identification of the positions in the straddle which are offsetting with respect other positions in the straddle.".

(B) Subparagraph (A) of section 1092(a)(2) is amended—

(i) by striking "identified positions" in clause (i) and inserting "positions",

(ii) by striking "identified position" in clause (ii) and inserting "position", and

(iii) by striking "identified offsetting positions" in clause (ii) and inserting "offsetting positions".

(C) Subparagraph (B) of section 1092(a)(3) is amended by striking "identified offsetting position" and inserting "offsetting position".

(3) Paragraph (2) of section 1092(a) is amended by redesignating subparagraph (C) as subparagraph (D) and inserting after subparagraph (B) the following new subparagraph:

"(C) APPLICATION TO LIABILITIES AND OBLIGATIONS.—Except as otherwise provided by the Secretary, rules similar to the rules of clauses (ii) and (iii) of subparagraph (A) shall apply for purposes of this paragraph with respect to any position which is, or has been, a liability or obligation.".

(4) Subparagraph (D) of section 1092(a)(2), as redesignated by paragraph (3), is amended by inserting "the rules for the application of this section to a position which is or has been a liability or obligation, methods of loss allocation which satisfy the requirements of subparagraph (A)(iii)," before "and the ordering rules".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

(2) IDENTIFICATION REQUIREMENT OF AMENDMENT RELATED TO SECTION 888 OF THE AMERICAN JOBS CREATION ACT OF 2004.—The amendment made by subsection (d)(2)(A) shall apply to straddles acquired after the date of the enactment of this Act.

SEC. 8. AMENDMENTS RELATED TO THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.

(a) AMENDMENTS RELATED TO SECTION 617 OF THE ACT.—

(1) Subclause (II) of section 402(g)(7)(A)(ii) is amended by striking "for prior taxable years" and inserting "permitted for prior taxable years by reason of this paragraph".

(2) Subparagraph (A) of section 3121(v)(1) is amended by inserting "or consisting of designated Roth contributions (as defined in section 402A(c))" before the comma at the end.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 to which they relate.

SEC. 9. AMENDMENTS RELATED TO THE TAX RELIEF EXTENSION ACT OF 1999.

(a) AMENDMENT RELATED TO SECTION 507 OF THE ACT.—Clause (i) of section 45(e)(7)(A) is amended by striking "placed in service by the taxpayer" and inserting "originally placed in service".

(b) AMENDMENT RELATED TO SECTION 542 OF THE ACT.—Clause (ii) of section 856(d)(9)(D) is amended to read as follows:

"(ii) LODGING FACILITY.—The term 'lodging facility' means a—

"(I) hotel,

"(II) motel, or

"(III) other establishment more than one-half of the dwelling units in which are used on a transient basis.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Tax Relief Extension Act of 1999 to which they relate.

SEC. 10. AMENDMENT RELATED TO THE INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998.

(a) AMENDMENT RELATED TO SECTION 3509 OF THE ACT.—Paragraph (3) of section 6110(i) is amended by inserting "and related background file documents" after "Chief Counsel advice" in the matter preceding subparagraph (A).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provision of the Internal Revenue Service Restructuring and Reform Act of 1998 to which it relates.

SEC. 11. CLERICAL CORRECTIONS.

(a) IN GENERAL.—

(1) Paragraph (5) of section 21(e) is amended by striking “section 152(e)(3)(A)” in the flush matter after subparagraph (B) and inserting “section 152(e)(4)(A)”.

(2) Paragraph (3) of section 25C(c) is amended by striking “section 3280” and inserting “part 3280”.

(3) Paragraph (2) of section 26(b) is amended by redesignating subparagraphs (S) and (T) as subparagraphs (U) and (V), respectively, and by inserting after subparagraph (R) the following new subparagraphs:

“(S) sections 106(e)(3)(A)(ii), 223(b)(8)(B)(i)(II), and 408(d)(9)(D)(i)(II) (relating to certain failures to maintain high deductible health plan coverage),

“(T) section 170(o)(3)(B) (relating to recapture of certain deductions for fractional gifts),”.

(4) Subsection (a) of section 34 is amended—

(A) in paragraph (1), by striking “with respect to gasoline used during the taxable year on a farm for farming purposes”,

(B) in paragraph (2), by striking “with respect to gasoline used during the taxable year (A) otherwise than as a fuel in a highway vehicle or (B) in vehicles while engaged in furnishing certain public passenger land transportation service”, and

(C) in paragraph (3), by striking “with respect to fuels used for nontaxable purposes or resold during the taxable year”.

(5) Paragraph (2) of section 35(d) is amended—

(A) by striking “paragraph (2) or (4) of”, and

(B) by striking “(within the meaning of section 152(e)(1))” and inserting “(as defined in section 152(e)(4)(A))”.

(6) Subsection (b) of section 38 is amended—

(A) by striking “and” each place it appears at the end of any paragraph,

(B) by striking “plus” each place it appears at the end of any paragraph, and

(C) by inserting “plus” at the end of paragraph (30).

(7) Paragraphs (2) and (3) of section 45L(c) are each amended by striking “section 3280” and inserting “part 3280”.

(8) Subsection (c) of section 48 is amended by striking “subsection” in the text preceding paragraph (1) and inserting “section”.

(9) Paragraphs (1)(B) and (2)(B) of section 48(c) are each amended by striking “paragraph (1)” and inserting “subsection (a)”.

(10) Clause (ii) of section 48A(d)(4)(B) is amended by striking “subsection” both places it appears.

(11)(A) Paragraph (9) of section 121(d) is amended by adding at the end the following new subparagraph:

“(E) TERMINATION WITH RESPECT TO EMPLOYEES OF INTELLIGENCE COMMUNITY.—Clause (iii) of subparagraph (A) shall not apply with respect to any sale or exchange after December 31, 2010.”.

(B) Subsection (e) of section 417 of division A of the Tax Relief and Health Care Act of 2006 is amended by striking “and before January 1, 2011”.

(12) The last sentence of section 125(b)(2) is amended by striking “last sentence” and inserting “second sentence”.

(13) Subclause (II) of section 167(g)(8)(C)(ii) is amended by striking “section 263A(j)(2)” and inserting “section 263A(i)(2)”.

(14)(A) Clause (vii) of section 170(b)(1)(A) is amended by striking “subparagraph (E)” and inserting “subparagraph (F)”.

(B) Clause (ii) of section 170(e)(1)(B) is amended by striking “subsection (b)(1)(E)” and inserting “subsection (b)(1)(F)”.

(C) Clause (i) of section 1400S(a)(2)(A) is amended by striking “subparagraph (F)” and inserting “subparagraph (G)”.

(D) Subparagraph (A) of section 4942(i)(1) is amended by striking “section 170(b)(1)(E)(ii)” and inserting “section 170(b)(1)(F)(ii)”.

(15) Subclause (II) of section 170(e)(1)(B)(i) is amended by inserting “, but without regard to clause (ii) thereof” after “paragraph (7)(C)”.

(16)(A) Subparagraph (A) of section 170(o)(1) and subparagraph (A) of section 2522(e)(1) are each amended by striking “all interest in the property is” and inserting “all interests in the property are”.

(B) Section 170(o)(3)(A)(i), and section 2522(e)(2)(A)(i) (as redesignated by section 3(d)(2)), are each amended—

(i) by striking “interest” and inserting “interests”, and

(ii) by striking “before” and inserting “on or before”.

(17)(A) Subparagraph (C) of section 852(b)(4) is amended to read as follows:

“(C) DETERMINATION OF HOLDING PERIODS.—For purposes of this paragraph, in determining the period for which the taxpayer has held any share of stock—

“(i) the rules of paragraphs (3) and (4) of section 246(c) shall apply, and

“(ii) there shall not be taken into account any day which is more than 6 months after the date on which such share becomes ex-dividend.”.

(B) Subparagraph (B) of section 857(b)(8) is amended to read as follows:

“(B) DETERMINATION OF HOLDING PERIODS.—For purposes of this paragraph, in determining the period for which the taxpayer has held any share of stock or beneficial interest—

“(i) the rules of paragraphs (3) and (4) of section 246(c) shall apply, and

“(ii) there shall not be taken into account any day which is more than 6 months after the date on which such share or interest becomes ex-dividend.”.

(18) Paragraph (2) of section 856(l) is amended by striking the last sentence and inserting the following: “For purposes of subparagraph (B), securities described in subsection (m)(2)(A) shall not be taken into account.”.

(19) Subparagraph (F) of section 954(c)(1) is amended to read as follows:

“(F) INCOME FROM NOTIONAL PRINCIPAL CONTRACTS.—

“(i) IN GENERAL.—Net income from notional principal contracts.

“(ii) COORDINATION WITH OTHER CATEGORIES OF FOREIGN PERSONAL HOLDING COMPANY INCOME.—Any item of income, gain, deduction, or loss from a notional principal contract entered into for purposes of hedging any item described in any preceding subparagraph shall not be taken into account for purposes of this subparagraph but shall be taken into account under such other subparagraph.”.

(20) Paragraph (1) of section 954(c) is amended by redesignating subparagraph (I) as subparagraph (H).

(21) Paragraph (33) of section 1016(a), as redesignated by section 7(a)(1)(C), is amended by striking “section 25C(e)” and inserting “section 25C(f)”.

(22) Paragraph (36) of section 1016(a), as redesignated by section 7(a)(1)(C), is amended by striking “section 30C(f)” and inserting “section 30C(e)(1)”.

(23) Subparagraph (G) of section 1260(c)(2) is amended by adding “and” at the end.

(24)(A) Section 1297 is amended by striking subsection (d) and by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(B) Subparagraph (G) of section 1260(c)(2) is amended by striking “subsection (e)” and inserting “subsection (d)”.

(C) Subparagraph (B) of section 1298(a)(2) is amended by striking “Section 1297(e)” and inserting “Section 1297(d)”.

(25) Paragraph (1) of section 1362(f) is amended—

(A) by striking “, section 1361(b)(3)(B)(ii), or section 1361(c)(1)(A)(ii)” and inserting “or section 1361(b)(3)(B)(ii)”, and

(B) by striking “, section 1361(b)(3)(C), or section 1361(c)(1)(D)(iii)” in subparagraph (B) and inserting “or section 1361(b)(3)(C)”.

(26) Paragraph (2) of section 1400O is amended by striking “under of” and inserting “under”.

(27) The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new item:

“Sec. 1400T. Special rules for mortgage revenue bonds.”.

(28) Subsection (b) of section 4082 is amended to read as follows:

“(b) NONTAXABLE USE.—For purposes of this section, the term ‘nontaxable use’ means—

“(1) any use which is exempt from the tax imposed by section 4041(a)(1) other than by reason of a prior imposition of tax,

“(2) any use in a train, and

“(3) any use described in section 4041(a)(1)(C)(iii)(II).

The term ‘nontaxable use’ does not include the use of kerosene in an aircraft and such term shall not include any use described in section 6421(e)(2)(C).”.

(29) Paragraph (4) of section 4101(a) (relating to registration in event of change of ownership) is redesignated as paragraph (5).

(30) Paragraph (6) of section 4965(c) is amended by striking “section 4457(e)(1)(A)” and inserting “section 457(e)(1)(A)”.

(31) Subpart C of part II of subchapter A of chapter 51 is amended by redesignating section 5432 (relating to recordkeeping by wholesale dealers) as section 5121.

(32) Paragraph (2) of section 5732(c), as redesignated by section 11125(b)(20)(A) of the SAFETEA–LU, is amended by striking “this subpart” and inserting “this subchapter”.

(33) Subsection (b) of section 6046 is amended—

(A) by striking “subsection (a)(1)” and inserting “subsection (a)(1)(A)”, and

(B) by striking “paragraph (2) or (3) of subsection (a)” and inserting “subparagraph (B) or (C) of subsection (a)(1)”.

(34)(A) Subparagraph (A) of section 6103(b)(5) is amended by striking “the Canal Zone,”.

(B) Section 7651 is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(35) Subparagraph (A) of section 6211(b)(4) is amended by striking “and 34” and inserting “34, and 35”.

(36) Subparagraphs (A) and (B) of section 6230(a)(3) are each amended by striking “section 6013(e)” and inserting “section 6015”.

(37) Paragraph (3) of section 6427(e) (relating to termination), as added by section 11113 of the SAFETEA–LU, is redesignated as paragraph (5) and moved after paragraph (4).

(38) Clause (ii) of section 6427(l)(4)(A) is amended by striking “section 4081(a)(2)(iii)” and inserting “section 4081(a)(2)(A)(iii)”.

(39)(A) Section 6427, as amended by section 1343(b)(1) of the Energy Policy Act of 2005, is amended by striking subsection (p) (relating to gasohol used in noncommercial aviation) and redesignating subsection (q) as subsection (p).

(B) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by paragraph (2) of section 11151(a) of the SAFETEA–LU had never been enacted.

(40) Subsection (a) of section 6695A is amended by striking "then such person" in paragraph (2) and inserting the following: "then such person".

(41) Subparagraph (C) of section 6707A(e)(2) is amended by striking "section 6662A(e)(2)(C)" and inserting "section 6662A(e)(2)(B)".

(42)(A) Paragraph (3) of section 9002 is amended by striking "section 309(a)(1)" and inserting "section 306(a)(1)".

(B) Paragraph (1) of section 9004(a) is amended by striking "section 320(b)(1)(B)" and inserting "section 315(b)(1)(B)".

(C) Paragraph (3) of section 9032 is amended by striking "section 309(a)(1)" and inserting "section 306(a)(1)".

(D) Subsection (b) of section 9034 is amended by striking "section 320(b)(1)(A)" and inserting "section 315(b)(1)(A)".

(43) Section 9006 is amended by striking "Comptroller General" each place it appears and inserting "Commission".

(44) Subsection (c) of section 9503 is amended by redesignating paragraph (7) (relating to transfers from the trust fund for certain aviation fuels taxes) as paragraph (6).

(45) Paragraph (1) of section 1301(g) of the Energy Policy Act of 2005 is amended by striking "shall take effect of the date of the enactment" and inserting "shall take effect on the date of the enactment".

(46) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by section 1(a) of Public Law 109–433 had never been enacted.

(b) CLERICAL AMENDMENTS RELATED TO THE TAX RELIEF AND HEALTH CARE ACT OF 2006.—

(1) AMENDMENT RELATED TO SECTION 209 OF DIVISION A OF THE ACT.—Paragraph (3) of section 168(l) is amended by striking "enzymatic".

(2) AMENDMENTS RELATED TO SECTION 419 OF DIVISION A OF THE ACT.—

(A) Clause (iv) of section 6724(d)(1)(B) is amended by inserting "or (h)(1)" after "section 6050H(a)".

(B) Subparagraph (K) of section 6724(d)(2) is amended by inserting "or (h)(2)" after "section 6050H(d)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provision of the Tax Relief and Health Care Act of 2006 to which they relate.

(c) CLERICAL AMENDMENTS RELATED TO THE GULF OPPORTUNITY ZONE ACT OF 2005.—

(1) AMENDMENTS RELATED TO SECTION 402 OF THE ACT.—Subparagraph (B) of section 24(d)(1) is amended—

(A) by striking "the excess (if any) of" in the matter preceding clause (i) and inserting "the greater of", and

(B) by striking "section" in clause (ii)(II) and inserting "section 32".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Gulf Opportunity Zone Act of 2005 to which they relate.

(d) CLERICAL AMENDMENTS RELATED TO THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS.—

(1) AMENDMENTS RELATED TO SECTION 11163 OF THE ACT.—Subparagraph (C) of section 6416(a)(4) is amended—

(A) by striking "ultimate vendor" and all that follows through "has certified" and inserting "ultimate vendor or credit card issuer has certified", and

(B) by striking "all ultimate purchasers of the vendor" and all that follows through "are certified" and inserting "all ultimate purchasers of the vendor or credit card issuer are certified".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to which they relate.

(e) CLERICAL AMENDMENTS RELATED TO THE ENERGY POLICY ACT OF 2005.—

(1) AMENDMENT RELATED TO SECTION 1344 OF THE ACT.—Subparagraph (B) of section 6427(e)(5), as redesignated by subsection (a)(37), is amended by striking "2006" and inserting "2008".

(2) AMENDMENTS RELATED TO SECTION 1351 OF THE ACT.—Subparagraphs (A)(ii) and (B)(ii) of section 41(f)(1) are each amended by striking "qualified research expenses and basic research payments" and inserting "qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums,".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(f) CLERICAL AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.—

(1) AMENDMENT RELATED TO SECTION 301 OF THE ACT.—Section 9502 is amended by striking subsection (e) and redesignating subsection (f) as subsection (e).

(2) AMENDMENT RELATED TO SECTION 413 OF THE ACT.—Subsection (b) of section 1298 is amended by striking paragraph (7) and by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

(3) AMENDMENT RELATED TO SECTION 895 OF THE ACT.—Clause (iv) of section 904(f)(3)(D) is amended by striking "a controlled group" and inserting "an affiliated group".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

(g) CLERICAL AMENDMENTS RELATED TO THE FSC REPEAL AND EXTRATERRITORIAL INCOME EXCLUSION ACT OF 2000.—

(1) Subclause (I) of section 56(g)(4)(C)(ii) is amended by striking "921" and inserting "921 (as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)".

(2) Clause (iv) of section 54(g)(4)(C) is amended by striking "a cooperative described in section 927(a)(4)" and inserting "an organization to which part I of subchapter T (relating to tax treatment of cooperatives) applies which is engaged in the marketing of agricultural or horticultural products".

(3) Paragraph (4) of section 245(c) is amended by adding at the end the following new subparagraph:

"(C) FSC.—The term 'FSC' has the meaning given such term by section 922.".

(4) Subsection (c) of section 245 is amended by inserting at the end the following new paragraph:

"(5) REFERENCES TO PRIOR LAW.—Any reference in this subsection to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.".

(5) Paragraph (4) of section 275(a) is amended by striking "if" and all that follows and inserting "if the taxpayer chooses to take to any extent the benefits of section 901.".

(6)(A) Subsection (a) of section 291 is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(B) Paragraph (1) of section 291(c) is amended by striking "subsection (a)(5)" and inserting "subsection (a)(4)".

(7)(A) Paragraph (4) of section 441(b) is amended by striking "FSC or".

(B) Subsection (h) of section 441 is amended—

(i) by striking "FSC or" each place it appears, and

(ii) by striking "FSC'S AND" in the heading thereof.

(8) Subparagraph (B) of section 884(d)(2) is amended by inserting before the comma "(as in effect before their repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)".

(9) Section 901 is amended by striking subsection (h).

(10) Clause (v) of section 904(d)(2)(B) is amended—

(A) by inserting "and" at the end of subclause (I), by striking subclause (II), and by redesignating subclause (III) as subclause (II),

(B) by striking "a FSC (or a former FSC)" in subclause (II) (as so redesignated) and inserting "a former FSC (as defined in section 922)", and

(C) by adding at the end the following: "Any reference in subclause (II) to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.".

(11) Subsection (b) of section 906 is amended by striking paragraph (5) and redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(12) Subparagraph (B) of section 936(f)(2) is amended by striking "FSC or".

(13) Section 951 is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

(14) Subsection (b) of section 952 is amended by striking the second sentence.

(15)(A) Paragraph (2) of section 956(c) is amended—

(i) by striking subparagraph (I) and by redesignating subparagraphs (J) through (M) as subparagraphs (I) through (L), respectively, and

(ii) by striking "subparagraphs (J), (K), and (L)" in the flush sentence at the end and inserting "subparagraphs (I), (J), and (K)".

(B) Clause (ii) of section 954(c)(2)(C) is amended by striking "section 956(c)(2)(J)" and inserting "section 956(c)(2)(I)".

(16) Paragraph (1) of section 992(a) is amended by striking subparagraph (E), by inserting "and" at the end of subparagraph (C), and by striking ", and" at the end of subparagraph (D) and inserting a period.

(17) Paragraph (5) of section 1248(d) is amended—

(A) by inserting "(as defined in section 922)" after "a FSC", and

(B) by adding at the end the following new sentence: "Any reference in this paragraph to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.".

(18) Subparagraph (D) of section 1297(b)(2) is amended by striking "foreign trade income of a FSC or".

(19)(A) Paragraph (1) of section 6011(c) is amended by striking "or former DISC or a

FSC or former FSC'' and inserting '', former DISC, or former FSC (as defined in section 922 as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(B) Subsection (c) of section 6011 is amended by striking ''AND FSC'S'' in the heading thereof.

(20) Subsection (c) of section 6072 is amended by striking ''a FSC or former FSC'' and inserting ''a former FSC (as defined in section 922 as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)''.

(21) Section 6686 is amended by inserting ''FORMER'' before ''FSC'' in the heading thereof.

The SPEAKER pro tempore. The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHIMP HAVEN IS HOME ACT

Mrs. McCARTHY of New York. Madam Speaker, I ask unanimous consent that the Committee on Energy and Commerce be discharged from further consideration of the Senate bill (S. 1916) to amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1916

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Chimp Haven is Home Act''.

SEC. 2. SANCTUARY SYSTEM FOR SURPLUS CHIMPANZEES; TERMINATION OF AUTHORITY FOR REMOVAL FROM SYSTEM FOR RESEARCH PURPOSES.

(a) IN GENERAL.—The first section 481C of the Public Health Service Act (42 U.S.C. 287a–3a) (added by section 2 of Public Law 106–551) is amended in subsection (d)—

(1) in paragraph (2), in subparagraph (J), by striking ''If any chimpanzee is removed'' and all that follows; and

(2) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking clause (ii); and

(ii) by striking ''except as provided'' in the matter preceding clause (i) and all that follows through ''behavioral studies'' and inserting the following: ''except that the chimpanzee may be used for noninvasive behavioral studies'';

(B) by striking subparagraph (B);

(C) by redesignating subparagraph (C) as subparagraph (B); and

(D) in subparagraph (B) (as so redesignated), by striking ''under subparagraphs (A) and (B)'' and inserting ''under subparagraph (A)''.

(b) TECHNICAL CORRECTION.—Part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by redesignating the second section 481C (added by section 204(a) of Public Law 106–505) as section 481D.

Mr. McCRERY. Madam Speaker, I rise today in support of S. 1916, the Chimp Haven is Home Act. S. 1916 is companion legislation to a bill I introduced with Congressman MELANCON, H.R. 3295. In 2000, President Clinton signed into law the "Chimpanzee Health Improvement, Maintenance and Protection Act"—otherwise known as the CHIMP Act. The CHIMP Act provided for the establishment and operation of a system to provide lifetime care to chimpanzees that were used, or were bred or purchased for use, in research conducted or supported by the Federal Government AND who are no longer needed for such research. The system envisioned by the CHIMP Act is now a reality in Keithville, Louisiana. It is called Chimp Haven.

Chimp Haven is now home to 123 chimpanzees. As a relatively new organization, Chimp Haven faces the challenge of raising money from the private sector. This challenge has been heightened due to concerns that the CHIMP Act theoretically permits chimpanzees to be removed from Chimp Haven and used for medical research. Private financial support is important for Chimp Haven because the CHIMP Act requires the 501(c)(3) to obtain significant matching funds for its operating and construction costs.

This legislation removes the "return to medical research clause" from the law and will give everyone involved with Chimp Haven peace of mind because the chimpanzees will be able to grow old peacefully in their new home and they cannot be removed for research purposes. The legislation will not adversely affect human health research, as these chimpanzees were deemed unfit for further experimentation. The resident chimpanzees at Chimp Haven are currently able to be studied in a non-invasive manner and S. 1916 will not change that ability.

The chimpanzees at Chimp Haven have spent their lives in research laboratories helping to improve the lives of all Americans. Many of our discoveries in space and medicine are due to chimpanzees. I am proud to help modify the existing law to ensure chimpanzees at Chimp Haven will spend their final years happily.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NICS IMPROVEMENT AMENDMENTS ACT OF 2007

Mrs. McCARTHY of New York. Madam Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2640) to improve the National Instant Criminal Background Check System, and for other purposes, with a Senate amendment thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will report the Senate amendment.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''NICS Improvement Amendments Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—TRANSMITTAL OF RECORDS

Sec. 101. Enhancement of requirement that Federal departments and agencies provide relevant information to the National Instant Criminal Background Check System.
Sec. 102. Requirements to obtain waiver.
Sec. 103. Implementation assistance to States.
Sec. 104. Penalties for noncompliance.
Sec. 105. Relief from disabilities program required as condition for participation in grant programs.
Sec. 106. Illegal immigrant gun purchase notification.

TITLE II—FOCUSING FEDERAL ASSISTANCE ON THE IMPROVEMENT OF RELEVANT RECORDS

Sec. 201. Continuing evaluations.

TITLE III—GRANTS TO STATE COURT SYSTEMS FOR THE IMPROVEMENT IN AUTOMATION AND TRANSMITTAL OF DISPOSITION RECORDS

Sec. 301. Disposition records automation and transmittal improvement grants.

TITLE IV—GAO AUDIT

Sec. 401. GAO audit.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Approximately 916,000 individuals were prohibited from purchasing a firearm for failing a background check between November 30, 1998, (the date the National Instant Criminal Background Check System (NICS) began operating) and December 31, 2004.

(2) From November 30, 1998, through December 31, 2004, nearly 49,000,000 Brady background checks were processed through NICS.

(3) Although most Brady background checks are processed through NICS in seconds, many background checks are delayed if the Federal Bureau of Investigation (FBI) does not have automated access to complete information from the States concerning persons prohibited from possessing or receiving a firearm under Federal or State law.

(4) Nearly 21,000,000 criminal records are not accessible by NICS and millions of criminal records are missing critical data, such as arrest dispositions, due to data backlogs.

(5) The primary cause of delay in NICS background checks is the lack of—

(A) updates and available State criminal disposition records; and

(B) automated access to information concerning persons prohibited from possessing or receiving a firearm because of mental illness, restraining orders, or misdemeanor convictions for domestic violence.

(6) Automated access to this information can be improved by—

(A) computerizing information relating to criminal history, criminal dispositions, mental illness, restraining orders, and misdemeanor convictions for domestic violence; or

(B) making such information available to NICS in a usable format.

(7) Helping States to automate these records will reduce delays for law-abiding gun purchasers.

(8) On March 12, 2002, the senseless shooting, which took the lives of a priest and a parishioner at the Our Lady of Peace Church in Lynbrook, New York, brought attention to the need to improve information-sharing that would enable Federal and State law enforcement agencies to conduct a complete background check on a potential firearm purchaser. The man who committed this double murder had a prior disqualifying mental health commitment and a restraining order against him, but passed a Brady background check because NICS did not have the necessary information to determine that he was ineligible to purchase a firearm under Federal or State law.

(9) On April 16, 2007, a student with a history of mental illness at the Virginia Polytechnic Institute and State University shot to death 32 students and faculty members, wounded 17 more, and then took his own life. The shooting, the deadliest campus shooting in United States history, renewed the need to improve information-sharing that would enable Federal and State law enforcement agencies to conduct complete background checks on potential firearms purchasers. In spite of a proven history of mental illness, the shooter was able to purchase the two firearms used in the shooting. Improved coordination between State and Federal authorities could have ensured that the shooter's disqualifying mental health information was available to NICS.

SEC. 3. DEFINITIONS.

As used in this Act, the following definitions shall apply:

(1) COURT ORDER.—The term "court order" includes a court order (as described in section 922(g)(8) of title 18, United States Code).

(2) MENTAL HEALTH TERMS.—The terms "adjudicated as a mental defective" and "committed to a mental institution" have the same meanings as in section 922(g)(4) of title 18, United States Code.

(3) MISDEMEANOR CRIME OF DOMESTIC VIOLENCE.—The term "misdemeanor crime of domestic violence" has the meaning given the term in section 921(a)(33) of title 18, United States Code.

TITLE I—TRANSMITTAL OF RECORDS

SEC. 101. ENHANCEMENT OF REQUIREMENT THAT FEDERAL DEPARTMENTS AND AGENCIES PROVIDE RELEVANT INFORMATION TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

(a) IN GENERAL.—Section 103(e)(1) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(A) IN GENERAL.—Notwithstanding";

(2) by striking "On request" and inserting the following:

"(B) REQUEST OF ATTORNEY GENERAL.—On request";

(3) by striking "furnish such information" and inserting "furnish electronic versions of the information described under subparagraph (A)"; and

(4) by adding at the end the following:

"(C) QUARTERLY SUBMISSION TO ATTORNEY GENERAL.—If a Federal department or agency under subparagraph (A) has any record of any person demonstrating that the person falls within one of the categories described in subsection (g) or (n) of section 922 of title 18, United States Code, the head of such department or agency shall, not less frequently than quarterly, provide the pertinent information contained in such record to the Attorney General.

"(D) INFORMATION UPDATES.—The Federal department or agency, on being made aware that the basis under which a record was made available under subparagraph (A) does not apply, or no longer applies, shall—

"(i) update, correct, modify, or remove the record from any database that the agency maintains and makes available to the Attorney General, in accordance with the rules pertaining to that database; and

"(ii) notify the Attorney General that such basis no longer applies so that the National Instant Criminal Background Check System is kept up to date.

The Attorney General upon receiving notice pursuant to clause (ii) shall ensure that the record in the National Instant Criminal Background Check System is updated, corrected, modified, or removed within 30 days of receipt.

"(E) ANNUAL REPORT.—The Attorney General shall submit an annual report to Congress that describes the compliance of each department or agency with the provisions of this paragraph.".

(b) PROVISION AND MAINTENANCE OF NICS RECORDS.—

(1) DEPARTMENT OF HOMELAND SECURITY.—The Secretary of Homeland Security shall make available to the Attorney General—

(A) records, updated not less than quarterly, which are relevant to a determination of whether a person is disqualified from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code, for use in background checks performed by the National Instant Criminal Background Check System; and

(B) information regarding all the persons described in subparagraph (A) of this paragraph who have changed their status to a category not identified under section 922(g)(5) of title 18, United States Code, for removal, when applicable, from the National Instant Criminal Background Check System.

(2) DEPARTMENT OF JUSTICE.—The Attorney General shall—

(A) ensure that any information submitted to, or maintained by, the Attorney General under this section is kept accurate and confidential, as required by the laws, regulations, policies, or procedures governing the applicable record system;

(B) provide for the timely removal and destruction of obsolete and erroneous names and information from the National Instant Criminal Background Check System; and

(C) work with States to encourage the development of computer systems, which would permit electronic notification to the Attorney General when—

(i) a court order has been issued, lifted, or otherwise removed by order of the court; or

(ii) a person has been adjudicated as a mental defective or committed to a mental institution.

(c) STANDARD FOR ADJUDICATIONS AND COMMITMENTS RELATED TO MENTAL HEALTH.—

(1) IN GENERAL.—No department or agency of the Federal Government may provide to the Attorney General any record of an adjudication related to the mental health of a person or any commitment of a person to a mental institution if—

(A) the adjudication or commitment, respectively, has been set aside or expunged, or the person has otherwise been fully released or discharged from all mandatory treatment, supervision, or monitoring;

(B) the person has been found by a court, board, commission, or other lawful authority to no longer suffer from the mental health condition that was the basis of the adjudication or commitment, respectively, or has otherwise been found to be rehabilitated through any procedure available under law; or

(C) the adjudication or commitment, respectively, is based solely on a medical finding of disability, without an opportunity for a hearing by a court, board, commission, or other lawful authority, and the person has not been adjudicated as a mental defective consistent with section 922(g)(4) of title 18, United States Code, except that nothing in this section or any other provision of law shall prevent a Federal department or agency from providing to the Attorney General any record demonstrating that a person was adjudicated to be not guilty by reason of insanity, or based on lack of mental responsibility, or found incompetent to stand trial, in any criminal case or under the Uniform Code of Military Justice.

(2) TREATMENT OF CERTAIN ADJUDICATIONS AND COMMITMENTS.—

(A) PROGRAM FOR RELIEF FROM DISABILITIES.—

(i) IN GENERAL.—Each department or agency of the United States that makes any adjudication related to the mental health of a person or imposes any commitment to a mental institution, as described in subsection (d)(4) and (g)(4) of section 922 of title 18, United States Code, shall establish, not later than 120 days after the date of enactment of this Act, a program that permits such a person to apply for relief from the disabilities imposed by such subsections.

(ii) PROCESS.—Each application for relief submitted under the program required by this subparagraph shall be processed not later than 365 days after the receipt of the application. If a Federal department or agency fails to resolve an application for relief within 365 days for any reason, including a lack of appropriated funds, the department or agency shall be deemed for all purposes to have denied such request for relief without cause. Judicial review of any petitions brought under this clause shall be de novo.

(iii) JUDICIAL REVIEW.—Relief and judicial review with respect to the program required by this subparagraph shall be available according to the standards prescribed in section 925(c) of title 18, United States Code. If the denial of a petition for relief has been reversed after such judicial review, the court shall award the prevailing party, other than the United States, a reasonable attorney's fee for any and all proceedings in relation to attaining such relief, and the United States shall be liable for such fee. Such fee shall be based upon the prevailing rates awarded to public interest legal aid organizations in the relevant community.

(B) RELIEF FROM DISABILITIES.—In the case of an adjudication related to the mental health of a person or a commitment of a person to a mental institution, a record of which may not be provided to the Attorney General under paragraph (1), including because of the absence of a finding described in subparagraph (C) of such paragraph, or from which a person has been granted relief under a program established under subparagraph (A) or (B), or because of a removal of a record under section 103(e)(1)(D) of the Brady Handgun Violence Prevention Act, the adjudication or commitment, respectively, shall be deemed not to have occurred for purposes of subsections (d)(4) and (g)(4) of section 922 of title 18, United States Code. Any Federal agency that grants a person relief from disabilities under this subparagraph shall notify such person that the person is no longer prohibited under 922(d)(4) or 922(g)(4) of title 18, United States Code, on account of the relieved disability for which relief was granted pursuant to a proceeding conducted under this subparagraph, with respect to the acquisition, receipt, transfer, shipment, transportation, or possession of firearms.

(3) NOTICE REQUIREMENT.—Effective 30 days after the date of enactment of this Act, any Federal department or agency that conducts proceedings to adjudicate a person as a mental defective under 922(d)(4) or 922(g)(4) of title 18, United States Code, shall provide both oral and written notice to the individual at the commencement of the adjudication process including—

(A) notice that should the agency adjudicate the person as a mental defective, or should the person be committed to a mental institution, such adjudication, when final, or such commitment, will prohibit the individual from purchasing, possessing, receiving, shipping or transporting a firearm or ammunition under section 922(d)(4) or section 922(g)(4) of title 18, United States Code;

(B) information about the penalties imposed for unlawful possession, receipt, shipment or transportation of a firearm under section 924(a)(2) of title 18, United States Code; and

(C) information about the availability of relief from the disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, transportation, or possession of firearms.

(4) EFFECTIVE DATE.—Except for paragraph (3), this subsection shall apply to names and other information provided before, on, or after the date of enactment of this Act. Any name or information provided in violation of this subsection (other than in violation of paragraph (3)) before, on, or after such date shall be removed from the National Instant Criminal Background Check System.

SEC. 102. REQUIREMENTS TO OBTAIN WAIVER.

(a) IN GENERAL.—Beginning 3 years after the date of the enactment of this Act, a State shall be eligible to receive a waiver of the 10 percent matching requirement for National Criminal History Improvement Grants under the Crime Identification Technology Act of 1988 (42 U.S.C. 14601) if the State provides at least 90 percent of the information described in subsection (c). The length of such a waiver shall not exceed 2 years.

(b) STATE ESTIMATES.—

(1) INITIAL STATE ESTIMATE.—

(A) IN GENERAL.—To assist the Attorney General in making a determination under subsection (a) of this section, and under section 104, concerning the compliance of the States in providing information to the Attorney General for the purpose of receiving a waiver under subsection (a) of this section, or facing a loss of funds under section 104, by a date not later than 180 days after the date of the enactment of this Act, each State shall provide the Attorney General with a reasonable estimate, as calculated by a method determined by the Attorney General and in accordance with section 104(d), of the number of the records described in subparagraph (C) applicable to such State that concern persons who are prohibited from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code.

(B) FAILURE TO PROVIDE INITIAL ESTIMATE.—A State that fails to provide an estimate described in subparagraph (A) by the date required under such subparagraph shall be ineligible to receive any funds under section 103, until such date as it provides such estimate to the Attorney General.

(C) RECORD DEFINED.—For purposes of subparagraph (A), a record is the following:

(i) A record that identifies a person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year.

(ii) A record that identifies a person for whom an indictment has been returned for a crime punishable by imprisonment for a term exceeding 1 year that is valid under the laws of the State involved or who is a fugitive from justice, as of the date of the estimate, and for which a record of final disposition is not available.

(iii) A record that identifies a person who is an unlawful user of, or addicted to a controlled substance (as such terms "unlawful user" and "addicted" are respectively defined in regulations implementing section 922(g)(3) of title 18, United States Code, as in effect on the date of the enactment of this Act) as demonstrated by arrests, convictions, and adjudications, and whose record is not protected from disclosure to the Attorney General under any provision of State or Federal law.

(iv) A record that identifies a person who has been adjudicated as a mental defective or committed to a mental institution, consistent with section 922(g)(4) of title 18, United States Code, and whose record is not protected from disclosure to the Attorney General under any provision of State or Federal law.

(v) A record that is electronically available and that identifies a person who, as of the date of such estimate, is subject to a court order described in section 922(g)(8) of title 18, United States Code.

(vi) A record that is electronically available and that identifies a person convicted in any court of a misdemeanor crime of domestic violence, as defined in section 921(a)(33) of title 18, United States Code.

(2) SCOPE.—The Attorney General, in determining the compliance of a State under this section or section 104 for the purpose of granting a waiver or imposing a loss of Federal funds, shall assess the total percentage of records provided by the State concerning any event occurring within the prior 20 years, which would disqualify a person from possessing a firearm under subsection (g) or (n) of section 922 of title 18, United States Code.

(3) CLARIFICATION.—Notwithstanding paragraph (2), States shall endeavor to provide the National Instant Criminal Background Check System with all records concerning persons who are prohibited from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code, regardless of the elapsed time since the disqualifying event.

(c) ELIGIBILITY OF STATE RECORDS FOR SUBMISSION TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—

(1) REQUIREMENTS FOR ELIGIBILITY.—

(A) IN GENERAL.—From the information collected by a State, the State shall make electronically available to the Attorney General records relevant to a determination of whether a person is disqualified from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code, or applicable State law.

(B) NICS UPDATES.—The State, on being made aware that the basis under which a record was made available under subparagraph (A) does not apply, or no longer applies, shall, as soon as practicable—

(i) update, correct, modify, or remove the record from any database that the Federal or State government maintains and makes available to the National Instant Criminal Background Check System, consistent with the rules pertaining to that database; and

(ii) notify the Attorney General that such basis no longer applies so that the record system in which the record is maintained is kept up to date.

The Attorney General upon receiving notice pursuant to clause (ii) shall ensure that the record in the National Instant Criminal Background Check System is updated, corrected, modified, or removed within 30 days of receipt.

(C) CERTIFICATION.—To remain eligible for a waiver under subsection (a), a State shall certify to the Attorney General, not less than once during each 2-year period, that at least 90 percent of all records described in subparagraph (A) has been made electronically available to the Attorney General in accordance with subparagraph (A).

(D) INCLUSION OF ALL RECORDS.—For purposes of this paragraph, a State shall identify and include all of the records described under subparagraph (A) without regard to the age of the record.

(2) APPLICATION TO PERSONS CONVICTED OF MISDEMEANOR CRIMES OF DOMESTIC VIOLENCE.—The State shall make available to the Attorney General, for use by the National Instant Criminal Background Check System, records relevant to a determination of whether a person has been convicted in any court of a misdemeanor crime of domestic violence. With respect to records relating to such crimes, the State shall provide information specifically describing the offense and the specific section or subsection of the offense for which the defendant has been convicted and the relationship of the defendant to the victim in each case.

(3) APPLICATION TO PERSONS WHO HAVE BEEN ADJUDICATED AS A MENTAL DEFECTIVE OR COMMITTED TO A MENTAL INSTITUTION.—The State shall make available to the Attorney General, for use by the National Instant Criminal Background Check System, the name and other relevant identifying information of persons adjudicated as a mental defective or those committed to mental institutions to assist the Attorney General in enforcing section 922(g)(4) of title 18, United States Code.

(d) PRIVACY PROTECTIONS.—For any information provided to the Attorney General for use by the National Instant Criminal Background Check System, relating to persons prohibited from possessing or receiving a firearm under section 922(g)(4) of title 18, United States Code, the Attorney General shall work with States and local law enforcement and the mental health community to establish regulations and protocols for protecting the privacy of information provided to the system. The Attorney General shall make every effort to meet with any mental health group seeking to express its views concerning these regulations and protocols and shall seek to develop regulations as expeditiously as practicable.

(e) ATTORNEY GENERAL REPORT.—Not later than January 31 of each year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of States in automating the databases containing the information described in subsection (b) and in making that information electronically available to the Attorney General pursuant to the requirements of subsection (c).

SEC. 103. IMPLEMENTATION ASSISTANCE TO STATES.

(a) AUTHORIZATION.—

(1) IN GENERAL.—From amounts made available to carry out this section and subject to section 102(b)(1)(B), the Attorney General shall make grants to States and Indian tribal governments, in a manner consistent with the National Criminal History Improvement Program, which shall be used by the States and Indian tribal governments, in conjunction with units of local government and State and local courts, to establish or upgrade information and identification technologies for firearms eligibility determinations. Not less than 3 percent, and no more than 10 percent of each grant under this paragraph shall be used to maintain the relief from disabilities program in accordance with section 105.

(2) GRANTS TO INDIAN TRIBES.—Up to 5 percent of the grant funding available under this section may be reserved for Indian tribal governments, including tribal judicial systems.

(b) USE OF GRANT AMOUNTS.—Grants awarded to States or Indian tribes under this section may only be used to—

(1) create electronic systems, which provide accurate and up-to-date information which is directly related to checks under the National Instant Criminal Background Check System (referred to in this section as "NICS"), including court disposition and corrections records;

(2) assist States in establishing or enhancing their own capacities to perform NICS background checks;

(3) supply accurate and timely information to the Attorney General concerning final dispositions of criminal records to databases accessed by NICS;

(4) supply accurate and timely information to the Attorney General concerning the identity of persons who are prohibited from obtaining a firearm under section 922(g)(4) of title 18, United States Code, to be used by the Federal Bureau of Investigation solely to conduct NICS background checks;

(5) supply accurate and timely court orders and records of misdemeanor crimes of domestic violence for inclusion in Federal and State law enforcement databases used to conduct NICS background checks;

(6) collect and analyze data needed to demonstrate levels of State compliance with this Act; and

(7) maintain the relief from disabilities program in accordance with section 105, but not less than 3 percent, and no more than 10 percent of each grant shall be used for this purpose.

(c) ELIGIBILITY.—To be eligible for a grant under this section, a State shall certify, to the satisfaction of the Attorney General, that the State has implemented a relief from disabilities program in accordance with section 105.

(d) CONDITION.—As a condition of receiving a grant under this section, a State shall specify the projects for which grant amounts will be used, and shall use such amounts only as specified. A State that violates this subsection shall be liable to the Attorney General for the full amount of the grant received under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $125,000,000 for fiscal year 2009, $250,000,000 for fiscal year 2010, $250,000,000 for fiscal year 2011, $125,000,000 for fiscal year 2012, and $125,000,000 for fiscal year 2013.

(2) ALLOCATIONS.—For fiscal years 2009 and 2010, the Attorney General shall endeavor to allocate at least ½ of the authorized appropriations to those States providing more than 50 percent of the records required to be provided under sections 102 and 103. For fiscal years 2011, 2012, and 2013, the Attorney General shall endeavor to allocate at least ½ of the authorized appropriations to those States providing more than 70 percent of the records required to be provided under section 102 and 103. The allocations in this paragraph shall be subject to the discretion of the Attorney General, who shall have the authority to make adjustments to the distribution of the authorized appropriations as necessary to maximize incentives for State compliance.

(f) USER FEE.—The Federal Bureau of Investigation shall not charge a user fee for background checks pursuant to section 922(t) of title 18, United States Code.

SEC. 104. PENALTIES FOR NONCOMPLIANCE.

(a) ATTORNEY GENERAL REPORT.—

(1) IN GENERAL.—Not later than January 31 of each year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of the States in automating the databases containing information described under sections 102 and 103, and in providing that information pursuant to the requirements of sections 102 and 103.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice, such funds as may be necessary to carry out paragraph (1).

(b) PENALTIES.—

(1) DISCRETIONARY REDUCTION.—

(A) During the 2-year period beginning 3 years after the date of enactment of this Act, the Attorney General may withhold not more than 3 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State provides less than 50 percent of the records required to be provided under sections 102 and 103.

(B) During the 5-year period after the expiration of the period referred to in subparagraph (A), the Attorney General may withhold not more than 4 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State provides less than 70 percent of the records required to be provided under sections 102 and 103.

(2) MANDATORY REDUCTION.—After the expiration of the periods referred to in paragraph (1), the Attorney General shall withhold 5 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755), if the State provides less than 90 percent of the records required to be provided under sections 102 and 103.

(3) WAIVER BY ATTORNEY GENERAL.—The Attorney General may waive the applicability of paragraph (2) to a State if the State provides substantial evidence, as determined by the Attorney General, that the State is making a reasonable effort to comply with the requirements of sections 102 and 103, including an inability to comply due to court order or other legal restriction.

(c) REALLOCATION.—Any funds that are not allocated to a State because of the failure of the State to comply with the requirements of this Act shall be reallocated to States that meet such requirements.

(d) METHODOLOGY.—The method established to calculate the number of records to be reported, as set forth in section 102(b)(1)(A), and State compliance with the required level of reporting under sections 102 and 103 shall be determined by the Attorney General. The Attorney General shall calculate the methodology based on the total number of records to be reported from all subcategories of records, as described in section 102(b)(1)(C).

SEC. 105. RELIEF FROM DISABILITIES PROGRAM REQUIRED AS CONDITION FOR PARTICIPATION IN GRANT PROGRAMS.

(a) PROGRAM DESCRIBED.—A relief from disabilities program is implemented by a State in accordance with this section if the program—

(1) permits a person who, pursuant to State law, has been adjudicated as described in subsection (g)(4) of section 922 of title 18, United States Code, or has been committed to a mental institution, to apply to the State for relief from the disabilities imposed by subsections (d)(4) and (g)(4) of such section by reason of the adjudication or commitment;

(2) provides that a State court, board, commission, or other lawful authority shall grant the relief, pursuant to State law and in accordance with the principles of due process, if the circumstances regarding the disabilities referred to in paragraph (1), and the person's record and reputation, are such that the person will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest; and

(3) permits a person whose application for the relief is denied to file a petition with the State court of appropriate jurisdiction for a de novo judicial review of the denial.

(b) AUTHORITY TO PROVIDE RELIEF FROM CERTAIN DISABILITIES WITH RESPECT TO FIREARMS.—If, under a State relief from disabilities program implemented in accordance with this section, an application for relief referred to in subsection (a)(1) of this section is granted with respect to an adjudication or a commitment to a mental institution or based upon a removal of a record under section 102(c)(1)(B), the adjudication or commitment, as the case may be, is deemed not to have occurred for purposes of subsections (d)(4) and (g)(4) of section 922 of title 18, United States Code.

SEC. 106. ILLEGAL IMMIGRANT GUN PURCHASE NOTIFICATION.

(a) IN GENERAL.—Notwithstanding any other provision of law or of this Act, all records obtained by the National Instant Criminal Background Check system relevant to whether an individual is prohibited from possessing a firearm because such person is an alien illegally or unlawfully in the United States shall be made available to U.S. Immigration and Customs Enforcement.

(b) REGULATIONS.—The Attorney General, at his or her discretion, shall promulgate guidelines relevant to what records relevant to illegal aliens shall be provided pursuant to the provisions of this Act.

TITLE II—FOCUSING FEDERAL ASSISTANCE ON THE IMPROVEMENT OF RELEVANT RECORDS

SEC. 201. CONTINUING EVALUATIONS.

(a) EVALUATION REQUIRED.—The Director of the Bureau of Justice Statistics (referred to in this section as the "Director") shall study and evaluate the operations of the National Instant Criminal Background Check System. Such study and evaluation shall include compilations and analyses of the operations and record systems of the agencies and organizations necessary to support such System.

(b) REPORT ON GRANTS.—Not later than January 31 of each year, the Director shall submit to Congress a report containing the estimates submitted by the States under section 102(b).

(c) REPORT ON BEST PRACTICES.—Not later than January 31 of each year, the Director shall submit to Congress, and to each State participating in the National Criminal History Improvement Program, a report of the practices of the States regarding the collection, maintenance, automation, and transmittal of information relevant to determining whether a person is prohibited from possessing or receiving a firearm by Federal or State law, by the State or any other agency, or any other records relevant to the National Instant Criminal Background Check System, that the Director considers to be best practices.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2009 through 2013 to complete the studies, evaluations, and reports required under this section.

TITLE III—GRANTS TO STATE COURT SYSTEMS FOR THE IMPROVEMENT IN AUTOMATION AND TRANSMITTAL OF DISPOSITION RECORDS

SEC. 301. DISPOSITION RECORDS AUTOMATION AND TRANSMITTAL IMPROVEMENT GRANTS.

(a) GRANTS AUTHORIZED.—From amounts made available to carry out this section, the Attorney General shall make grants to each State, consistent with State plans for the integration, automation, and accessibility of criminal history records, for use by the State court system to improve the automation and transmittal of criminal history dispositions, records relevant to determining whether a person has been convicted of a misdemeanor crime of domestic violence, court orders, and mental health adjudications or commitments, to Federal and State record repositories in accordance with sections 102 and 103 and the National Criminal History Improvement Program.

(b) GRANTS TO INDIAN TRIBES.—Up to 5 percent of the grant funding available under this *section may be reserved for Indian tribal governments for use by Indian tribal judicial systems.*

(c) USE OF FUNDS.—Amounts granted under this section shall be used by the State court system only—

(1) to carry out, as necessary, assessments of the capabilities of the courts of the State for the automation and transmission of arrest and conviction records, court orders, and mental health adjudications or commitments to Federal and State record repositories; and

(2) to implement policies, systems, and procedures for the automation and transmission of arrest and conviction records, court orders, and mental health adjudications or commitments to Federal and State record repositories.

(d) ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall certify, to the satisfaction of the Attorney General, that the State has implemented a relief from disabilities program in accordance with section 105.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $62,500,000 for fiscal year 2009, $125,000,000 for fiscal year 2010, $125,000,000 for fiscal year 2011, $62,500,000 for fiscal year 2012, and $62,500,000 for fiscal year 2013.

TITLE IV—GAO AUDIT

SEC. 401. GAO AUDIT.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an audit of the expenditure of all funds appropriated for criminal records improvement pursuant to section 106(b) of the Brady Handgun Violence Prevention Act (Public Law 103-159) to determine if the funds were expended for the purposes authorized by the Act and how those funds were expended for those purposes or were otherwise expended.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall submit a report to Congress describing the findings of the audit conducted pursuant to subsection (a).

Mr. PRICE of Georgia (during the reading). Madam Speaker, I ask unanimous consent that the reading be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The SPEAKER pro tempore. Is there objection to the original request of the gentlewoman from New York?

There was no objection.

MOTION OFFERED BY MRS. MCCARTHY OF NEW YORK

Mrs. McCARTHY of New York. Madam Speaker, I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mrs. McCARTHY of New York moves that the House concur in the Senate amendment to H.R. 2640.

Mr. BOUCHER. Madam Speaker, I rise in support of the measure which I am pleased to cosponsor with the gentlelady from New York, Mrs. McCARTHY, and the gentleman from Michigan, Mr. DINGELL. I want to thank both of my colleagues for their careful and constructive work on the legislation.

The bill before us today is a well-tailored response to the tragedy that occurred earlier this year in my Congressional District at Virginia Tech University.

It also meets a nationwide need for better reporting of mental health records to the National Instant Criminal Background Check System, against which prospective gun purchases are checked to determine whether they are eligible to purchase firearms.

Under existing federal law, which was also in effect at the time of the Virginia Tech tragedy, persons who have been adjudicated to be a risk to others or to themselves because of a mental condition are barred from purchasing firearms.

The perpetrator of the Virginia Tech tragedy had been adjudicated to be a risk to himself and committed for outpatient mental evaluation.

Accordingly, under federal law in effect at the time, he should have been barred from purchasing the firearms he used.

However, at the time the purchases were made, Virginia did not submit to the National Instant Background Check System mental health records of persons who were committed for outpatient as opposed to inpatient mental evaluation.

Therefore, the disqualifying adjudication that the perpetrator was a risk to himself was not submitted to the background check system, and he was able to purchase firearms.

Ironically, at the time Virginia had the best record among the States for submitting mental health records to the national system.

Since the tragedy, Virginia's mental health record submissions have been made much more thorough by an executive order signed by Tim Kaine, the Commonwealth's Governor.

Nationwide, the number of mental health records submitted by the States to the federal database has doubled since the tragic events of April. I am pleased by this progress, but there are further improvements to be made, as 18 states currently do not submit names to the federal database.

The bill we will pass today will further improve the submission of mental health records nationwide by providing grants to States which undertake projects to make more thorough record submissions.

I also support the changes made by the Senate which strengthen the appeal process provided by the bill for individuals to have their names removed from the database if their mental health records are inaccurate or outdated. These changes will further ensure the accuracy of the National Instant Background Check System.

I commend Mrs. McCARTHY for her longstanding effort to take these necessary and constructive steps, and I urge passage of the bill.

Mr. DINGELL. Madam Speaker, I rise in support of this legislation, which makes a number of important improvements to the National Instant Criminal Background Check System. Congresswoman McCARTHY and I first offered this legislation in 2002, when it became obvious to us that the NICS System was not working as Congress had intended it to. Those shortcomings were highlighted earlier this year when a gunman with a history of mental illness shot and killed 32 people and wounded many more. Cho Sun Hui had been adjudicated mentally ill by the state of Virginia, and under the law should not have been able to purchase the guns he used to kill his classmates. This legislation will ensure that individuals like Cho Sun Hui are included in the NICS database.

This legislation will also benefit lawful gun purchasers, many of whom face unnecessary delays when waiting for their background check to be completed. For the first time since the creation of NICS, it will live up to its name and be both national and instant. It also benefits those who have been wrongfully included in the NICS database by providing a mechanism for petitioning the government for removal from the system. This is an important improvement which will strengthen the second amendment rights of all Americans.

There are many people who should be thanked for their hard work on this bill, but I would like to take just a moment to recognize a few of those people. Representative CAROLYN McCARTHY and I have worked on NICS improvement legislation for a few years now and while most would say we are an odd pair when it comes to this particular issue, I would suggest we are just two legislators trying to fix a legitimate problem. I have tremendous respect for Representative McCARTHY; it has been an honor and privilege to work with her. I would also like to thank Senator CHUCK SCHUMER for his hard work and dedication. Also, I would like to extend my appreciation to Senators CRAIG and HATCH, as well as Representatives CONYERS and LAMAR SMITH. Lastly, I would like to thank the National Rifle Association. The NRA's support for this legislation has been invaluable and is a testament to the NRA's commitment to passing sensible and responsible legislation to keep guns out of the hands of criminals and the mentally ill.

The motion was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. McCARTHY of New York. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2640, S. 2436, H.R. 4839, and S. 1916.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. GINGREY) is recognized for 5 minutes.

(Mr. GINGREY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

HONORING JACKIE WILLIAMS' SERVICE TO OUR DEPLOYED TROOPS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina, (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Madam Speaker, I rise today to highlight a true hero of the American home front. While our brave men and women of the armed services are stationed abroad, it is more important than ever that average Americans take steps to remind our military personnel that they are not forgotten.

Jackie Williams of Winston-Salem, North Carolina, is a home-front hero. Ms. Williams, who owns a candy store called Sweeties, has taken her skills as a connoisseur of sweets and used them to brighten the days of our deployed men and women.

To date, she has organized local community organizations, businesses and families to send more than 300 care packages to our troops. These packages, which she has dubbed "Goodies Ready to Eat," or GREs, have been encouraging our men and women in uniform around the world since this past July.

The work and care of Ms. Williams and those like her is a priceless contribution to our troops' morale as they are stationed around the world and away from their families. I applaud her for her commitment to showing our troops that we are thinking of them and look forward to their quick and safe return home.

WAKE FOREST MEN'S SOCCER NATIONAL CHAMPIONSHIP

Ms. FOXX. Madam Speaker, I rise today in celebration of Wake Forest University's national soccer championship win this past weekend. On December 16, the Wake Forest Demon Deacons men's soccer team defeated Ohio State 2–1 in the NCAA's College Cup championship game.

The Deacons scored both of their goals in the second half to come back from a 0–1 deficit to seal the deal for a 2–1 win before a capacity crowd in Cary, North Carolina. The Deacons had 22 wins this year, and their national championship win is a fitting capstone to a long road to victory for Wake Forest soccer.

In the championship game against Ohio State, junior forward Marcus Tracy scored the Deacons' first goal to tie the game with 24 minutes left. It was Tracy's third goal of the College Cup, and helped to earn him the honor of being named the most outstanding offensive player of the College Cup. On the defensive side, goalkeeper Brian Edwards earned the College Cup's outstanding defensive play award.

With the game tied 1–1, Zack Schilawski, a sophomore striker, scored the winning goal on a pass from Tracy with 12 minutes on the clock. This goal propelled Wake Forest to a national championship and snapped Ohio State's 15-game unbeaten streak.

I salute the fine soccer players and coaches at Wake Forest led by Coach Jay Vidovich for winning the University's first national soccer championship. Their inspiring performance is worthy of the most hearty congratulations.

NICS IMPROVEMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Mrs. McCARTHY) is recognized for 5 minutes.

Mrs. McCARTHY of New York. Madam Speaker, a few minutes ago, H.R. 2640 was passed in this House. This legislation was passed in the year 2002. Late this afternoon, the Senate passed H.R. 2640, which is the NICS bill.

Madam Speaker, this is something that I have been working on for over 11 years to try to reduce gun violence in this Nation. I'm happy to say that, with working with the NRA, the Brady Center, Mr. DINGELL, Mr. COBURN from Oklahoma and Mr. SCHUMER from New York, we have finally come together to pass legislation which, in my opinion, is going to save many lives.

This particular piece of legislation, which many of my constituents and people around the country that watch this know that I've been talking about at least once a week for the last number of years, to me, this is the best Christmas present I could ever receive.

Two weeks ago was the 14th anniversary of my husband's death, and five others. My husband and son were coming home from work, and unfortunately my husband was killed and my son was seriously injured. And it was down the road that my son was recovering that I promised him that I would do all I could to help a family not go through what myself and many other families go through, unfortunately, on a daily basis. And that day has come.

We have seen the Virginia Tech shootings. We have seen the shootings in other parts of the country in the last few weeks. This bill can help save lives, but it also shows that when opposite sides work together, which we should all be doing here in this Congress for the American people, we can do some good.

As I said earlier, I worked with the NRA and I worked with the Brady Center, and we came together with an understanding of putting our differences aside to work out a good piece of legislation. This is a proud moment for Congress. This is a proud moment for the American people to see how we can work together.

I know that there are many on both sides of the issue that feel that some of us are just trying to take away their right to own guns. That has not ever been my intention. I have always just wanted to have gun safety issues put forth so we could save people's lives. This piece of legislation, the NICS Improvement Act, will do that.

There was a little confusion going back that we were going to be hurting our veterans. That is not true. Working with Mr. COBURN, and certainly Mr. DINGELL, we have shown that it is not going to take away the right of our veterans coming home to be able to own a gun. We have clarified the language so that there is no misunderstanding.

I am looking forward to working with my colleagues on both sides of the aisle and both sides of the issue on how we can reduce gun violence in this country because the more we can reduce gun violence, hopefully we can also cut down the 30,000 people that die every year.

I had mentioned last week that since I've been in Congress, 330,000 people have died. That's not counting the amount of people that are injured every single year and what it does for the health care costs of this Nation. When we spend over $2 billion a year on health care costs for those that survive, there is something wrong.

□ 1815

I am hoping that down the road I can continue to work with the NRA and continue working with the Brady Center to come up with commonsense solutions on how we can save lives without getting into the rhetoric of us trying to take away their guns or guns don't kill. That is not the debate. The debate is how are we going to keep the guns away from people that shouldn't be able to own guns.

Madam Speaker, I wish everybody a merry Christmas. This will save lives, and this is devoted to the victims that have been hurt over these many years.

I'd like to thank my good friend Congressman DINGELL for all of his hard work in making this moment a reality. I'd also like to thank my friend Senator SCHUMER for carrying this legislation through the Senate.

Today is five years in the making.

On March 12, 2002, a senseless shooting took the lives of a priest and a parishioner, Mrs. Tosner, at the Our Lady of Peace Church in Lynbrook, New York. The man who committed this double murder had a disqualifying mental health condition and a restraining order against him, but passed a background check because his personal history was not entered into the NICS database.

This same scenario happens every day.

The shooter in the Virginia Tech massacre was prohibited from purchasing a firearm. Unfortunately, flaws in the NICS system allowed his record to slip through the cracks.

He was able to purchase two handguns, and used them to brutally murder thirty two individuals. We saw this trend continue last week with shootings in Nebraska and Colorado.

Individuals who shouldn't have access to guns are getting them with ease and are killing innocent people.

The NICS system is supposed to prevent this from happening, but a database is only as good as the information put in it and many states don't have the resources to keep the NICS database up to date.

The National Instant Criminal Background Check System, or NICS, is deeply flawed.

Millions of criminal records are not accessible by ICS and millions others are missing critical data, such as arrest dispositions, due to data backlogs.The primary cause of delay in NICS background checks is the lack of updates due to funding and technology issues in the states.

Many states have not automated the records concerning mental illness, restraining orders, or misdemeanor convictions for domestic violence. Simply put, the NICS system must be updated on both the state and federal level.

According to a Third Way report, over ninety one percent of those adjudicated for mental illness cannot be stopped by a background check due to flaws in the system. But this issue allows other barred individuals to purchase firearms. Twenty five percent of felony convictions do not make it into the NICS system.

That is why I introduced the NICS Improvement Act.

My bill would require all states to provide the NICS system with the relevant records needed to conduct effective background checks. It is the state's responsibility to ensure this information is current and accurate. They must update the records to ensure violent criminals do not have access to firearms.

However, I recognize, many state budgets are already overburdened.

This legislation would provide grants to states to update their records into the NICS system. States would get the funds they need to make sure records relevant to NICS are up to date.

While the NICS system does have major flaws, it is responsible for preventing thousands of barred individuals from purchasing firearms.

Approximately nine-hundred and sixteen thousand individuals were prohibited from purchasing a firearm for failing a background check between November 30, 1998, when the NICS system began operating, and December 31, 2004.

During this same period, nearly forty nine million Brady background checks were processed through NICS. By improving upon the NICS system, we can stop criminals from falling through the cracks. Today, we are one step closer to bringing the records of millions of barred individuals into the NICS system.

No system will be perfect, but that does not mean we should not work to make improvements. This is good policy that will save lives and should be passed by the House. My legislation imposes no new restrictions on gun owners and does not infringe on the 2nd Amendment rights of law-abiding citizens. In fact, similar legislation passed the House in 2002.

Today, Congress will stand up for the victims and pass common-sense legislation. This is the best Christmas present Congress could give those whose lives have been changed by gun violence.

This legislation will help ensure that people who are legally ineligible to purchase a gun will not be able to purchase them.

This bill poses no new burden on law-abiding gun owners or gun sellers. It simply enforces current law. This legislation has the widest range of support imaginable. The National Rifle Association and the Brady Campaign have endorsed this legislation.

We have worked across both partisan and ideological aisles to make this bill law. The cooperation from members of both parties and from people on both sides of the gun issue should serve as a model for this Congress.

We can work together to find common sense solutions to our problems. These problems shouldn't divide us, but bring us together to make our country a safer and better place.

Personally, this is a very important moment for me. I have been fighting for common sense gun laws for 14 years since my own life was changed forever by gun violence.

Tonight, I'm one step closer to the goal of making sure other families never have to experience what mine did 14 years ago.

Madam Speaker, I thank you for the opportunity to speak on this issue that is so important to me and other Americans whose lives have been affected by gun violence.

PATRIOT WEEK IN TRENTON, NEW JERSEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Madam Speaker, I rise today to call the attention of my colleagues to Patriot Week in Trenton, New Jersey. On December 26, 1776, Colonial soldiers under the command of General George Washington crossed the Delaware River and engaged in the first Battle of Trenton. As Thomas Paine wrote, this happened during "times that try men's souls; the summer soldier and the sunshine patriot will, in this crisis, shrink from the service of his country; but he that stands it now, deserves the love and thanks of man and woman. Tyranny, like hell, is not easily conquered; yet we have this consolation with us, that the harder the conflict, the more glorious the triumph."

On this historic day more than two centuries ago, over 2,400 patriots proved that they were not summer soldiers, battling their way through a winter sleet storm, strong winds and the ice-strewn Delaware River. Against all odds, Washington and his soldiers completed the crossing, marched silently to Trenton on Christmas night with cannon, and arrived taking the Hessian garrison by surprise. This engagement, followed by the pivotal Battle of Princeton, has been called "the beginning of the winning."

The crossing of the Delaware is a story that must be told again and again so all generations will know this feat and the new life it gave the American Revolution. On December 26 through 31 of this year, again this year, the Trenton Downtown Association will celebrate the 131st anniversary of this history-changing event through Patriot Week, the largest Revolutionary War festival in America.

Patriot Week in the Trenton area will include over 50 events, including the reenactment of Washington's crossing of the Delaware, puppet shows and other children's activities, tours by bus and on foot, and lectures and panel discussions. These events will help pass down this great and important story to our children and to adults, the story of the War for Independence. I am sure these events will be both informative and entertaining, as they have been in previous years, and I look forward to attending some of these events myself.

I am proud that in my central New Jersey district we honor the sacrifices that were made to found this great Nation through events like Patriot Week and through the Crossroads of the American Revolution which commemorates 14 counties in New Jersey where the War for Independence took place.

However, our battles against Britain for a free and democratic nation took place in over 19 States and over two wars, and each of these States has its own unique story about its role in the American Revolution and the War of 1812. Many States, however, have not taken sufficient steps to preserve the sites of those battles. Out of the 825 significant battlefields and associated sites of the American Revolution and the War of 1812, more than 100 of these battlefields have been lost, about 250 are in fragmented or poor condition, and another 220 are in danger of being destroyed within the next few years. Therefore, some of us have sponsored here in the House of Representatives the Revolutionary War and the War of 1812 Battlefield Protection Act, H.R. 160, and the Revolutionary War and War of 1812 Commemorative Coin Act, H.R. 158. H.R. 160 would create a national program for the preservation of historic battlefields. It would allow officials of the American Battlefield Protection Program to collaborate with State and local governments and nonprofit organizations to preserve and protect the most endangered historical sites and to provide up to 50 percent of the cost of purchasing battlefield land threatened by sprawl and commercial development. H.R. 158 would provide the necessary funding for these purchases by authorizing the creation and issuance of commemorative coins for these two wars.

History is best understood by those who have had the opportunity to touch it, experience it and live it. On December 26 through 31, over 4,000 people will be reliving the history of the Battle of Trenton during Patriot Week. It is my hope that Congress will pass H.R. 160 and H.R. 158 to allow other States the privilege of preserving their historic battlefields where their citizens, and all citizens, can experience the history of the founding of our great Nation.

IN MEMORY OF REUBEN WHEATLEY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Again, Madam Speaker, it is a privilege to be speaking to my colleagues as you preside over this Chamber, and we thank you for your leadership.

I am privileged this evening to be able to stand on the floor of the House and salute a very dear friend, a friend who will commemorate and celebrate for his homegoing ceremony on this coming Friday, December 21, 2007. We will lay this battle-worn warrior, this friendly and wonderful public servant, Reuben Wheatley, to rest. I stand here as a longstanding friend, as a grateful member of his community, for all that he did to promote equality and justice and freedom.

Yes, Reuben Wheatley, born September 15, 1921 was, in fact, a member of the movement both in terms of creating opportunities for those of African American heritage and others and as well in fighting for the working men and women of America.

He was the proud son of Fifth Ward. Yes, that is in Houston, Texas, but everybody knows there is something called proudly Fifth Ward, Texas. Educated in the Houston Independent School District, and certainly whenever you would see Reuben, he would talk about his beloved Wheatley High School, Phyliis Wheatley High School, and he was an all-star member of the track team, the football team and the basketball team. And he was quick, regal, tall and quick. They called him "Rabbit." He joined the church at the Sloan Memorial United Methodist Church, a church still standing proudly in Fifth Ward.

But yet as this young man grew, he loved this Nation. And in 1941 he heeded the call of this Nation, the need of this Nation and went to war, World War II. He participated in the European Theater of Operations and was honorably discharged by the United States Army as master sergeant. He had the good sense, if you will, when he returned to marry Helen McCree his high school sweetheart, on November 18, 1945.

How grateful we are that he was one of the returning heroes, that as he battled in World War II, he lived to be able to enjoy the partnership, friendship and love of Helen McCree, now his wife, Helen Wheatley.

His father was a longshoreman, and in those days, the union and working for the union and working for the longshoremen, that was a job for African Americans that was a legacy, an opportunity, a step up. And so when he came back from the war, he joined in the footsteps of his father and became a member of the International Longshoremen's Association, Local Number 872.

And boy, did he become a member, and did he not serve. Reuben Wheatley had his hands on the pulse of the community. He understood the importance and the necessity of empowerment of minorities. He was one of the champions of the election of the Honorable Barbara Jordan. Almost every elected person that could come out of Fifth Ward, Reuben Wheatley was there. He was there for Mickey Leland. And I am so grateful that he stretched his arms to be there for SHEILA JACKSON-LEE. As I ran for judge and city council, he saw in me something worth investing in.

Thank you, Reuben, and thank you to your wonderful family, your daughters, who you love so dearly, one in particular was named the name that I have, Sheila. And she, of course, along with her siblings were stars, and they were that because of Reuben and his wife Helen.

And so I am here today to thank you, Reuben, for now you fly where the angels fly. Thank you, Reuben, for being regal and tall. Thank you for smiling. Thank you for loving. Thank you for being that star at Wheatley so that your classmates can enjoy talking about your exploits on the football field, the basketball court, and the track, and yes, to remember that friendly name, "Rabbit."

Thank you for your faith and your commitment to your country. Thank you for your commitment, again, to family. Houston, Texas, the State of Texas and certainly our Nation is better because you yet lived. On Friday, it will be a celebration. Although tears will fall, we will be so grateful to continue to see you even as I speak, walking lightly in front of us.

Madam Speaker, it is certainly great to be able to say tonight, "Well done, thou good and faithful servant." And that is what we say to Reuben Wheatley as he is laid to rest. We celebrate him and congratulate his life. God bless the family, and God bless him as he rests.

CONGRESSIONAL RESOLUTION IN MEMORY OF REUBEN WHEATLEY

Whereas, on September 15, 1921, God blessed Emory McMillan, Sr and Creola Boyd Wheatley with the birth of their son, Reuben; and

Whereas, as a proud son of the Fifth Ward, Texas Wheatley clan, Reuben was educated in the Houston Independent School District. At his beloved Phillis Wheatley High School, he excelled in football, basketball, and track and field earning the nickname "Rabbit"; and

Whereas, Reuben was presented to Christ by his parents at Sloan Memorial United Methodist Church. He later joined his bride at Pleasant Grove Missionary Baptist Church and subsequently, both as faithful servants of the Lord, joined Brentwood Baptist Church; and

Whereas, in 1941, Reuben honored the call to serve his country during World War II. He participated in the European Theater of Operations and was honorably discharged from the United States Army as Master Sergeant. Upon his return from the service in 1945, Reuben married Helen McCree, his high school sweetheart, on November 18th; and

Whereas, in 1946, Reuben began his career along the shore working on the Houston docks where his father had worked since 1921. He was a member of International Longshoremen's Association, Local #872; and

Whereas, he served his home local as Trustee, Recording Secretary and Business Agent before being elected President in 1971. In 1975, he became Executive Vice President of the South Atlantic and Gulf Coast District of the ILA; and

Whereas, he served as an active board member of Family Services of Greater Houston and an avid financial supporter of the United Negro College Fund; and

Whereas, Reuben was deeply committed to his community and his civic involvement reflected his concerns; and

Whereas, the memory of Reuben Wheatley will forever be in our hearts and minds as we go forth to celebrate his life today; and now, therefore, be it

Resolved, That on behalf of the constituents of the Eighteenth Congressional District of Texas, Reuben Wheatley will be remembered for his devotion to his family, his community service, and his passion for music. His life will serve as an example to all of us to continue his legacy to serve others. His death is a great loss to us, but we know that his work on Earth is finished, and we believe the Master will say, "Well done, thou good and faithful servant, enter. . . ."

A NEW DEBATE REGARDING LIBERTY, SOVEREIGNTY AND PROSPERITY OF THE AMERICAN PEOPLE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Michigan (Mr. McCOTTER) is recognized for 60 minutes as the designee of the minority leader.

Mr. McCOTTER. Madam Speaker, I know that it is getting close to closing time, and I am in the unenviable position of being between so many good people and the door, so I will try to make sure that I give a truncated version of my simple desultory philippic to my constituents.

We in Congress are charged with the sacred duty of heeding and serving our constituents' aspirations and addressing their tribulations. We also have the responsibility of offering them a national vision and purpose and, most importantly, of putting them first in policymaking, which is why I have risen today to again lay before my constituents what I believe to be the four great generational challenges facing the United States of America.

Like the Greatest Generation, we face four challenges. The Greatest Generation, due to the rise of industrialization, faced social, economic, and political turmoil. They faced a world war for freedom against an abjectly evil enemy. They faced the rise of the Soviet superstate as a rival model of governance and strategic threat, and they faced the moral question of whether the constitutional rights of all Americans applied equally regardless of race.

This generation of Americans in the age of globalization faces social, political, and economic turmoil. We face a world war for freedom against an intrinsically evil enemy. We face the rise of the Communist Chinese superstate as a rival model of governance and strategic threat, and we face the question of whether moral relativism will erode the foundations of a Nation built upon self-evident truths.

The Greatest Generation faced their challenges consecutively. This generation of Americans faces their challenges simultaneously. In the past year, this Congress, sometimes together, sometimes not, have striven to address some of these challenges, and I would like to quickly go through a couple of them.

In the area of globalization's economic, social and political upheavals, we have seen a continued emphasis on the role of the centralized Federal Government. This is done through taxation, increases in taxation and increases in spending. It is my belief that if we continue to build the monument to Big Government on the backs of the American taxpayer, we will exacerbate the economic and social turmoil, and, yes, political turmoil that they are experiencing. I believe what we need to do is go back to the fundamental concept and change the debate.

The debate about people's money staying in their pockets and about the government spending people's money, which was taken from their pockets, should be this: We must stop discussing how quickly government spending grows and start getting back to talking about how quickly government spending is reduced, because this directly affects the liberty, sovereignty and prosperity of the American people.

□ 1830

And, at least in my District, they feel they are in short supply of their own money and don't believe the Federal Government needs to take more from them.

In the war for freedom, we have seen a change of course in Iraq. It has been contentious and it has been difficult on the political level here in Washington. But, fortunately, progress in Iraq and with our troops is occurring. There is a long way to go, as we know from the fact that so many of our friends and family members that are serving in the military are not home with us for this holiday Christmas season.

But what we have seen, and I want to explain it again, is a fundamental change of course in this sense. The past mistakes of the reconstruction effort were based upon the imposition of a system, a system of governance and a system that was perceived to lead to prosperity. What is now being done, which is much more important and is a lesson for future generations of American policymakers, is that democracy cannot be imposed, liberty can be unleashed. When liberty is unleashed, when a people finally breathe free, as General Petraeus' plan recognizes, we must help them fashion their representative institutions in their own way.

In Iraq, this is being seen through local reconciliation, where you're beginning to see people who are finally out from underneath the oppressive Saddam Hussein regime and starting to come out from the oppressive reign of terror of al Qaeda and other murderers in the country who would take it back to a time when the government ruled through the bullet rather than through the ballot.

What we are seeing is them working with tribal leaders, religious leaders, pillars of order in their community, to begin to reconcile themselves to each other, to begin to recognize the future that they may have if they remain free and resolute in the face of evil. And you are beginning to see this national reconciliation lead to the reduction of violence in Iraq, and you will continue to see it if we remain courageous and remain prudent in our policies. You will continue to see this grow and evolve into a national reconciliation process. Again, this will not happen overnight, but at least this has occurred.

Unfortunately, in my mind, on the third great generational challenge we face, which is Communist China's rise as a strategic threat and rival model of governance, the administration and this Congress have largely continued their policy of unconditional engagement. I think the American people are much further ahead of policymakers in this instance.

As we have recently seen from the U.S.-China Economic Security Review Commission's report, people who are worried about dangerous imported products from Communist China should be. According to the Economic Security Review Commission's report, because of the closed system of the communist government in China, it is impossible or extremely difficult with any certainty to determine what products are defective or not before they arrive, and it is going to be increasingly difficult as time goes on as the regime consolidates its hold, which means that there is no simple resolution to the issue. We are trying to allow imports from Communist China to come in by spending more American taxpayer moneys on customs or inspections to allow these products to come in, because we will never know with certainty whether they are defective or not because, again, the closed nature of the Communist Chinese regime.

We have also seen in the area of national security repeated attacks by the People's Liberation Army through attacks on America's existing computer networks, both in industry and financial services, and in the United States Government itself. For example, what the Communist Chinese Government likes to do is set up front companies for people who are former members of the People's Liberation Army, and in this instance, we use the name Huawei, that is what it is called, which is trying to purchase a major U.S. supplier of cyberdefense technologies.

Now, this is still, at my last understanding, pending in front of the Committee on Foreign Investment in the United States, despite the fact that our own Office for National Intelligence has told us this is a strategic threat to the United States. Now, how is this occurring? This is occurring because people wish to refuse to believe that the Communist Chinese Government is engaged in massive espionage against the United States of America, both in terms of our private sector and in terms of our public sector, i.e., our Pentagon as being one prime example.

The reason that Americans or their policymakers are so loath to recognize this fact is because there is not a whole lot of support to be anticommunist anywhere, except from the American people. Well, I prefer to have that support than any kind of political or economic elite's momentary approbation. In fact, it was the Economic Security Commission's report that actually steeled my convictions and helped me with this, because we were now able to tell people that according to the Economic Security Review Commission, Communist China's espionage against the United States firms and our governmental entities is likely the number one strategic threat that we are facing at the present time.

So we will continue to work and push on this, not only because this is a strategic threat to us, but also, more importantly, the second part of the equation. Communist China is presenting itself to the world as a rival model of governance to Western democracies. The fundamental tenet of the Communist Chinese approach is this: That liberty is a danger to their people's prosperity and security. I am going to repeat this. The Communist Chinese Government believes that its own people's liberty are a danger, a danger to their stability and prosperity.

This is a direct contradiction to what we believe here in America and in the free world is that people's liberty leads to a nation's stability and prosperity. The reason this is dangerous is we need not look any further than Time Magazine's current Man of the Year to see that this school of thought, this neocommunism has advocates among people who were former communists, such as the former President of Russia, Lieutenant Colonel Retired Vladimir Putin.

As we watch Russia slide from the first steps in democracy back towards autocracy, it is Putin who is telling his people that their liberty stopped their prosperity and stability under the Yeltsin years, and if they just cede more liberty, they will again have stability and they will finally have prosperity.

Other tyrants throughout the world are watching this, from Chavez in Venezuela to Castro in Cuba, who is still clinging to power, and they are watching to see in the coming years, in the coming decades, what will be the preferred model of governance in the world.

Now, we know what the dictators would like. We know what all those who would subjugate their fellow human beings beneath their ideological bents would prefer to see. They would prefer to see liberty considered a danger, a threat, to humanity's stability and prosperity.

We will find them continuing to echo the siren song that we hear from people in Beijing and Moscow and elsewhere that echoes the words that we heard from Dostoevsky's Grand Inquisitor, "Give them miracle, mystery and authority, but above all, give them bread."

It is a materialist philosophy, it is a cynical philosophy, it is a neocommunist philosophy which we in the United States and the free world must reject. We must again reassert the primacy of liberty to all human beings as their divine right endowed to them by their creator and that the view of our free people that the future belongs to free nations, remains intact, not only for ourselves, but for all those who are oppressed and yearning to breathe free.

In the fourth area, the question of moral relativism eroding our foundational truth, we see this every day. We see this every day in the areas of faith, family, community and country. This Congress needs to do more to help reaffirm the historic role and the critical role that it currently plays, that faith currently plays in the lives of the American people and in the life and perpetuation of the American Republic.

Fortunately, Congressman RANDY FORBES, I believe, is going to be introducing a resolution to do just this, and to remind people that the constitutional right under the first amendment is to the free exercise of free religion. It is not for the freedom from religion. It is not for the excoriation of religion and faith from the public square.

In the area of family, we continue to see erosions by the State upon the parents' sovereign and I believe inviolable powers to impart their moral teachings to their children. We have seen this in Maine, where the situation was presented to parents where if you did not want your child to get birth control under the school medical program, then your child would get no health care at all.

This is a diabolical dilemma presented to parents, and there are some that are occurring throughout the country in various locales that are unreported, and this must stop. A parent's right to raise their child and impart their moral teachings to them, the inviability of the parental family structure, of the parent-child relationship, must be respected by this government, must be respected by all governments, and we must take appropriate steps to see that that continues.

In the area of community, we must do more to ensure that the voluntary mediating institutions, nongovernmental institutions, remain intact as a buffer between the sovereign American people and their subservient government.

What de Tocqueville saw when he went through the United States of America and what he expressed to us must always be remembered, that the true strength of America lies in its voluntary associations and its individual senses of community, which then grow upward into the grand Republic which we now have inherited.

If the government goes out of its way to continue to make it difficult for people to join volunteer associations or begins to let it be known or to subtly or directly try to coerce volunteer associations as the Boy Scouts and Girl Scouts, or such as Rotaries, Kiwanises and Chambers of Commerce, or, yes, labor unions, if these voluntary associations are infringed or encroached or eclipsed by the Federal Government, we are going to continue to see an atomization of individuals from their sense of community and we will continue to see a devolution of the true public purpose that is expressed by citizens in our Republic even today.

Finally, in the area of country, certainly we must do more to remind Americans not only of their civic rights and duties as citizens of the United States, but also the history of the United States. How can any individual citizen who is unaware of their rights, who is unaware of their duties, who is unaware of how a bill becomes law, how a constitutional amendment is adopted, how Congress spends money or who has the power of the purse, if they do not understand this, if they do not understand the history of their country, where we have been, where we are going, where we hope to, then they will be like lambs led before the shepherd of big government, because they will not know how to think for themselves in relation to government nor how to defend themselves from government actions and policies when necessary. This fourth area we must not overlook, because in many ways it is one of the most critical.

That is why when in facing these challenges, I believe it is important that we remember our shared American philosophical heritage, which is this: Men and women are transcendent children of God, equally endowed by their creator with inalienable rights.

Secondly, government was instituted to defend citizens' inalienable rights and to facilitate citizens' pursuit of good and true happiness.

Third, over the generations, divine providence has established and revealed through tradition, prescriptive rights and custom within communities, how order, justice and freedom, each essential, coequal and mutually reinforcing, are best arranged and nurtured for humanity to pursue the good and true happiness.

Finally, human happiness is endangered by every political ideology, for each is premised upon abstract ideas. Each claims a superior insight into human nature not revealed through historical experience, each proffers a secular utopia unattainable by an imperfect humanity, and each demands an omnipotent centralized government to forcefully impose its vision upon an unenlightened and unwilling population.

This is a shared heritage that transcends simply Republicanism or Democratism, for this is what was in the seminal documents of our Nation and this is what our Founders set out to do. It is from this shared philosophical tradition that we have been able to see in the United States the creation and perpetuation, even up to our generation, of American excellence.

Now, American excellence has a foundation and four cornerstones. Each of these is mutually reinforcing. Americans understand that our excellence is built upon a foundation of liberty, and the four cornerstones are sovereignty, security, prosperity and truth.

□ 1845

If we think about them individually, it becomes much more clear. Your liberty comes from God, not the government. Your sovereignty is in your soul, not in the soil. Your security comes not from the thin hopes of appeasement, your security comes from our collective love of liberty and from the courage of our fellow citizen soldiers who defend us in hours of maximum danger. Our prosperity comes from the innovation and perspiration of free people engaged in free enterprise, not from the growth of a government or from centralized planning or from higher taxes or from increased government spending. And, finally, our truths are communal. They have preserved over time. They have been perpetuated by families and institutions of faith and voluntary associations, and we revere them every day by voluntarily celebrating a culture of life.

This is what American exceptionalism is supported by. If we turn our back on that concept, then America is no longer an excellent Nation. If we go back and try to determine that somehow America exists to emulate other nations rather than

America existing to inspire the world, we will be cheating our future generations of Americans of the legacy which we ourselves have inherited and which we ourselves so enjoy.

It seems to me that in this period of time that is very difficult, we must also make sure that we remember to have two goals as elected officials in this Congress. I think that the first goal we should have is to prevent the centralized Federal Government from growing ever larger and unaccountable by taking citizens' liberty and prosperity. And that is what happens through taxing and spending powers. And we must also reduce and decentralize the Federal Government and empower Americans to exercise their inherited and inalienable rights within a culture of faith, family, community, and country.

To obtain these goals, I believe that we must take the following critical steps: One, we must empower the sovereign American people to protect and promote their God-given and constitutionally recognized and protected rights. All policies that we pursue should promote the decentralization of Federal governmental powers to the American people or to their most appropriate and closest unit of government. I believe we must also defend Americans' enduring moral order of faith, family, community, and country from all enemies. We must foster a dynamic market of entrepreneurial opportunity for all Americans. And we must honor and nurture humanity of scale and Americans' relations and endeavors.

This last point I would like to emphasize a little more directly. In the age of globalization, much like the age of industrialization, average Americans often felt that so many things were occurring to them outside of their control that they felt almost impotent in the face of the major changes that were occurring to them and radically altering their traditional way of life and their livelihoods. Fortunately, in the age of industrialization, Presidents with vision from Theodore Roosevelt to Franklin Roosevelt were able to help Americans through that transformational time.

We too must have such sagacity, because we too must recognize that in the age of globalization Americans oftentimes feel powerless against many of the forces that are shaping and radically altering their lives. And they look to the Federal Government, their duly elected servants, to try to help make sense of it, to try to help alleviate their sense of danger. And we must do this. We must do this with empathy, we must do this with creativity, we must do it with integrity. For to simply deny it does not exist or to simply say that somehow there are these mechanical determinative forces out there that no one can control such as globalization is not to do the American people justice, it is not to do ourselves any honor, or to provide to ourselves any honor in their service.

We can impact decisions that are the result of human decisions. Globalization is not a deterministic, mechanistic force, much as Engels and Marx said communism was and much as many of the globalists today say free trade is or any other economic determinative. This is not outside of people's control. People can still think their way through it. They can make sound policies within your Federal Government, with your help. And we can try to get through this difficult time with as little social, economic and political turmoil as we can. Or, instead, we can turn a blind eye to it, and we can watch as people continue to suffer many of the effects of globalization which could be ameliorated and which must be ameliorated.

Madam Speaker, I know the hour is late so I will not dawdle much longer. But I just want to say that while we have come to find ourselves in a global age, it is a perilous global age, but it is not a global age without hope. We are not the first generation of Americans; we are not the first people on this earth to face momentous challenges. And I believe that, like our fellow Americans before us and so many Americans, we will meet these challenges and we will transcend them. I believe we will preserve American excellence. I believe we will promote and defend the institutions of faith, family, community, and country against all enemies. And I believe that one day future generations of Americans will look back and say, well, they argued a lot; but they had a lot to argue about, but in the end they managed to get it right and we remain a free people. And I believe that the United States of America then, to the rest of the world, will be an inspiration to them for all the oppressed, for all those who yearn to breathe free, and that they will never lose hope that some day they, too, will enjoy in their own homes what we enjoy in ours.

Again, it will not be easy, it will not be immediate, but it will be done. We will preserve our shared heritage of freedom, and we will ensure that the permanent things amidst our ephemeral existence are preserved for future generations to come, because it is imperative that we make sure that things such as love, truth, beauty, justice, and honor remain because they surpasseth all politics and they give meaning to our somewhat troubled and yet ultimately majestic existence.

Madam Speaker, I would like to conclude my remarks by expressing my personal and my constituents' sincere appreciation and heartfelt prayers for the men and women who are serving the cause of freedom overseas in Iraq and Afghanistan and elsewhere throughout the world, as well as extending them to their families. May God continue to bless them and all of the majestic American people.

REVISIONS TO THE ALLOCATIONS AND BUDGETARY AGGREGATES ESTABLISHED BY THE CONCURRENT RESOLUTIONS ON THE BUDGET FOR FISCAL YEARS 2008 THRU 2012

The Speaker pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. SPRATT) is recognized for 5 minutes.

Mr. SPRATT. Madam Speaker, under section 301, 304(a), and 320(a) and (c) of S. Con. Res. 21, the Concurrent Resolution on the Budget for fiscal year 2008, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget allocations and aggregates for certain House committees for fiscal year 2008 and the period of 2008 through 2012. This revision represents an adjustment to certain House committee budget allocations and aggregates for the purposes of sections 302 and 311 of the Congressional Budget Act of 1974, as amended, and in response to consideration of S. 2499 (Medicare, Medicaid and SCHIP Extension Act of 2007). Corresponding tables are attached.

Under section 211 of S. Con. Res. 21, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. The adjustments will take effect upon enactment of the measure. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 211 of S. Con. Res. 21 is to be considered as an allocation included in the resolution.

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES

[Fiscal years, in millions of dollars]

House Committee	2007		2008		2008–2012 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Current allocation:						
Education and Labor	−4,877	−4,886	−313	−983	5,017	4,157
Energy and Commerce	−1	−1	366	362	−59	−63
Ways and Means	0	0	532	532	37	37
Change in Medicare, Medicaid, and SCHIP Extension Act (S. 2499):						
Education and Labor	0	0	25	6	25	18

DIRECT SPENDING LEGISLATION—AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR RESOLUTION CHANGES—Continued

[Fiscal years, in millions of dollars]

House Committee	2007		2008		2008–2012 Total	
	BA	Outlays	BA	Outlays	BA	Outlays
Energy and Commerce	0	0	1,142	1,141	1,755	1,753
Ways and Means	0	0	2,298	3,497	−1,851	−1,851
Total	0	0	3,465	4,644	−71	−80
Revised allocation:						
Education and Labor	−4,877	−4,886	−288	−977	5,042	4,175
Energy and Commerce	−1	−1	1,508	1,503	1,696	1,690
Ways and Means	0	0	2,830	4,029	−1,814	−1,814

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal Year 2007	Fiscal Year 2008[1]	Fiscal Years 2008–2012
Current Aggregates:[2]			
Budget Authority	2,250,680	2,350,996	n.a.
Outlays	2,263,759	2,353.954	n.a.
Revenues	1,900,340	2,015,841	11,137,671
Change in Medicare, Medicaid, and SCHIP Extension Act (S. 2499):			
Budget Authority	0	3,465	n.a.
Outlays	0	4,644	n.a.
Revenues	0	0	0
Revised Aggregates:			
Budget Authority	2,250,680	2,354,461	n.a.
Outlays	2,263,759	2,358,598	n.a.
Revenues	1,900,340	2,015,841	11,137,671

n.a. = Not applicable because annual appropriations Acts for fiscal years 2009 through 2012 will not be considered until future sessions of Congress.

[1] Pending action by the House Appropriations Committee on spending covered by section 207(d)(1)(E) (overseas deployments and related activities), resolution assumptions are not included in the current aggregates.

[2] Excludes emergency amounts exempt from enforcement in the budget resolution.

Madam Speaker, under section 321 of S. Con. Res. 21, the Concurrent Resolution on the Budget for fiscal year 2008, I hereby submit for printing in the CONGRESSIONAL RECORD a revision to the budget aggregates for the fiscal year period of 2008 through 2012. This is in response to the Senate Amendment to H.R. 3996, The Temporary Tax Relief Act of 2007. A table is attached.

Under section 211 of S. Con. Res. 21, this adjustment to the budget allocations and aggregates applies while the measure is under consideration. For purposes of the Congressional Budget Act of 1974, as amended, a revised allocation made under section 211 of S. Con. Res. 21 is to be considered as an allocation included in the resolution.

BUDGET AGGREGATES

[On-budget amounts, in millions of dollars]

	Fiscal Year 2007	Fiscal Year 2008[1]	Fiscal Years 2008–2012
Current Aggregates:[2]			
Budget Authority	2,250,680	2,350,996	n.a.
Outlays	2,263,759	2,353,954	n.a.
Revenues	1,900,340	2,015,841	11,137,671
Change in Temporary Tax Relief Act (H.R. 3996):			
Budget Authority	0	0	n.a.
Outlays	0	0	n.a.
Revenues	0	0	179,816
Revised Aggregates:			
Budget Authority	2,250,680	2,350,996	n.a.
Outlays	2,263,759	2,353,954	n.a.
Revenues	1,900,340	2,015,841	11,317,487

n.a. = Not applicable because annual appropriations Acts for fiscal years 2009 through 2012 will not be considered until future sessions of Congress.

[1] Pending action by the House Appropriations Committee on spending covered by section 207(d)(1)(E) (overseas deployments and related activities), resolution assumptions are not included in the current aggregates.

[2] Excludes emergency amounts exempt from enforcement in the budget resolution.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a joint resolution of the House of the following title:

H.J. Res. 72. Joint resolution making further continuing appropriations for the fiscal year 2008, and for other purposes.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 924. An act to strengthen the United States Coast Guard's Integrated Deepwater Program.

The message also announced that the Senate agrees to the amendments of the House to the bill (S. Con. Res. 61) "Concurrent Resolution providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House."

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Madam Speaker, it is an honor to be before the House once again. Last night we didn't know when we would end today, and we did a lot of thank-yous and good-byes and seeing the good people that we work with here in the Capitol next year. But we wanted to come to the floor, and I know that Mr. RYAN and Ms. WASSERMAN SCHULTZ and Mr. ALTMIRE and others will be coming down to give their closing comments. But, Madam Speaker, I think it is important for us to shed light on the actions of not only today, but the last 24 hours, what has happened, what will happen in the upcoming year, and all of the things that this first historic session of the 110th Congress and this New Direction Congress has accomplished.

Many times I have been on the floor and we talked about the difference between the glory and the story. And whenever there is glory, there is a story that is untold, and very few know about the story part. I think it is important, especially as we start to look at this point and look at where we are now as a country and where we are getting ready to go and where we have been in the recent past.

Two wars going on, an economic downturn, Americans losing their homes as it relates to mortgages. Also, issues that our servicemen and women have to face of not being with their family members at this very holy time of the year. And, Madam Speaker, if I can, I want to not only read into the RECORD but also share with the Members some of the things that we have done this past year in a bipartisan way, in my opinion, in many cases major pieces of legislation, and some we still have impasse on and we are going to have to work on it the next session.

I think it is important when we start looking at what this Congress accomplished, because we started out with saying that we had a Six in '06 agenda within the first 100 hours of this Congress. And if you listened to the President, the President may say, well, the Congress is not doing much. That is his opinion. Well, that is very interesting, because I remember being a part of Congress when we came in on Tuesday night and we left mid-day Thursday and got very little done. This Congress did everything but sit around and not respond to the needs of the American people.

We actually came here and we made America safer by passing the 9/11 Commission recommendations to protect America from terrorism. We also brought the largest veterans health care funding increase in the history of the VA. And I think that is important. You hear me speak very passionately about those that have laid it down, those that have put everything on the line so that we can salute one flag today.

We also passed an energy package which is historic, that is putting forth standards, increasing fuel efficiency standards to 35 miles per gallon by 2010, slash U.S. oil consumption by more than 4 million barrels per day by 2030. These are benchmarks that we want to meet as a country so that we can protect this earth for future generations and for the present generation. Also, expanding American-grown biofuels to 35 billion gallons by 2020, creating American jobs while we are doing it.

I think it is important for us to point back at the largest college aid expansion since the GI Bill in 1944, that cut interest rates in half on behalf of families that are trying to afford to educate their children and young people that are borrowing money to be able to educate themselves in many cases.

The first increase in the minimum wage in a decade.

I mean, the things that I am mentioning here, Madam Speaker, are accomplishments that I think far surpass my first two terms in Congress under Republican control. We did a lot of things for a lot of super-wealthy people. We carried out acts on behalf of special interests that the average American would never have an opportunity to enjoy. Here on this floor, we spent 4 years talking about what we would do if we got the opportunity, and that we have done it and we are still doing it. And it is not over and we are still in this story mode.

Our innovation agenda, promoting 21st century jobs for a global economy, is another accomplishment of this Congress. Aid to the Gulf Coast recovering from Hurricane Katrina and Rita. Waiving the Stafford Act requirements, the matching dollars, so that those communities and that gulf area will be able to recover. Just like Miami, just like your City of New York after 9/11, just like San Francisco had that waiver, we made sure that those gulf states and also those Americans down there that were struggling, that their cities are able to come back and their parishes are able to come back.

I think it is also important for us to look at the tax cut that passed this floor today for 19 million middle-class Americans that were facing an AMT hike because every year Republicans have treated it as though it is some sort of new thing by borrowing the money. Now, today there was legislation that came over from the Senate that we ended up voting and paying for because we wanted to make sure that firefighters and everyday first responders and those that are teachers that fall within that AMT that we call it, alternative minimum tax, make sure that they don't have to pay a higher tax.

Personally, Madam Speaker, because so many times here on this floor we talk about balancing the budget, making sure that we don't borrow on the backs of our children, I am committed that we are going to work out a way that we can vote for something that is paid for and that we can make sure that we make it happen without shutting the whole tax process down. I personally voted against paying for it with borrowed money, but I think that so many of my colleagues on both sides of the aisle that voted for it, to borrow the money today because we are in a crisis situation, we are going to be facing tough votes in the future. As we borrow from China, as we borrow from these other nations that not necessarily have our best interests at heart, I think it is important that we pay attention to that.

We worked very hard, this is a part of this story, we are not quite there yet, on the whole SCHIP legislation, which is the health care for 10 million children. We did reauthorize the existing program at the existing numbers so that we would not have crisis in the States where kids are depending on this health care. These are things that we have to do because we have to do them for now. But I can tell you, and I hope that the American people are paying very close attention, about the effort that this Congress has put forth, Mr. ALTMIRE, to make sure that we keep this government functional, that we try to run the government in a fiscal way, that we try to make sure that those that have been literally cut off from Federal assistance, that we are able to bring that assistance back to not only build States but also build communities and make sure that the U.S. taxpayers get what they deserve.

□ 1900

A couple of other points. I think it is also important that we look at restoring accountability, earmark lobbying, ethics reform. We have done all of that. It is all transparent and it is all there to make sure that integrity of the government is here. And we passed the pay-as-you-go rule that was adopted.

A number of other initiatives have passed this floor, and more rollcall votes have been taken in this first session of Congress. So really what we have done as Democrats and especially, Madam Speaker, you and Mr. ALTMIRE and others who have joined this Congress in this session, should be very proud going back home talking about the new day and the new direction that you ran for, that you played a role in moving this Congress into a new direction, and that is what we have done.

Mr. ALTMIRE. I appreciate the gentleman from Florida taking the lead in putting this hour together tonight.

Starting tomorrow, I am going to go around my district and talk about what we have done in this Congress. For me, this is an exciting time. As a freshman Member of Congress wrapping up our first year, the gentleman is correct, we have some enormous achievements to talk about. Right from the very first day, something that we talked about last night, we did reform of the ethics process here in the House of Representatives, including PAYGO budget scoring. PAYGO is something that business owners across the country know, and every person that runs their household knows. It is what you do with your own home checkbook. You have to have money on one side of the equation to spend it on the other. If you want to decrease revenues or increase spending, you have to have an offset. That is something that we did on the very first day.

That used to be the case in the House of Representatives. It was put into place in 1990, as the gentleman certainly knows. It led to the record surpluses of the 1990s when we had four consecutive budget surpluses following the all-time record deficits of the 1980s.

Unfortunately, when this administration took office in 2001, they did away with PAYGO and the Republican Congress at that time agreed that PAYGO shouldn't be expanded and reauthorized. And as a result, we now have had seven consecutive budget deficits, deficits that are forecast as far as the eye can see.

The most troubling part of those deficits is when we are borrowing against our children and grandchildren, putting our increased spending on the credit card and letting them take care of it later, the most troubling part is who is holding this debt that we are creating. And the gentleman from Florida was very articulate when he talked about the foreign-held debt and that this administration in the first 6 years added more foreign-held debt to this country than his 42 predecessors combined in 230 years.

So we have an administration that has no standing to lecture us, this new Congress, on fiscal responsibility coming as the all-time highest spending administration and record deficits.

So what we did on the very first day was put in place PAYGO budget scoring. We took a vote today, our last day, on the alternative minimum tax. And a lot of Members on the other side of the aisle talked about the fact that this is the first bill of this new Congress that did not comply with PAYGO scoring because we had to lower taxes for 23 million Americans because those are Americans that would have seen an increase in their taxes had this Congress not taken clear and decisive action today.

And we did it. One of the things about this job which I am finding out as a new freshman, and the gentleman from Florida and the gentleman from Ohio have known for a long time, you have to make tough choices. One of the choices we had to make today was the Senate sent us a bill that I wasn't entirely happy with. I didn't like the fact that the other body made a decision not to comply with pay-as-you-go. I had a choice to make, and I chose to lower taxes for 23 million Americans, 70,000 in the district in western Pennsylvania that I represent.

Now we will have to pay for that in the future, and hopefully we will do that as one of the first orders of business when we come back after the holiday break. But I am proud of the accomplishments of this Congress. I am proud of the fact that we can go home and talk about raising the minimum wage for the first time in 10 years.

Is there any other segment of our society that can say that they haven't seen even a cost-of-living adjustment, even a minor increase in their pay in the last 10 years? I don't think there is. So, for the first, time we raised the minimum wage.

We have an energy bill to talk about. The first time in 30 years that we have increased the mileage standards, the average mile-per-gallon standards of the fleet serving this country, foreign and domestic automobiles. That is a major accomplishment. Something that hasn't been done in three decades.

We can talk about these accomplishments, and I want to yield some time to the gentleman from Ohio (Mr. RYAN) because I know he is chomping at the bit to talk about his experiences this past year.

Mr. RYAN of Ohio. I appreciate the gentleman giving me an opportunity to share a few words. I think yourself and the gentleman from Florida (Mr. MEEK), my good friend, and other Members of this body agree, it has been a long year. It has been a long slog, and I think there have been in many ways a very complicated political scenario where in some instances where we are trying to pass children's health care, we have 80 votes in the Senate, enough to override a Presidential veto, but a rabid group in the House would back the President's veto and not allow us to override.

Some of our Republican friends were standing in the way of us getting SCHIP. My point is it is a very complicated political situation. I think within that context we have a tremendous amount of success. I think that as these bills begin to hit and get signed into law and the investments are made, I think the American people will begin to realize there has been a change in the direction of the country.

Believe me, we are nowhere near where any of us want to be. Nobody is happy, but we are satisfied to some extent that a lot of the programs that we have pushed forth will be signed into law, and have already in some instances been signed into law.

And those people who are in our congressional districts who are feeling the anxiety of globalization, of trade, of the economy, of the squeeze that is being placed on the middle class, I think we will see next year, if they are trying to put their kids through college and they go to take out a loan, and they recognize that last year when they took out the loan it was 6.8 percent and next year it will be 3.4 percent for college, they will recognize that something happened there, that it was the Democratic-led Congress who allowed that to happen.

When they go and apply for a Pell Grant and there is a few more hundred dollars that they qualify for, a thousand more over the next few years, those families will recognize that it was the Democratic-led Congress under Speaker PELOSI's leadership that allowed that to happen.

When you are working for minimum wage, whether it is two or three jobs, trying to piece your family together, you will recognize it was the Democrats who came in and made that happen.

When you see the auto industry begin to transform because of the amount of pressure that was put on them, CAFE standards and some other issues that we were able to work out to allow the auto industry to move forward and make these investments, that is because of the Democratic-led Congress.

Mr. ALTMIRE. On the subject of investments, that is something that had not been done in this Congress. We talked about the 6 years prior to the new Democratic Congress taking over, one of the things that had been unresolved was a water resources development bill, which is the critical infrastructure needs across this country, the most obvious of which is the gulf coast in Louisiana and Mississippi, what happened with Hurricane Katrina and the unmet investment since that time.

But all across this country, including in my district, we had severe flooding in western Pennsylvania in 2004 and again this summer. And we continue to have this discussion, and I am sure you have the same thing in Florida, that after the fact we come in and say, Why wasn't something done to prevent this? Why didn't we improve, in the case of western Pennsylvania, the locks and dams and the critical infrastructure that needs to be done to prevent the floods? Why didn't we bring in the Corps of Engineers and do the research and do the construction necessary to prevent the disaster from happening in the first place?

Well, that hadn't been done. The water resources development bill, WRDA, the WRDA bill hadn't been done. In 2-year increments, it is supposed to be reauthorized. They hadn't done it in 7.

So what did we do when we came into this new Congress? We made the difficult decisions and did the water resources bill. And as a result, $90 million in infrastructure investment is going to go into western Pennsylvania and fix this problem that I discussed in my district.

I know there is money going into the Florida districts that Mr. MEEK and Ms. WASSERMAN SCHULTZ represent, and I am sure Mr. RYAN has some need in his district.

But the critical investment in infrastructure is something that had been ignored for so long in this country. We are dealing with it. We made the difficult decisions and passed the bill, and we overrode the President's veto on it.

I do hear in my district frustration: Why aren't you taking on the President and why don't you do more to overturn his decisions? Well, we have divided government, and under the Constitution, in many cases the President, the executive, has the upper hand, especially in foreign policy.

He has vetoed a number of things. He has vetoed the children's health bill twice. Unfortunately, we lack the votes by a small margin to override those vetoes. He vetoed some of our appropriations bills. Multiple vetoes that we have come close to overriding on.

On the water resources bill, overwhelming bipartisan support to do the critical infrastructure investment that will prevent the flooding and that will prevent disasters in this country. I am proud of that accomplishment. That is something that hadn't been done.

Mr. MEEK of Florida. I just want to let you know, it ain't over yet.

Mr. RYAN of Ohio. It ain't over yet.

Mr. MEEK of Florida. We have a lot more work to do, and we are monitoring all of the things that we have to do and those that were not accomplished——

Mr. RYAN of Ohio. We are going to plow through them.

Mr. MEEK of Florida. We are going to plow through them and make sure that all of this happens. We are going to know those bills that made it through the process. We are going to know that those bills that made it halfway through the process. We are going to understand the pieces of legislation that misbehaved along the way, and we are going to make sure that we get it right.

I want to say something before the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) says something. We are going back to our neighboring districts down in Florida. I hate to talk about it in front of all of my good friends in the Clerk's Office about Florida and the sun and all of those things, but I want you to pay attention. You have to look at one another and pay attention to what is happening here.

This is the last night of Congress of the first session. The 30-Something Working Group is going to get an opportunity to adjourn the House for the year. We are all in the majority. We all serve on substantial committees. We all have families to go home to and do the things that we have to do. But we care enough, Madam Speaker, the commitment that we made to the American people that we were going to do what we said we were going to do, and we want to make sure that Independents, Republicans, Democrats, new voters, those thinking about voting, know that we have their back.

We don't have to be here tonight. That is the reason we are going to finish at 7:30. These people have commitments, too, and are ready to go home. But we are going to make sure that this goes into the RECORD so when the historians look at this time in this first session and all of the things that we tried to do to balance the budget and do all the things that we told them we would do in this first session, that we meant it and we held our own feet to the fire on this issue.

Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Thank you, so much, Mr. MEEK and Mr. RYAN and Mr. ALTMIRE.

Let me tell you something else that we are laying down our marker on. We are not going away. The obstructionist Republicans might think that they have our number and that they have been able to block the efforts of this Democratic majority in trying to move this country in a new direction, but they will be sadly mistaken as we gradually turn this ship of State around. It takes a long time to turn a cruise ship around, something that is the size of this government, and it takes a long time to undo the horrendous damage that was done to this country during the 12 years of Republican majority in this Congress.

We slowly have been peeling the film of the culture of corruption that hung over this Capitol before we took the majority back.

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We have feverishly worked to move this country in a new direction to expand access to health care, to make sure that we put our domestic priorities on the front burner. Now, we might have done that within the President's number, and that's essentially not what we wanted to do. What we wanted to do is make sure we weren't spending 10 times more in Iraq to continue this war than we were to increase the funding for health care and for education and for veterans health care funding. That's why, within the President's overall budget number, we reordered our priorities. We made sure that instead of cutting NIH funding grants and cutting health care, that we increased funding for the NIH grants. We made sure that we provide access to health care instead of cutting it by $595 million, that we increased it so that we could expand access to health care to more people. We made sure that instead of cutting veterans health care benefits we passed still the largest single increase in the history of the VA, a $3.7 billion increase.

We have a Democratic stamp on this budget. We passed a budget that has our priorities, the American people's priorities, and refocuses attention on the domestic needs that we have in this country, and we will be back after this recess and make sure that we are going to focus on the needs of the American people.

I'll be happy to yield to my friend

Mr. RYAN of Ohio. I think you make some great points because, you know, we have the veterans piece, the education piece, but I think you touched upon something when you started talking about the NIH and the energy research and investment that we're making in alternative energy. What we're trying to do, people are struggling. You know, people in our districts are wondering, especially in the Midwest in the manufacturing areas, what are we going to do? And what we're trying to do, I mean, you can't just give a job and the government hires everybody. But what we're trying to do, which I think Ms. WASSERMAN SCHULTZ has said, make these strategic investments in alternative energy, green-collar jobs, solar panels, I mean there's a lot of opportunity here. And in the health care field, the more research we do in the health care field the better off we're going to be, the more efficient the system, the more medical devices, the more research our scientists can do. There's a lot of opportunity here. So not only are we trying to raise the minimum wage, increase access to education, make sure our veterans are taken care of, which are all substantial accomplishments but, at the same time, make these long-term investments, where we're prying open different sectors of the economy.

Ms. WASSERMAN SCHULTZ. If the gentleman would yield on the energy issue, specifically, we're trying to make sure we expand our investment in alternative energy research, that we use renewable energy resources, that we make sure that we reduce the carbon footprint that we have here in America, that we really significantly impact the continuing global warming that we have.

And do you know what our good friends on the other side of the aisle, Mr. ALTMIRE, have been trying to preserve? They've been trying to preserve subsidies for the big oil industry. That's the thing that we were not able to get done because the Republicans in the Senate and here blocked making sure that we could repeal $13 billion in subsidies for Big Oil, the most profitable industry in America.

Mr. RYAN of Ohio. Will the gentlewoman yield?

Ms. WASSERMAN SCHULTZ. I'm happy to yield to the gentleman.

Mr. RYAN of Ohio. We are moving in a new direction. We pushed and pushed and pushed with this AMT to get it paid for—$50 billion. And what we were going to do is close down loopholes where hedge fund owners and hedge fund operators are putting money offshore and basically hiding it. And the Democratic Party, Speaker PELOSI, our Blue Dogs united, liberals, Democrats, conservatives, all of us united saying pay for this. If not, the tax is going to tax people making 50, $75,000 in New Castle and Scranton, PA and Youngstown and Florida, so we wanted to pay for it.

The Republican Party opposed us paying for this by going after hedge fund managers period. You can read all the articles. Read all the analysis of what happened here.

So they sided, Madam Speaker, with hedge fund managers who are making billions of dollars a year.

Then we tried to repeal some of the issues dealing with the oil companies and making sure they're paying their fair share. The most profitable industry in the country is getting subsidized. And we're saying, no. We need to take some of that money and we need to invest this in alternative energy.

Again, in the Senate the Republicans stood strong to make sure that that did not happen. So in two instances, whether it was with hedge funds managers or with the oil companies, we were trying to make sure we brought some equity into the system and paid for making sure that our middle class doesn't get a tax increase.

Ms. WASSERMAN SCHULTZ. If you'd yield for a question.

Mr. RYAN of Ohio. I'll be happy to yield.

Ms. WASSERMAN SCHULTZ. So in the time that I have been involved in public service, which is over 15 years now, the mantra of our good friends on the other side of the aisle has always been that they are the party of less government, and that they are the party of fiscal responsibility. And in recent history, and in long-term history, my understanding is that it's this President that built up more foreign debt than all 42 previous Presidents combined, and this President that took us from a $3 billion surplus to a $5 billion deficit, in his first term,

Mr. ALTMIRE. Trillion.

Ms. WASSERMAN SCHULTZ. Excuse me. Trillion. Forgive me. Trillion dollars. And so who, the question that I have for you is, so which party is the party of fiscal responsibility? Which party can be trusted to make sure that we have a vibrant economy, that we create jobs, that we don't operate in a deficit situation and that we have PAYGO rules that ensure that we don't spend more money than we take in? Which one would that be?

Mr. RYAN of Ohio. That would be the Democratic party.

Ms. WASSERMAN SCHULTZ. Okay. I wasn't quite certain because if you listen to the rhetoric on the other side of the aisle, they talk a good game. But when it comes to action, backing up the words with action, just like when the President stood in that rostrum a couple of years ago and laid out the notion that we should end America's addiction to foreign oil, but then promptly pushed an energy bill through the then Republican Congress that gave away those $14 billion in subsidies to the oil industry that we're now trying to repeal. That was just unbelievable. And I can't use certain words that I think should be applicable to that situation because it violates the House rules, so I won't. But I think we all know what the definition of saying something and doing another actually is.

Mr. RYAN of Ohio. And this is all about, you know, borrowing of the money. And as the gentlelady from Florida said, I think everyone at some point has mentioned it here tonight, $3 trillion in the last 6 years borrowed from foreign interests, raised the debt limit five times, borrowing from China and Japan. And my nephew, little Nicky Ryan, who's, you know, 2 years old is saying to us, what are you doing? Uncle Timmy, what are you doing?

We're passing it down, passing it on. Someone's got to pay this bill. And it's your kids and your kids and Kendrick's kids who have to do it.

I yield to my friend.

Mr. ALTMIRE. If I could tie this all together, what we're talking about with pay-as-you-go, and the gentlewoman talks about the energy bill. And the gentleman from Ohio talked about the College Cost Reduction Act dealing with student loans. Let's tie this together. What does it mean to pay as you go, to pay for what you're doing? Well, with the College Cost Reduction Act we did things that are going to substantially improve the lives of middle-class Americans all across this country. They're going to make a real difference for families in America. We cut in half the interest rates on student loans from 6.8 percent to 3.4 percent, which, by itself, if we did nothing else, would save the average student on student loans in this country over $4,400 over the lifetime of their loan. But we didn't just stop there. We increased Pell Grants, the staple of student support in this country, to $5,400, the largest increase in the history of that program. And we capped at 15 percent of discretionary income the amount that the borrower, after they graduate, would be required to be burdened with debt to repay their student loan. These are things that are going to make a big difference. But they cost money. It had a $20 billion price tag, which is a substantial amount of money. And unlike previous Congresses, instead of charging it to the credit card and saying, Nicky Ryan, you're going to have to pay for this in 30 or 40 years, for the rest of your life, this is something that you, as an individual, we're going to take the initiative as a Congress and we're going to pay for this up front. And what did we do? We went to the big banks and the lenders who've turned a hefty profit on the backs of students and parents in this country for years and have done quite well with these student loan programs and we've said it's time to pay your fair share. And we took the subsidies from the big banks and the lenders and redirected every penny of them into the student loan programs to help students and parents in this country.

Similarly, with the energy bill, we had the $14 billion subsidies that were going to the big oil and gas industry at a time when they were making all-time record profits. They're doing quite well. I don't think anybody can argue that the oil and gas industry is suffering right now. They're doing very well.

So we said, we're going to take away those subsidies at this time when you're making all-time record profits.

Mr. RYAN of Ohio. Also known as corporate welfare.

Mr. ALTMIRE. Thank you. And we're going to redirect that $14 billion into research and development of alternative fuels, alternative energy, which gets us off of the foreign oil which is what the President talked about doing. It lessens our dependence on foreign oil, and it helps the environment by having clean-burning fuels and renewable energy, all of those things that everybody talks about, and we paid for it; $14 billion directly paid for by those subsidies.

Now, in the other body, unfortunately, we fell one vote short. They had 59 votes. That's much more than a majority, but the rules are a little bit different in the other body, and they need 60 votes now to move on legislation, which is a subject for another day, the fact that that rule is there.

But the point is, that's what it means to pay as you go. We're doing very good things. When they cost money, unlike previous Congresses, we're paying for it up front in a budget neutral way.

So I will yield back to the gentlewoman from Florida. And I think the gentleman from Florida, who controls the time, is looking to wrap up here shortly. Is that correct?

Mr. MEEK of Florida. I know we have time, but I made a commitment to the people that are nice to us here in the Chamber that they will be getting to be reunited with their families pretty soon. So I guess we can kind of make our closing comments, or what have you. We said 35 minutes. We have until, maybe until at least 35 after, so don't feel rushed.

Ms. WASSERMAN SCHULTZ. In my wrap-up remarks, first of all, I want to thank each of you that are parts of the 30-Something Working Group, and Mr. MURPHY, who headed home to his family this evening, for continuing to hang in here and coming out. We certainly could have disbanded the 30-Something Working Group, Mr. RYAN. We could have said, you know, our work here is done. We won the majority and now we can just, you know, go make good policy and go home. But it's clear that our work is far from done. We have a lot left to do on the agenda. We have to make sure that we deal with expanding access to health care, that we continue to push for the remaining provisions of the energy bill that we were not able to get included. We have to make sure that we focus on bringing our troops home. And people need to understand that we're not, we're going to be relentless in continuing to try to make sure we do that.

People should understand that the vote tonight did not pass with, the vote on the funding for the war in Iraq did not pass with a majority of Democratic votes. It passed with a majority of the Republican votes. This is this President's war and this is the Republicans' war, and it will continue to be their war. They are the ones that are leaving our troops twisting in the wind with their families being separated from them with repeated, over-the-top tours of duty, three and four times over there, having more than a year, less than a year between tours of duty.

We've got to make sure that we think about our troops and focus on the fact that it is clear now, even with the reduction in violence, Mr. RYAN, that the Iraqi leadership has made no progress. And they've made no progress because they don't need to because they know right now with the message that this President is sending that we're going to be there as long as they need us. There's no pressure, no incentive, and we need the American people to understand that we will continue to come out here; we will continue to talk about the priorities that they care about. And now that we're in the majority we're going to continue to press to adopt those priorities and shame the Republicans on the other side of the aisle every single day until we get dangerously close to this election and we put some fear in their hearts so that they don't continue to stick with this President who is completely wrong on the priorities that the American people care about.

Mr. RYAN of Ohio. I think what we've done, and I think what the Speaker has done and STENY HOYER and JIM CLYBURN and JOHN LARSON and our leadership team have done over the past year is, you know, we've heard for a decade about family values. And I think what has happened here is our legislation has embodied what families need, the minimum wage community health clinics, education funding. We, I think, have spoken through our actions here, and I think that's very important.

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In addition to that, when we talk about staying out here and continuing the message side of this, part of politics is to communicate with the American people. But what's important is anyone who's watching this debate, we're telling you our side, they are saying their side, and there are the facts, and the American people get to listen.

We wanted to make sure that the hedge fund managers were not hiding money in offshore accounts. That was something we ran on, and we tried to do it and continue, but we don't have a big enough majority now to handle some of these in the Senate and here.

We were the ones who wanted to pull the corporate subsidies. We were the ones who actually succeeded in the education and the health care and the energy and all these other issues, not nearly again as far as we wanted to go. But for us to come out here and continue to pitch our accomplishments, what we've done, what we're going to continue to do, the fact that we're not happy, there are still jobs leaving many communities across our country that need that growth, that investment in alternative energies, that's what we are trying to do, trying to accomplish.

We're not satisfied. So to the people back home listening to us, we're not satisfied. We're not done. We're going to continue the good fight.

And so I'd just like to say to everyone here, thank you. Happy holidays. Merry Christmas. Happy Hanukkah. Happy Kwanzaa.

Ms. WASSERMAN SCHULTZ. Happy New Year.

Mr. RYAN of Ohio. Happy New Year.

Mr. ALTMIRE. I just want to say very quickly, Mr. MURPHY's not here, our fifth partner here, but the three, the gentlewoman from Florida, the gentleman from Ohio, the other gentleman from Florida have done a magnificent job over the years of carrying the 30-Somethings and getting the message out at a time when it was very difficult to do so.

And now, luckily, times have changed, and now the Democrats are in the majority, and it's a little bit easier to control the agenda and talk about issues and move forward.

I just want to say what an honor it is for me to have been a part of the 30-Something Working Group, and I know Mr. MURPHY would say the same, that we were very familiar with the group and had seen you in action for many years, but as we are now the last group to speak on the last day of the first session of the 110th Congress, I didn't want to let the moment go by and say it's great for me.

And I love especially the geographic diversity that we have where Ms. WASSERMAN SCHULTZ and Mr. MEEK have their districts next to each other in south Florida and Mr. RYAN and myself have our districts next to each other on the Ohio-Pennsylvania border. So we have fun with that from time to time for sports analogies and weather and so forth, but it really is an honor for me to be here, the same media market.

Mr. RYAN of Ohio. I have about five funny jokes that are in my head right now that I want to say, but I'm going to pass on all five.

Mr. ALTMIRE. I've heard all five.

Mr. RYAN of Ohio. I think on behalf of us, I think we're very lucky. We had a great freshman class that has had a tremendous impact.

Mr. ALTMIRE, I know, has passed a couple of pieces of legislation through the Small Business Committee that has really, I think, redefined what government investment and what the Small Business Administration needs to do, angel investor funds, venture capital funds, to invest in these new start-up communities. So communities like ours who are trying to convert from manufacturing, advanced manufacturing, from manufacturing in auto and steel and rubber to some kind of high-tech business, we now have an SBA bill that would allow those young companies to get venture capital money that would match. I mean, just a lot of innovative things.

I don't want to get into the details, but we want to say thank you because you guys have all been great: ZACK SPACE, JASON ALTMIRE, CHRIS MURPHY, PATRICK MURPHY, ARCURI, the sheriff. We have a lot of great people. And YVETTE CLARKE from Brooklyn, New York, has been phenomenal. We've got a great class. So, thank you, thank you.

Ms. WASSERMAN SCHULTZ. Before you close out, I don't know if you guys did this last night, but we do need to congratulate in absentia Mr. MURPHY on his marriage, because he got married a couple of months ago and, you know, he is going to look forward to spending some quality time with his new bride, and so we wish him and his new wife very well.

Mr. MEEK of Florida. Well, we gave a lot of shout-outs to folks last night on how much we appreciate all of the staff and everyone that has made the 30-Something Working Group possible: our good friends from the Clerk's office who have been watching us for the last 5 years, also Mr. Michael here. I don't want to give out last names because Mr. Tom, you know, and others that help us.

Ms. WASSERMAN SCHULTZ. They get spammed.

Mr. MEEK of Florida. Yes, all kind of stuff. These guys are rock stars.

But I just want to say in closing that what we do here is very serious work, but we do bring kind of a human element to it. I'm glad that we do, because Americans understand what we are talking about. Members understand what we're talking about. And Madam Speaker, I mean, it's really a high honor for me to yield back this time, but I would also like for your freshman class brother, Mr. ALTMIRE, to close our first session officially.

HOUSE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

August 1, 2007:

H.J. Res. 44. An act approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

August 3, 2007:

H.R. 1. An act to provide for the implementation of the recommendations of the National Commission on Terrorist Attacks Upon the United States.

August 3, 2007:

H.R. 2429. An act to amend title XVIII of the Social Security Act to provide an exception to the 60-day limit on Medicare reciprocal billing arrangements between two physicians during the period in which one of the physicians is ordered to active duty as a member of a reserve component of the Armed Forces.

August 6, 2007:

H.R. 3311. An act to authorize additional funds for emergency repairs and reconstruction of the Interstate I–35 bridge located in Minneapolis, Minnesota, that collapsed on August 1, 2007, to waive the $100,000,000 limitation on emergency relief funds for those emergency repairs and reconstruction, and for other purposes.

August 8, 2007:

H.R. 3206. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through December 15, 2007, and for other purposes.

August 9, 2007:

H.R. 1260. An act to designate the facility of the United States Postal Service located at 6301 Highway 58 in Harrison, Tennessee, as the "Claude Ramsey Post Office".

H.R. 1335. An act to designate the facility of the United States Postal Service located at 508 East Main Street in Seneca, South Carolina, as the "S/Sgt Lewis G. Watkins Post Office Building".

H.R. 1384. An act to designate the facility of the United States Postal Service located at 118 Minner Avenue in Bakersfield, California, as the "Buck Owens Post Office".

H.R. 1425. An act to designate the facility of the United States Postal Service located at 4551 East 52nd Street in Odessa, Texas, as the "Staff Sergeant Marvin 'Rex' Young Post Office Building".

H.R. 1434. An act to designate the facility of the United States Postal Service located at 896 Pittsburgh Street in Springdale, Pennsylvania, as the "Rachel Carson Post Office Building".

H.R. 1617. An act to designate the facility of the United States Postal Service located at 561 Kingsland Avenue in University City, Missouri, as the "Harriett F. Woods Post Office Building".

H.R. 1722. An act to designate the facility of the United States Postal Service located at 601 Banyan Trail in Boca Raton, Florida, as the "Leonard W. Herman Post Office".

H.R. 2025. An act to designate the facility of the United States Postal Service located at 11033 South State Street in Chicago, Illinois, as the "Willye B. White Post Office Building".

H.R. 2077. An act to designate the facility of the United States Postal Service located at 20805 State Route 125 in Blue Creek, Ohio, as the "George B. Lewis Post Office Building".

H.R. 2078. An act to designate the facility of the United States Postal Service located at 14536 State Route 136 in Cherry Fork, Ohio, as the "Staff Sergeant Omer 'O.T.' Hawkins Post Office".

H.R. 2127. An act to designate the facility of the United States Postal Service located at 408 West 6th Street in Chelsea, Oklahoma, as the "Clem Rogers McSpadden Post Office Building".

H.R. 2309. An act to designate the facility of the United States Postal Service located at 3916 Milgen Road in Columbus, Georgia, as the "Frank G. Lumpkin, Jr. Post Office Building".

H.R. 2563. An act to designate the facility of the United States Postal Service located at 309 East Linn Street in Marshalltown, Iowa, as the "Major Scott Nisely Post Office".

H.R. 2570. An act to designate the facility of the United States Postal Service located at 301 Boardwalk Drive in Fort Collins, Colorado, as the "Dr. Karl E. Carson Post Office Building".

H.R. 2688. An act to designate the facility of the United States Postal Service located at 103 South Getty Street in Uvalde, Texas, as the "Dolph Briscoe, Jr. Post Office Building".

August 9, 2007:

H.R. 2272. An act to invest in innovation through research and development, and to improve the competitiveness of the United States.

August 13, 2007:

H.R. 2863. An act to authorize the Coquille Indian Tribe of the State of Oregon to convey land and interests in land owned by the Tribe.

H.R. 2952. An act to authorize the Saginaw Chippewa Tribe of Indians of the State of Michigan to convey land and interests in land owned by the Tribe.

H.R. 3006. An act to improve the use of a grant of a parcel of land to the State of Idaho for use as an agricultural college, and for other purposes.

September 20, 2007:

H.R. 2358. An act to require the Secretary of the Treasury to mint and issue coins in commemoration of Native Americans and the important contributions made by Indian tribes and individual Native Americans to the development of the United States and the history of the United States, and for other purposes.

September 27, 2007:

H.R. 2669. An act to provide for reconciliation pursuant to section 601 of the concurrent resolution on the budget for fiscal year 2008.

H.R. 3580. An act to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and for medical devices, to enhance the postmarket authorities of the Food and Drug Administration with respect to the safety of drugs, and for other purposes.

September 27, 2007:

H.R. 3528. An act to provide authority to the Peace Corps to provide separation pay for host country resident personal services contractors of the Peace Corps.

September 28, 2007:

H.R. 954. An act to designate the facility of the United States Postal Service located at 365 West 125th Street in New York, New York, as the "Percy Sutton Post Office Building".

H.R. 3218. An act to designate a portion of Interstate Route 395 located in Baltimore, Maryland, as "Cal Ripken Way".

H.R. 3375. An act to extend the trade adjustment assistance program under the Trade Act of 1974 for 3 months.

September 29, 2007:

H.J. Res. 43. An act increasing the statutory limit on the public debt.

H.J. Res. 52. An act making continuing appropriations for the fiscal year 2008, and for other purposes.

H.R. 3668. An act to provide for the extension of transitional medical assistance (TMA), the abstinence education program, and the qualifying individuals (QI) program, and for other purposes.

September 30, 2007:

H.R. 3625. An act to make permanent the waiver authority of the Secretary of Education with respect to student financial assistance during a war or other military operation or national emergency.

October 24, 2007:

H.R. 1124. An act to extend the District of Columbia College Access Act of 1999.

H.R. 2467. An act to designate the facility of the United States Postal Service located at 69 Montgomery Street in Jersey City, New Jersey, as the "Frank J. Guarini Post Office Building".

H.R. 2587. An act to designate the facility of the United States Postal Service located at 555 South 3rd Street Lobby in Memphis, Tennessee, as the "Kenneth T. Whalum, Sr. Post Office Building".

H.R. 2654. An act to designate the facility of the United States Postal Service located at 202 South Dumont Avenue in Woonsocket, South Dakota, as the "Eleanor McGovern Post Office Building".

H.R. 2765. An act to designate the facility of the United States Postal Service located at 44 North Main Street in Hughesville, Pennsylvania, as the "Master Sergeant Sean Michael Thomas Post Office".

H.R. 2778. An act to designate the facility of the United States Postal Service located at 3 Quaker Ridge Road in New Rochelle, New York, as the "Robert Merrill Postal Station".

H.R. 2825. An act to designate the facility of the United States Postal Service located at 326 South Main Street in Princeton, Illinois, as the "Owen Lovejoy Princeton Post Office Building".

H.R. 3052. An act to designate the facility of the United States Postal Service located at 954 Wheeling Avenue in Cambridge, Ohio, as the "John Herschel Glenn, Jr. Post Office Building".

H.R. 3106. An act to designate the facility of the United States Postal Service located at 805 Main Street in Ferdinand, Indiana, as the "Staff Sergeant David L. Nord Post Office".

October 25, 2007:

H.R. 995. An act to amend Public Law 106–348 to extend the authorization for establishing a memorial in the District of Columbia or its environs to honor veterans who became disabled while serving in the Armed Forces of the United States.

October 26, 2007:

H.R. 3233. An act to designate the facility of the United States Postal Service located at Highway 49 South in Piney Woods, Mississippi, as the "Laurence C. and Grace M. Jones Post Office Building".

October 31, 2007:

H.R. 3678. An act to amend the Internet Tax Freedom Act to extend the moratorium on certain taxes relating to the Internet and to electronic commerce.

November 5, 2007:

H.R. 327. An act to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to develop and implement a comprehensive program designed to reduce the incidence of suicide among veterans.

H.R. 1284. An act to increase, effective as of December 1, 2007, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans.

November 8, 2007:

H.R. 1808. An act to designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the "Charlie Norwood Department of Veterans Affairs Medical Center".

November 9, 2007:

H.R. 1495. An act to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

November 13, 2007:

H.R. 2779. An act to recognize the Navy UDT-SEAL Museum in Fort Pierce, Florida, as the official national museum of Navy SEALS and their predecessors.

H.R. 3222. An act making appropriations for the Department of Defense for the fiscal year ending September 30, 2008, and for other purposes.

November 15, 2007:

H.R. 2546. An act to designate the Department of Veterans Affairs Medical Center in Asheville, North Carolina, as the "Charles George Department of Veterans Affairs Medical Center".

November 16, 2007:

H.R. 2602. An act to name the Department of Veterans Affairs medical facility in Iron Mountain, Michigan, as the "Oscar G. Johnson Department of Veterans Affairs Medical Facility".

November 30, 2007:

H.R. 2089. An act to designate the facility of the United States Postal Service located at 701 Loyola Avenue in New Orleans, Louisiana, as the "Louisiana Armed Services Veterans Post Office".

H.R. 2276. An act to designate the facility of the United States Postal Service located at 203 North Main Street in Vassar, Michigan, as the "Corporal Christopher E. Esckelson Post Office Building".

H.R. 3297. An act to designate the facility of the United States Postal Service located at 950 West Trenton Avenue in Morrisville, Pennsylvania, as the "Nate DeTample Post Office Building".

H.R. 3307. An act to designate the facility of the United States Postal Service located at 570 Broadway in Bayonne, New Jersey, as the "Dennis P. Collins Post Office Building".

H.R. 3308. An act to designate the facility of the United States Postal Service located at 216 East Main Street in Atwood, Indiana, as the "Lance Corporal David K. Fribley Post Office".

H.R. 3325. An act to designate the facility of the United States Postal Service located at 235 Mountain Road in Suffield, Connecticut, as the "Corporal Stephen R. Bixler Post Office".

H.R. 3382. An act to designate the facility of the United States Postal Service located at 200 North William Street in Goldsboro, North Carolina, as the "Philip A. Baddour, Sr. Post Office".

H.R. 3446. An act to designate the facility of the United States Postal Service located at 202 East Michigan Avenue in Marshall, Michigan, as the "Michael W. Schragg Post Office Building".

H.R. 3518. An act to designate the facility of the United States Postal Service located at 1430 South Highway 29 in Cantonment, Florida, as the "Charles H. Hendrix Post Office Building".

H.R. 3530. An act to designate the facility of the United States Postal Service located at 1400 Highway 41 North in Inverness, Florida, as the "Chief Warrant Officer Aaron Weaver Post Office Building".

H.R. 3572. An act to designate the facility of the United States Postal Service located at 4320 Blue Parkway in Kansas City, Missouri, as the "Wallace S. Hartsfield Post Office Building".

December 6, 2007:

H.R. 50. An act to reauthorize the African Elephant Conservation Act and the Rhinoceros and Tiger Conservation Act of 1994.

H.R. 465. An act to reauthorize the Asian Elephant Conservation Act of 1997.

December 12, 2007:

H.R. 1429. An act to reauthorize the Head Start Act, to improve program quality, to expand access, and for other purposes.

December 13, 2007:

H.R. 4343. An act to amend title 49, United States Code, to modify age standards for pilots engaged in commercial aviation operations.

December 14, 2007:

H.J. Res. 69. An act making further continuing appropriations for the fiscal year 2008, and for other purposes.

H.R. 4252. An act to provide for an additional temporary extension of programs under the Small Business Act and the Small Business Investment Act of 1958 through May 23, 2008, and for other purposes.

H.R. 3688. An act to implement the United States-Peru Trade Promotion Agreement.

SENATE BILLS AND JOINT RESOLUTIONS APPROVED BY THE PRESIDENT

The President notified the Clerk of the House that on the following dates he had approved and signed bills and joint resolutions of the following titles:

July 31, 2007:

S. 1868. An act to temporarily extend the programs under the Higher Education Act of 1965, and for other purposes.

August 5, 2007:

S. 1927. An act to amend the Foreign Intelligence Surveillance Act of 1978 to provide additional procedures for authorizing certain acquisitions of foreign intelligence information, and for other purposes.

August 9, 2007:

S. 1099. An act to amend chapter 89 of title 5, United States Code, to make individuals employed by the Roosevelt Campobello International Park Commission eligible to obtain Federal health insurance.

August 13, 2007:

S. 375. An act to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon, and for other purposes.

S. 975. An act granting the consent and approval of Congress to an interstate forest fire protection compact.

S. 1716. An act to amend the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007, to strike a requirement relating to forage producers.

September 14, 2007:

S. 1. An act to provide greater transparency in the legislative process.

September 20, 2007:

S. 377. An act to establish a United States-Poland parliamentary youth exchange program, and for other purposes.

October 9, 2007:

S. 1983. An act to amend the Federal Insecticide, Fungicide, and Rodenticide Act to renew and amend the provisions for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, and to extend and improve the collection of maintenance fees, and for other purposes.

October 16, 2007:

S. 474. An act to award a congressional gold medal to Michael Ellis DeBakey, M.D.

S. 1612. An act to amend the penalty provisions in the International Emergency Economic Powers Act, and for other purposes.

October 31, 2007:

S. 2258. An act to temporarily extend the programs under the Higher Education Act of 1965, to amend the definition of an eligible not-for-profit holder, and for other purposes.

November 8, 2007:

S. 2106. An act to provide nationwide subpoena authority for actions brought under the September 11 Victim Compensation Fund of 2001.

November 16, 2007:

S.J. Res. 7. An act providing for the reappointment of Roger W. Sant as a citizen regent of the Board of Regents of the Smithsonian Institution.

November 19, 2007:

S. 2206. An act to provide technical corrections to Public Law 109-116 (2 U.S.C. 2131a note) to extend the time period for the Joint Committee on the Library to enter into an agreement to obtain a statue of Rosa Parks, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ORTIZ (at the request of Mr. HOYER) for today on account of personal health.

Mr. MCNULTY (at the request of Mr. HOYER) for today on account of his daughter's nursing school graduation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. ALLEN) to revise and extend their remarks and include extraneous material:)

Mr. CARDOZA, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. JACKSON-LEE of Texas for 5 minutes, today.

(The following Members (at the request of Mr. RAMSTAD) to revise and extend their remarks and include extraneous material:)

Mr. RAMSTAD, for 5 minutes, today.

Mr. TIM MURPHY of Pennsylvania, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HOLT, for 5 minutes, today.

SENATE BILLS REFERRED

A bill and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2135. An act to prohibit the recruitment or use of child soldiers, to designate persons who recruit or use child soldiers as inadmissible aliens, to allow the deportation of persons who recruit or use child soldiers, and for other purposes; to the Committee on the Judiciary.

S. Con. Res. 53. Concurrent resolution condemning the kidnapping and hostage-taking of 3 United States citizens for over 4 years by the Revolutionary Armed Forces of Colombia (FARC), and demanding their immediate and unconditional release; to the Committee on Foreign Affairs.

ENROLLED BILLS SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker on Tuesday, December 18, 2007:

H.R. 1585. An act to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

H.R. 2761. An act to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes.

H.R. 3648. An act to amend the Internal Revenue Code of 1986 to exclude discharge of indebtedness on principal residences from gross income, and for other purposes.

Ms. Lorraine C. Miller, Clerk of the House, further reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker on Wednesday, December 19, 2007:

H.R. 366. An act to designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the "Ernest Childers Department of Veterans Affairs Outpatient Clinic".

Ms. Lorraine C. Miller, Clerk of the House, further reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker pro tempore, Mr. HOYER, on Wednesday, December 19, 2007:

H.R. 3996. An act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER pro tempore, Mr. HOYER, announced his signature on Wednesday, December 19, 2007, to enrolled bills of the Senate of the following titles:

S. 2271. To authorize State and local governments to divest assets in companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes.

S. 2488. To promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

SINE DIE ADJOURNMENT

Mr. ALTMIRE. Madam Speaker, pursuant to Senate Concurrent Resolution 61, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. In accordance with Senate Concurrent Resolution 61, 110th Congress, the Chair declares the first session of the 110th Congress adjourned sine die.

Thereupon (at 7 o'clock and 36 minutes p.m.), pursuant to Senate Concurrent Resolution 61, the House adjourned.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for speaker-authorized official travel during the third and fourth quarters of 2007, pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, ELIZABETH GREER, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN OCT. 5 AND OCT. 9, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Elizabeth Greer	10/5	10/7	Qatar		220.00				238.00		458.00
	10/7	10/8	Jordan		137.00				142.00		279.00
	10/8	10/9	Germany		174.00				49.00		223.00
Committee total					531.00				429.00		960.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ELIZABETH GREER, Dec. 5, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DR. KAY KING, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN NOV. 3 AND NOV. 5, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Dr. Kay King	11/3	11/5	Italy		2,425.00	(3)					2,425.00
Committee total					2,425.00						2,425.00

KAY A. KING, Dec. 5, 2007.

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 1 AND JUNE 30, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]

HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLES B. RANGEL, Chairman, Oct. 18, 2007.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2007

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Charles B. Rangel	7/1	7/4	Barbados	....	852.00	....	1,814.70	....	....	....	2,666.70
	8/5	8/6	Peru	....	576.00	....	2,809.70	....	....	....	3,385.70
Hon. Sander M. Levin	8/5	8/6	Peru	....	576.00	....	2,816.70	....	....	....	3,392.70
Hon. Allyson Y. Schwartz	8/5	8/7	Peru	....	576.00	....	7,251.70	....	....	....	7,827.77
Hon. Gregory W. Meeks	8/6	8/7	Peru	....	576.00	....	4,293.95	....	....	....	4,869.95
Timothy Reif	8/5	8/7	Peru	....	576.00	....	6,545.20	....	....	....	7,121.20
Vijaya Rangaswami	8/5	8/7	Peru	....	576.00	....	4,599.20	....	....	....	5,175.20
Matthew Beck	8/5	8/7	Peru	....	576.00	....	4,085.20	....	....	....	4,661.20
Annie Minguez	8/5	8/7	Peru	....	576.00	....	2,553.20	....	....	....	3,129.20
Committee total	....	....	....	....	5,460.00	....	36,769.55	....	....	....	42,229.55

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

CHARLES B. RANGEL, Chairman, Oct. 18, 2007.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4733. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticide Tolerance Crop Grouping Program; Technical Amendment [EPA-HQ-OPP-2007-0766 FRL-8345-4] (RIN: 2070-AJ28) received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4734. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Glufosinate-ammonium; Pesticide Tolerance [EPA-HQ-OPP-2007-0029; FRL-8342-3] received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4735. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Pesticides; Data Requirements for Conventional Chemicals [EPA-HQ-OPP-2004-0387; FRL-8106-5] (RIN: 2070-AC12) received October 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

4736. A letter from the Deputy Secretary, Department of Defense, transmitting the semiannual report of the Inspector General for the period April 1, 2007 through September 30, 2007, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(a); to the Committee on Armed Services.

4737. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; DoD Representations and Certifications in the Online Representations and Certifications Application (DFARS Case 2006-D032) (RIN: 0750-AF55) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4738. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Functions Exempt from Private Sector Performance (DFARS Case 2007-D019) (RIN: 0750-AF87) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4739. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplment; Information Assurance Contractor Training and Certification (DFARS Case 2006-D023) (RIN: 0750-AF52) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4740. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Receiving Reports for Shipments (DFARS Case 2006-D024) (RIN: 0750-AF53) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4741. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; New Designated Countries (DFARS Case 2006-D062) (RIN: 0750-AF57) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4742. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Ship Critical Safety Items (DFARS Case 2007-D016) (RIN: 0750-AF86) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

4743. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4744. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7999] received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4745. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Uniform Physical Condition Standards and Physical Inspection Requirements for Certain HUD Housing; Revision to Response Time for Requesting a Technical Review of a Physical Inspection Report [Docket No. FR-5070-F-02] (RIN: 2502-AI43) received October 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4746. A letter from the Assistant to the Board, Department of the Treasury, transmitting the Department's final rule — Community Reinvestment Act Regulations [Docket ID OCC-2007-0021] (RIN: 1557-AD05) received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4747. A letter from the Assistant to the Board, Federal Reserve System, transmitting the System's final rule — Home Mortgage Disclosure [Regulation C; Docket No. R-1303] received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4748. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — SMALLER REPORTING COMPANY REGULATORY RELIEF AND SIMPLIFICATION [RELEASE NOS. 33-8876; 34-56994; 39-2451; FILE NO. S7-15-07] (RIN: 3235-AJ86) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4749. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — REVISIONS TO THE ELIGIBILITY REQUIREMENTS FOR PRIMARY SECURITIES OFFERINGS ON FORMS S-3 AND F-3 [RELEASE NO. 33-8878; FILE NO. S7-10-07] (RIN: 3235-AJ89) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4750. A letter from the Secretary, Department of Energy, transmitting a report containing the status of the programs and the progress toward meeting the goal in providing sufficient electricity to the Navajo Nation, pursuant to Public Law 106-511, section 602 (d); to the Committee on Energy and Commerce.

4751. A letter from the Secretary, Department of Energy, transmitting the Department's report on the Tribal Power Allocation Study, pursuant to Public Law 109-58, section 503(a); to the Committee on Energy and Commerce.

4752. A letter from the Acting Assistant Secretary for Communications and Information, Department of Transportation, transmitting the Department's report on the activities to improve coordination and communication with respect to the implementation of E-911 services, pursuant to Public Law 108-494, section 104; to the Committee on Energy and Commerce.

4753. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Prevention of Significant Deterioration and Nonattainment New Source Review: Reasonable Possibility in Recordkeeping [EPA-HQ-OAR-2001-0004; FRL-8508-4] (RIN: 2060-AN88) received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4754. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources [EPA-HQ-OAR-2005-0526; FRL-8508-6] (RIN: 2060-AN21) received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4755. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources [EPA-HQ-OAR-2006-0359; FRL-8509-6] (RIN: 2060-AM36) received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4756. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities [EPA-HQ-OAR-2004-0083; FRL-8509-5] (RIN: 2060-AM71) received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4757. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Area Sources: Clay Ceramics Manufacturing, Glass Manufacturing, and Secondary Nonferrous Metals Processing [EPA-HQ-OAR-2006-0424; EPA-HQ-OAR-2006-0360; EPA-HQ-OAR-2006-0940; FRL-8508-5] (RIN: 2060-AM12) received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4758. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plan; South Dakota; Revisions to New Source Review Rules [EPA-R08-OAR-2006-0928; FRL-8509-4] received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4759. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Nevada; Washoe County 8-Hour Ozone Maintenance Plan [EPA-R09-OAR-2007-1079; FRL-8509-2] received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4760. A letter from the Office Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's "Major" final rule — Occupational Dose Records, Labeling Containers, and the Total Effective Dose Equivalent (RIN: 3150-AH40) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4761. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-30 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Morocco for defense articles and services; to the Committee on Foreign Affairs.

4762. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-15 concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance to Switzerland for defense articles and services; to the Committee on Foreign Affairs.

4763. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-20 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to Morocco for defense articles and services; to the Committee on Foreign Affairs.

4764. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to section 36(b)(5)(A) of the Arms Export Control Act, relating to enhancements and upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 00-33 of 9 June 2000 (Transmittal No. 0A-08); to the Committee on Foreign Affairs.

4765. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-01 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to United Arab Emirates for defense articles and services; to the Committee on Foreign Affairs.

4766. A letter from the Director, Defense Security Cooperation Agency, transmitting pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, Transmittal No. 08-27 concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to United Kingdom for defense articles and services; to the Committee on Foreign Affairs.

4767. A letter from the Assistant Secretary for Legislative Affairs, Deparmtent of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, re-certification of a proposed Agreement for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 089-07); to the Committee on Foreign Affairs.

4768. A letter from the Secretary, Department of Defense, transmitting the report on Measuring Stability and Security in Iraq pursuant to Section 9010 of the Department of Defense Appropriations Act, 2006, Pub. L. 109-289, as amended by Section 1308 of Pub. L. 110-28; to the Committee on Foreign Affairs.

4769. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report on cross-border interoperability with Canada regarding the process for considering applications by Canada for frequencies and channels by the United States communities along the border between the United States and Canada; to the Committee on Foreign Affairs.

4770. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the October 15, 2007 — December 15, 2007 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

4771. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of technical data, defense articles and defense services to the Government of Brazil (Transmittal No. DDTC 090-07); to the Committee on Foreign Affairs.

4772. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles and services to the Governments of France, Germany, Gibraltar, Luxembourg, the Netherlands, Spain, Sweden and the United Kingdom (Transmittal No. DDTC 085-07); to the Committee on Foreign Affairs.

4773. A letter from the Assistant Secretary foe Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed technical assistance agreement for the export of technical data, defense services, and defense articles to the Slovak Republic (Transmittal No. DDTC 106-07); to the Committee on Foreign Affairs.

4774. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Government of Israel (Transmittal No. DDTC 101-07); to the Committee on Foreign Affairs.

4775. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed technical assistance agreement for the export of technical data, defense articles and services to the Government of Italy (Transmittal No. DDTC 033-07); to the Committee on Foreign Affairs.

4776. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed agreement for the export of defense articles and services to the Government of Canada (Transmittal No. DDTC 113-07); to the Committee on Foreign Affairs.

4777. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) and (d) of the Arms Export Control Act, certification regarding the proposed manufacturing license agreement for the manufacture of significant military equipment abroad and the export of defense services and defense articles to the Government of South Korea (Transmittal No. DDTC 092-07); to the Committee on Foreign Affairs.

4778. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Government of Israel (Transmittal No. DDTC 045-07); to the Committee on Foreign Affairs.

4779. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(d) of the Arms Export Control Act, certification regarding the proposed license for the manufacture of military equipment to the Governments of the Philippines and South Korea (Transmittal No. DDTC 063-07); to the Committee on Foreign Affairs.

4780. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the

Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of the Netherlands (Transmittal No. RSAT-05-07); to the Committee on Foreign Affairs.

4781. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 3(d) of the Arms Export Control Act, certification regarding the proposed transfer of major defense equipment from the Government of Jordan (Transmittal No. RSAT-08-07); to the Committee on Foreign Affairs.

4782. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification of a proposed license for the export of defense articles to the Government of Canada (Transmittal No. DDTC 078-07); to the Committee on Foreign Affairs.

4783. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-217, "Rent Administrator Hearing Authority Temporary Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4784. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-218, "Building Hope Real Property Tax Exemption and Equitable Real Property Tax Relief Temporary Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4785. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-219, "Health-Care Decisions for Persons with Developmental Disabilities Temporary Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4786. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-220, "Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Temporary Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4787. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-221, "Nuisance Properties Abatement Reform and Real Property Classification Temporary Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4788. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-222, "Bicycle Commuter and Parking Expansion Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4789. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-223, "Exploratory Committee Regulation Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4790. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-224, "Child and Family Services Grant-making Temporary Amendment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4791. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-225, "Prohibition of the Investment of Public Funds in Certain Companies Doing Business with the Government of Sudan Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4792. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 17-226, "Student Access to Treatment Act of 2007," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Oversight and Government Reform.

4793. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Commission's report on competitive sourcing efforts for FY 2007; to the Committee on Oversight and Government Reform.

4794. A letter from the President, Federal Financing Bank, transmitting the Bank's performance plan for fiscal years 2007-2008 and program performance report for fiscal year 2006, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

4795. A letter from the Chairman, National Transportation Safety Board, transmitting the Board's report on the actions taken to ensure that audits are conducted of its programs and operations for fiscal year 2007, pursuant to 5 U.S.C. app. 8G(h)(2); to the Committee on Oversight and Government Reform.

4796. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's Fiscal Year 2007 Performance Report, in accordance with the Reports Consolidation Act of 2000 and the Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

4797. A letter from the Inspector General, Nuclear Regulatory Commission, transmitting the Commission's Fiscal Year 2007 Performance Report, in accordance with the Government Performance and Results Act of 1993; to the Committee on Oversight and Government Reform.

4798. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Federal Employees' Retirement System; Present Value Conversion Factors for Spouses of Deceased Separated Employees (RIN: 3206-AL31) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

4799. A letter from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Critical Habitat Revised Designation for the Cape Sable Seaside Sparrow (RIN: 1018-AV79) received November 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4800. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fisheries; Suspension of Minimum Atlantic Surfclam Size Limit for Fishing Year 2008 (RIN: 0648-XD25) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4801. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XD53) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4802. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XD32) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4803. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Rescission of Commercial Closure for Connecticut [Docket No. 061020273-7001-03] (RIN: 0648-XC92) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4804. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Opening of the Eastern U.S./Canada Area and Trip Limit Change [Docket No. 040112010-4114-02] (RIN: 0648-XD40) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4805. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska' Pacific Cod by Non-American Fisheries Act Crab Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XD36) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4806. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackeral in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No. 070213033-7033-01] (RIN: 0648-XD21) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4807. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XD07) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4808. A letter from the Deputy Assistant Administrator For Regulatory Programs, NMFS, National Oceanic and Atmospheric

Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Prohibited Species Bycatch Management [Docket No. 070322067-7501-01; I.D. 031407A] (RIN: 0648-AU03) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4809. A letter from the Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Closure [Docket No. 001005281-0369-02] (RIN: 0648-XC59) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4810. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries off West Coast States; Pacific Coast Groundfish Fishery; End of the Pacific Whiting Primary Season for the Catcher-processor, Mothership and Shore-based Sectors [Docket No. 070404078-0778-01] (RIN: 0648-XB00) received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4811. A letter from the Acting Director Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Deep-water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XC02) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4812. A letter from the Chairman, Department of Transportation, transmitting the Department's final rule — RAIL FUEL SURCHARGES [STB Ex Parte No. 661 (Sub-No. 1)] received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

4813. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Economic Exclusive Zone Off Alaska; Trawl Gear in the Gulf of Alaska [Docket No. 070213032-7032-01] (RIN: 0648-XD33) received November 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

4814. A letter from the Secretary, Department of Veterans Affairs, transmitting a copy of a draft bill entitled, "Veterans' Authorities Expansion Act of 2007"; to the Committee on Veterans' Affairs.

4815. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a semi-annual report concerning emigration laws and policies of Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, and Uzbekistan, as required by Sections 402 and 409 of the 1974 Trade Act, as amended, pursuant to 19 U.S.C. 2432(c) and (d); to the Committee on Ways and Means.

4816. A letter from the Director, Regulations & Rulings Div., Department of the Treasury, transmitting the Department's final rule — Removal of Tobacco Products and Cigarette Papers and Tubes, Without Payment of Tax, for United States Use in Law Enforcement Activities (2003R-268P) [T.D. TTB-63; Re: T.D. TTB-26] (RIN: 1513-AA99) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4817. A letter from the Director, Regulations & Rulings Div., Department of the Treasury, transmitting the Department's final rule — Small Domestic Producer Wine Tax Credit-Implementation of Public Law 104-188, Section 1702, Amendments Related to the Revenue Reconcilliation Act of 1990 (96R-028T) [T.D. TTB-64; Re: T.D. ATF-390 and ATF Notice No. 852] (RIN: 1513-AA05) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4818. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Modification of Q&A-23 of Notice 2007-7 [Notice 2007-99] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4819. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Disqualified Corporate Interest Expense Disallowed Under Section 163(j) and Related Information [Announcement 2007-114] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4820. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Publication of the Tier 2 Tax Rates [4830-01] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4821. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.201: Rulings and determination letters. (Also, Part I, 403; 1.403(b)-3.) (Rev. Proc. 2007-71) received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4822. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2007 Cumulative List of Changes in Plan Qualification Requirements [Notice 2007-94] received December 5, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4823. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Mining Industry Overview Guide — received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4824. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examination of returns and claims for refund, credit or abatement; determination of tax liability (Rev. Proc. 2007-58) received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4825. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Tier II Industry Director's Directive on the Planning and Examination of Contractual Allowance Issues in the Healthcare Industry [LMSB Control No.: LMSB-04-0807-056] received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4826. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 1274.—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Also Sections 42, 280G, 382, 412, 467, 468, 482, 483, 642, 807, 846, 1288, 7520, 7872.) (Rev. Rul. 2007-66) received December 7, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4827. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rates Update [Notice 2007-75] received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4828. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Clarification of Section 6411 Regulations [TD 9355] (RIN: 1545-BF66) received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4829. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Qualifying Relative for Purposes of Section 152(d)(1) [Notice 2008-5] received December 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4830. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Transition Relief and Guidance on Corrections of Certain Failures of a Nonqualified Deferred Compensation Plan to Comply with 409A(a) in Operation [Notice 2007-100] received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4831. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Timing, Character, Source and Other Issues Respecting Prepaid Forward Contracts and Similar Arrangements [Notice 2008-2] received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4832. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2007-101] received December 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4833. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.201: Rulings and determination letters. (Also Part I, Section 832, 846; 1.832-4, 1.846-1.) (Rev. Proc. 2008-11) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4834. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.201: Rulings and determination letters. (Also Part 1, Section 846; 1.846-1.) (Rev. Proc. 2008-10) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4835. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 601.105: Examination of returns and claims for refund, credit or abatement; determination of correct tax liability. (Also Part 1, 860D, 860G, 1001; 1.860G-2, 1.1001-3, 301.7701-2, 301.7701-3, 301.7701-4) (Rev. Proc. 2007-72) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4836. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 988.—Treatment of Certain Foreign Currency Transactions. 26 CFR 1.988-1: Certain definitions and special rules. (Also 1.988-2) (Rev. Rul. 2008-1) received December 19, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4837. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Revisions to the Medicare Advantage and Part D Prescription Drug Contract Determinations, Appeals, and Intermediate Sanctions Processes [CMS-4124-FC] (RIN: 0938-AO78) received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

4838. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicaid Program; Optional State Plan Case Management Services [CMS-2237-IFC] (RIN: 0938-AO50) received December 4, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

4839. A letter from the Secretary, Department of Commerce, transmitting a copy of a draft bill, "to provide the necessary authority to the Secretary of Commerce for the establishment and implementation of a regulatory system for offshore aquaculture in the United States Exclusive Economic Zone"; jointly to the Committees on Natural Resources, the Judiciary, Ways and Means, and Foreign Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McGOVERN: Committee on Rules. House Resolution 893. Resolution providing for the consideration of the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for consideration of the joint resolution (H.J. Res. 72) making further continuing appropriations for the fiscal year 2008, and for other purposes (Rept. 110–498). Referred to the House Calendar.

Ms. SLAUGHTER: Committee on Rules. House Resolution 894. Resolution providing for consideration of the Senate amendment to the bill (H.R. 3996) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes (Rept. 110–499). Referred to the House Calendar.

Mr. GEORGE MILLER of California: Committee on Education and Labor. H.R. 4137. A bill to amend and extend the Higher Education Act of 1965, and for other purposes; with an amendment (Rept. 110–500, Pt. 1). Ordered to be printed.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 4040. A bill to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission; with an amendment (Rept. 110–501). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 1528. A bill to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes; with an amendment (Rept. 110–502). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 29. A bill to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes (Rept. 110–503 Pt. 1). Ordered to be printed.

Mr. RAHALL: Committee on Natural Resources. H.R. 135. A bill to establish the Twenty-First Century Water Commission to study and develop recommendations for a comprehensive water strategy to address future water needs (Rept. 110–504 Pt. 1). Ordered to be printed.

Mr. RAHALL: Committee on Natural Resources. H.R. 3058. A bill to amend chapter 69 of title 31, United States Code, to provide full payments under such chapter to units of general local government in which entitlement land is located, to provide transitional payments during fiscal years 2008 through 2012 to those States and counties previously entitled to payments under the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes; with an amendment (Rept. 110–505 Pt. 1). Ordered to be printed.

Mr. RAHALL: Committee on Natural Resources. H.R. 3111. A bill to provide for the administration of Port Chicago Naval Magazine National Memorial as a unit of the National Park System, and for other purposes (Rept. 110–506 Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII, the Committees on the Judiciary, Science and Technology and Financial Services discharged from further consideration. H.R. 4137 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 29. Referral to the Committee on Armed Services extended for a period ending not later than January 15, 2008.

H.R. 135. Referral to the Committee on Transportation and Infrastructure extended for a period ending not later than January 15, 2008.

H.R. 3058. Referral to the Committee on Agriculture extended for a period ending not later than January 15, 2008.

H.R. 3111. Referral to the Committee on Armed Services extended for a period ending not later than January 15, 2008.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WELDON of Florida (for himself and Mr. Feeney):

H.R. 4837. A bill to authorize the Space Shuttle to be flown from 2010 through 2015, and to authorize appropriations for the National Aeronautics and Space Administration for this purpose; to the Committee on Science and Technology.

By Ms. BALDWIN (for herself, Mr. Shays, Mr. Waxman, Mr. Tom Davis of Virginia, Mr. Frank of Massachusetts, Mr. Lantos, Mr. McDermott, Mr. Towns, Ms. Harman, Mrs. Tauscher, Mr. Ellison, Mr. Engel, Mr. Moran of Virginia, Mr. Kucinich, Mr. Kennedy, Mr. Abercrombie, Mr. Hare, Mr. Cummings, Ms. Velázquez, Mr. Nadler, Mrs. Maloney of New York, Ms. Linda T. Sánchez of California, Mr. Delahunt, Ms. Berkley, Ms. DeLauro, Mr. Markey, Ms. Lee, Mr. Langevin, Ms. Schakowsky, Mr. Allen, Mr. Serrano, Ms. Norton, Mr. Berman, Ms. Roybal-Allard, Ms. Moore of Wisconsin, Mr. Wynn, Mr. Wu, Ms. Wasserman Schultz, and Mr. Sherman):

H.R. 4838. A bill to provide benefits to domestic partners of Federal employees; to the Committee on Oversight and Government Reform, and in addition to the Committees on House Administration, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.R. 4839. A bill to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes; to the Committee on Ways and Means; considered and passed.

By Mr. KIND (for himself, Mr. Ramstad, Mrs. Jones of Ohio, Mr. English of Pennsylvania, Ms. Schwartz, Mr. Sam Johnson of Texas, and Mr. Kagen):

H.R. 4840. A bill to amend the Internal Revenue Code of 1986 to provide for S corporation reform, and for other purposes; to the Committee on Ways and Means.

By Mrs. BONO (for herself and Mr. Lewis of California):

H.R. 4841. A bill to approve, ratify, and confirm the settlement agreement entered into to resolve claims by the Soboba Band of Luiseno Indians relating to alleged interences with the water resources of the Tribe, to authorize and direct the Secretary of the Interior to execute and perform the Settlement Agreement and related waivers, and for other purposes; to the Committee on Natural Resources.

By Mr. SMITH of Texas (for himself, Mr. Sensenbrenner, Mr. Coble, Mr. Gallegly, Mr. Chabot, Mr. Forbes, Mr. Franks of Arizona, Mr. Gohmert, and Mr. Jordan):

H.R. 4842. A bill to provide for only prospective effect of certain amendments to the Federal Sentencing Guidelines relating to cocaine base sentencing; to the Committee on the Judiciary.

By Mr. REYNOLDS:

H.R. 4843. A bill to suspend temporarily the duty on mixtures containing n-butyl-1,2-benzisothiazolin-3-one (Butyl benzisothiazline) and application adjuvants; to the Committee on Ways and Means.

By Mr. REYNOLDS:

H.R. 4844. A bill to suspend temporarily the duty on mixtures containing n-butyl-1,2-benzisothiazolin-3-one (Butyl benzisothiazoline technical), 1-hydroxypyridine-2-thione, zinc salt (Zinc pyrithione) and application adjuvants; to the Committee on Ways and Means.

By Ms. FALLIN (for herself, Mrs. Blackburn, Mr. Poe, Mrs. Bachmann, Mr. Walberg, Mr. Reynolds, Mr. Carter, Mr. Burgess, Mr. Franks of Arizona, Ms. Foxx, Mr. Price of Georgia, and Mr. Cole of Oklahoma):

H.R. 4845. A bill to amend the Internal Revenue Code of 1986 to exclude overtime pay from gross income; to the Committee on Ways and Means.

By Ms. RICHARDSON:

H.R. 4846. A bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Administrator of the United States Fire Administration to provide grants for infrastructure improvements to fire first responders; to the Committee on Science and Technology.

By Mr. MITCHELL (for himself and Mr. GINGREY):

H.R. 4847. A bill to reauthorize the United States Fire Administration, and for other purposes; to the Committee on Science and Technology.

By Mr. PALLONE (for himself and Mr. STARK):

H.R. 4848. A bill to extend for one year parity in the application of certain limits to mental health benefits, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. RICHARDSON:

H.R. 4849. A bill to prohibit discrimination in Federal assisted health care services and research programs on the basis of sex, race, color, national origin, sexual orientation, or disability status; to the Committee on Energy and Commerce.

By Ms. JACKSON-LEE of Texas (for herself, Mr. LEWIS of Georgia, Ms. CLARKE, and Mr. MEEK of Florida):

H.R. 4850. A bill to amend the Consumer Product Safety Act to increase the civil penalties for certain violations relating to children's products containing lead; to the Committee on Energy and Commerce.

By Mr. ANDREWS:

H.R. 4851. A bill to improve the enforcement of Davis-Bacon Act; to the Committee on Education and Labor, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BACHMANN (for herself, Mr. LINCOLN DAVIS of Tennessee, Mr. HERGER, Mr. SHULER, Mr. KINGSTON, Mr. BOREN, Mr. LAMBORN, Mr. BISHOP of Utah, Mr. FORTENBERRY, Mr. CHABOT, Mr. BARTLETT of Maryland, Mrs. MYRICK, Mr. FEENEY, Mr. KLINE of Minnesota, Mr. PITTS, Mr. MARCHANT, Mr. CONAWAY, Mr. NEUGEBAUER, Mr. CULBERSON, Mr. WILSON of South Carolina, Mr. BRADY of Texas, Mr. JORDAN, Mr. RYAN of Wisconsin, Mr. AKIN, Mr. MANZULLO, Mrs. BLACKBURN, Mr. WITTMAN of Virginia, Mr. PENCE, and Mr. SMITH of New Jersey):

H.R. 4852. A bill to amend part A of title IV of the Social Security Act to allow funds provided under the program of block grants to States for temporary assistance for needy families to be used for alternative-to-abortion services; to the Committee on Ways and Means.

By Mr. BAKER (for himself, Mr. MCCRERY, Mrs. BLACKBURN, Mr. CANNON, Mr. BOUSTANY, Mr. ALEXANDER, Mr. MELANCON, Mr. JEFFERSON, and Mr. JINDAL):

H.R. 4853. A bill to direct the Secretary of Veterans Affairs to conduct a pilot project on the use of educational assistance under programs of the Department of Veterans Affairs to defray training costs associated with the purchase of certain franchise enterprises; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERMAN (for himself and Mr. SENSENBRENNER):

H.R. 4854. A bill to amend the provisions of title 31, United States Code, relating to false claims to clarify and make technical amendments to those provisions, and for other purposes; to the Committee on the Judiciary.

By Mr. BOSWELL (for himself, Mr. KAGEN, and Mrs. GILLIBRAND):

H.R. 4855. A bill to require studies by the Secretary of Agriculture on the effects of food products from cloned animals entering the food supply; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANTOR:

H.R. 4856. A bill to require the Secretary of the Treasury to redesign $1 Federal reserve notes so as to incorporate the preamble to the Constitution of the United States, a list describing the Articles of the Constitution, and a list describing the Amendments to the Constitution, on the reverse side of such notes; to the Committee on Financial Services.

By Mr. CAPUANO (for himself, Mr. BARRETT of South Carolina, Mr. CLAY, Mr. DOYLE, Mr. FRANK of Massachusetts, Mr. GONZALEZ, Mr. MCGOVERN, Mr. PASCRELL, Mr. SESSIONS, and Mr. TIAHRT):

H.R. 4857. A bill to limit liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 for service station dealers with respect to the release or threatened release of recycled oil; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN:

H.R. 4858. A bill to amend the Federal Food, Drug, and Cosmetic Act to authorize the shipment of prescription drugs between the States and the Virgin Islands; to the Committee on Energy and Commerce.

By Mr. CLAY:

H.R. 4859. A bill to extend the temporary suspension of duty on Direct Yellow 119; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4860. A bill to extend the temporary suspension of duty on 2-Amino-6-nitrophenol-4-sulfonic acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4861. A bill to extend the temporary suspension of duty on 2-Amino-5-sulfobenzoic acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4862. A bill to extend the temporary suspension of duty on 2,4-Disulfobenzaldehyde; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4863. A bill to extend the temporary suspension of duty on 2-Methyl-5-nitrobenzenesulfonic acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4864. A bill to extend the temporary suspension of duty on N-Ethyl-N-(3-sulfobenzyl)aniline (benzenesulfonic acid, 3-[(ethylphenylamino)methyl]-); to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4865. A bill to extend the temporary suspension of duty on p-Cresidinesulfonic acid (4-amino-5-methoxy-2-methylbenzenesulfonic acid); to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4866. A bill to extend the temporary suspension of duty on Synthetic indigo powder, (3H-indol-3-one, 2-(1,3-dihydro- 3-oxo-2H-indol-2-ylidene)-1,2-dihydro-); to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4867. A bill to extend the temporary suspension of duty on 2,5-Bis[(1,3-dioxobutyl)amino]benzenesulfonic acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4868. A bill to extend the temporary suspension of duty on Basic Yellow 40 chloride based; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4869. A bill to extend the temporary suspension of duty on 4-[(4-Aminophenyl)azo]benzenesulfonic acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4870. A bill to suspend temporarily the duty on Basic Red 51; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4871. A bill to suspend temporarily the duty on 2-Aminotoluene-5-Sulfonic Acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4872. A bill to suspend temporarily the duty on 1-Amino-2,6-dimethylbenzene; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4873. A bill to suspend temporarily the duty on p-Amino Benzoic Acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4874. A bill to suspend temporarily the duty on Solvent Violet 13; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4875. A bill to suspend temporarily the duty on Solvent Violet 11; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4876. A bill to suspend temporarily the duty on Disperse Blue 359; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4877. A bill to suspend temporarily the duty on 2-Amino-3-Cyano Thiophene; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4878. A bill to suspend temporarily the duty on Disperse Yellow 241; to the Committee on Ways and Means.

By Mrs. CUBIN (for herself and Mr. TOWNS):

H.R. 4879. A bill to amend title XVIII of the Social Security Act to include screening computed tomography colonography as a colorectal screening test for purposes of coverage under the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DAVIS of Illinois:

H.R. 4880. A bill to amend the McKinney-Vento Homeless Assistance Act to provide for the implementation of protection and services for children and youths in out of home care, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ELLSWORTH (for himself and Mr. TOWNS):

H.R. 4881. A bill to prohibit the awarding of a contract or grant in excess of the simplified acquisition threshold unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has no seriously delinquent tax debts, and for other purposes; to the Committee on Oversight and Government Reform.

By Ms. ESHOO (for herself and Ms. BALDWIN):

H.R. 4882. A bill to ensure broadcast station licenses are utilized to serve the public interest; to the Committee on Energy and Commerce.

By Mr. FILNER:

H.R. 4883. A bill to amend the Servicemembers Civil Relief Act to provide for a limitation on the sale, foreclosure, or seizure of property owned by a servicemember during the one-year period following the servicemember's period of military service; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 4884. A bill to amend title 38, United States Code, to make certain improvements in the home loan guaranty programs administered by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. FILNER:

H.R. 4885. A bill to extend the temporary suspension of duty on metal halide lamps designed for use in video projectors; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 4886. A bill to extend the temporary suspension of duty on certain DVD readers and writers; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 4887. A bill to extend the temporary suspension of duty on certain DVD readers and writers; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 4888. A bill to allow the Department of Homeland Security to grant a waiver or exception from certain airspace restrictions; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 4889. A bill to amend title 38, United States Code, to recodify as part of that title chapter 1607 of title 10, United States Code; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE:

H.R. 4890. A bill to modify the EB-5 regional center program; to the Committee on the Judiciary.

By Mr. FRANK of Massachusetts:

H.R. 4891. A bill to amend the Immigration and Nationality Act to extend for an additional 5 years the special immigrant religious worker program; to the Committee on the Judiciary.

By Mr. GOHMERT:

H.R. 4892. A bill to amend title 10, United States Code, to provide for support of funeral ceremonies for veterans provided by details that consist solely of members of veterans organizations and other organizations, and for other purposes; to the Committee on Armed Services.

By Mr. GOHMERT:

H.R. 4893. A bill to penalize States that prohibit oil and gas exploration within their borders by denying them the use of any oil or natural gas produced domestically elsewhere; to the Committee on Energy and Commerce.

By Mr. GOHMERT:

H.R. 4894. A bill to provide liability protection in Federal court for educators and school administrators, who are working within the scope of their employment, and for other purposes; to the Committee on the Judiciary.

By Mr. GOHMERT:

H.R. 4895. A bill to prohibit the expenditure of funds for the construction or lease of buildings or space in the District of Columbia for the United States Government until January 1, 2009; to the Committee on Transportation and Infrastructure.

By Mr. GOHMERT:

H.R. 4896. A bill to amend title II of the Social Security Act to provide that a duty of the Board of Trustees of the Social Security Trust funds is to hold them in trust for the beneficiaries and to ensure that the assets of such trust funds are not diverted, and to authorize investment of such trust funds in securities that are not limited to obligations of the United States or obligations guaranteed as to principal and interest by the United States; to the Committee on Ways and Means.

By Ms. HOOLEY (for herself, Mr. TIM MURPHY of Pennsylvania, Ms. DELAURO, Mrs. JONES of Ohio, Mr. KENNEDY, Mr. KLEIN of Florida, Mrs. MCCARTHY of New York, Ms. MATSUI, Mr. RAMSTAD, and Mr. WYNN):

H.R. 4897. A bill to amend the Social Security Act and the Public Health Service Act to improve elderly suicide early intervention and prevention strategies, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOYER (for himself and Mr. BLUNT):

H.R. 4898. A bill to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes; to the Committee on Education and Labor.

By Mr. KENNEDY (for himself and Mrs. BONO):

H.R. 4899. A bill to amend the Public Health Service Act to provide grants for community-based mental health infrastructure improvement; to the Committee on Energy and Commerce.

By Mr. KING of Iowa (for himself and Mr. SPACE):

H.R. 4900. A bill to reform the Bureau of Alcohol, Tobacco, Firearms, and Explosives, modernize firearms laws and regulations, protect the community from criminals, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Mr. LATOURETTE, Mr. GRIJALVA, Mr. TURNER, Mr. LINCOLN DIAZ-BALART of Florida, Mrs. MALONEY of New York, Mr. GARRETT of New Jersey, Mr. BAIRD, Mr. FOSSELLA, Mrs. MCCARTHY of New York, Mr. FERGUSON, Mr. ACKERMAN, Mr. ISSA, Mr. UDALL of New Mexico, Mr. MCHUGH, Mr. HASTINGS of Florida, Mr. STUPAK, Mrs. BIGGERT, Mr. MCNULTY, Mr. LOBIONDO, Mr. PAYNE, Mr. BAKER, Mr. CASTLE, Mr. PASTOR, Mrs. CAPITO, Mr. KILDEE, Mr. SESSIONS, Mr. BLUMENAUER, Mr. HOLT, Mr. ALLEN, Mrs. LOWEY, Mr. RADANOVICH, Mr. ROTHMAN, Mr. BISHOP of Georgia, Mr. KUCINICH, Mr. SHAYS, Mr. RYAN of Ohio, Ms. SCHAKOWSKY, Mr. GARY G. MILLER of California, Mr. GENE GREEN of Texas, Mr. PLATTS, Mr. DOYLE, Mr. WOLF, Mr. CLAY, and Mr. RUPPERSBERGER):

H.R. 4901. A bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. LAMPSON:

H.R. 4902. A bill to suspend temporarily the duty on Dimyristyl Peroxydicarbonate; to the Committee on Ways and Means.

By Mr. LAMPSON:

H.R. 4903. A bill to suspend temporarily the duty on Bis(4-t-butylcyclohexyl) Peroxydicarbonate; to the Committee on Ways and Means.

By Mr. LAMPSON:

H.R. 4904. A bill to extend the temporary suspension of duty on 3,3',4,4'-Biphenyltetracarboxylic dianhydride; to the Committee on Ways and Means.

By Mr. LAMPSON:

H.R. 4905. A bill to extend the temporary suspension of duty on 4,4'-Oxydianiline; to the Committee on Ways and Means.

By Mr. LAMPSON:

H.R. 4906. A bill to extend the temporary suspension of duty on Pyromellitic dianhydride; to the Committee on Ways and Means.

By Mr. LAMPSON:

H.R. 4907. A bill to suspend temporarily the duty on Dicetyl Peroxydicarbonate; to the Committee on Ways and Means.

By Mr. LAMPSON:

H.R. 4908. A bill to suspend temporarily the duty on Lauroyl Peroxide; to the Committee on Ways and Means.

By Mr. LAMPSON:

H.R. 4909. A bill to suspend temporarily the duty on Didecanoyl Peroxide; to the Committee on Ways and Means.

By Ms. ZOE LOFGREN of California (for herself, Mr. BERMAN, Mr. DELAHUNT, Mr. GUTIERREZ, Ms. JACKSON-LEE of Texas, Mr. DANIEL E. LUNGREN of California, Ms. LINDA T. SÁNCHEZ of California, and Mr. GOHMERT):

H.R. 4910. A bill to provide that the Secretary of Homeland Security may waive certain retirement provisions for reemployed annuitants in the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LYNCH:

H.R. 4911. A bill to amend the Controlled Substances Act to add human growth hormone to schedule III; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEAL of Massachusetts:

H.R. 4912. A bill to amend the Internal Revenue Code of 1966 with respect to the treatment of prepaid derivative contracts; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 4913. A bill to prohibit the limitation of certain air traffic in the New York and New Jersey region; to the Committee on Transportation and Infrastructure.

By Mr. PAYNE (for himself, Ms. WATSON, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, and Mr. MILLER of North Carolina):

H.R. 4914. A bill to amend the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 to provide for the integration of food security and nutrition activities into prevention, care, treatment, and support activities; to the Committee on Foreign Affairs.

By Ms. PRYCE of Ohio (for herself, Mr. HOBSON, and Mr. TIBERI):

H.R. 4915. A bill to amend title 38, United States Code, to expand access to hospital care for veterans in urban areas, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROHRABACHER:

H.R. 4916. A bill to create a National Endowment to advance private sector development of aeronautics and space technologies by way of the National Advanced Space and Aeronautical Technologies Prize Award Program; to the Committee on Science and Technology.

By Mr. ROHRABACHER:

H.R. 4917. A bill to formulate situation and decision analyses, and to select procedures and systems, for deflecting and mitigating potentially hazardous near-Earth objects; to the Committee on Science and Technology.

By Ms. ROS-LEHTINEN:

H.R. 4918. A bill to name the Department of Veterans Affairs medical center in Miami, Florida, as the "Bruce W. Carter Department of Veterans Affairs Medical Center''; to the Committee on Veterans' Affairs.

By Ms. LORETTA SANCHEZ of California (for herself and Mrs. TAUSCHER):

H.R. 4919. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize temporary mortgage and rental payments, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SAXTON:

H.R. 4920. A bill to extend the temporary suspension of duty on certain ion-exchange resins; to the Committee on Ways and Means.

By Mr. SAXTON:

H.R. 4921. A bill to extend the temporary suspension of duty on Lewatit; to the Committee on Ways and Means.

By Mr. SESSIONS:

H.R. 4922. A bill to provide for each American the opportunity to provide for his or her retirement through a S.A.F.E. account, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SPRATT:

H.R. 4923. A bill to extend the temporary suspension of duty on 2,6-Dichlorotoluene; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 4924. A bill to extend the temporary suspension of duty on Crotonic Acid; to the Committee on Ways and Means.

By Mr. SPRATT:

H.R. 4925. A bill to extend the temporary suspension of duty on Fluorobenzene; to the Committee on Ways and Means.

By Ms. SUTTON (for herself, Ms. BORDALLO, Mrs. CAPPS, Mr. YARMUTH, Mr. ARCURI, Mr. WALZ of Minnesota, Mr. KUHL of New York, Mr. HASTINGS of Florida, Ms. MATSUI, Ms. CASTOR, Ms. SLAUGHTER, Mr. WELCH of Vermont, Mr. PICKERING, Mr. SARBANES, Mr. WILSON of Ohio, Mr. RYAN of Ohio, Mr. MICHAUD, Mr. COHEN, Mr. KILDEE, and Mrs. JONES of Ohio):

H.R. 4926. A bill to amend the Elementary and Secondary Education Act of 1965 to establish a grant program for automated external defibrillators in schools; to the Committee on Education and Labor.

By Mr. TANCREDO:

H.R. 4927. A bill to authorize and request the President to award the Medal of Honor to Danny P. Dietz, formerly of Littleton, Colorado, for acts of valor on June 28, 2005, while fighting against the Taliban in Konar Province, Afghanistan; to the Committee on Armed Services.

By Mr. UDALL of Colorado (for himself and Mr. SALAZAR):

H.R. 4928. A bill to authorize the Chief of Engineers to conduct a feasibility study relating to the construction of a multipurpose project in the Fountain Creek watershed located in the State of Colorado; to the Committee on Transportation and Infrastructure.

By Mr. WHITFIELD of Kentucky:

H.R. 4929. A bill to amend the Tariff Act of 1930 to clarify that the antidumping and countervailing duty laws apply to the production of low-enriched uranium, and for other purposes; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina (for himself, Mr. MILLER of Florida, Mr. HAYES, and Mr. LATHAM):

H.R. 4930. A bill to amend title 10, United States Code, to ensure that members of the reserve components of the Armed Forces who have served on active duty or performed active service since September 11, 2001, in support of a contingency operation or in other emergency situations receive credit for such service in determining eligibility for early receipt of non-regular service retired pay, and for other purposes; to the Committee on Armed Services.

By Mr. GOHMERT:

H.J. Res. 74. A joint resolution proposing an amendment to the Constitution of the United States relating to marriage; to the Committee on the Judiciary.

By Mr. GOODE:

H.J. Res. 75. A joint resolution proposing an amendment to the Constitution of the United States relating to the process by which the House of Representatives selects the President in the event no candidate receives a majority of electoral votes; to the Committee on the Judiciary.

By Mrs. BONO (for herself, Mr. HOYER, Mr. BERMAN, Ms. CLARKE, Mrs. BLACKBURN, Mr. COHEN, Mr. COOPER, Mr. COURTNEY, Mr. CANNON, Mr. CROWLEY, Mr. CALVERT, Mr. ENGEL, Mr. COBLE, Mr. HODES, Mr. COLE of Oklahoma, Mr. DAVID DAVIS of Tennessee, Ms. LEE, Mr. FERGUSON, Mr. LOEBSACK, Mr. FEENEY, Mr. MCDERMOTT, Mr. GILCHREST, Mr. MEEK of Florida, Mr. HOBSON, Mr. GEORGE MILLER of California, Mr. ISSA, Mr. MOLLOHAN, Mr. KELLER, Mr. OBEY, Mr. LEWIS of California, Mr. RUPPERSBERGER, Mr. MACK, Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SÁNCHEZ of California, Mr. MCCARTHY of California, Mr. SCHIFF, Mr. MCCAUL of Texas, Mr. SERRANO, Mr. TIM MURPHY of Pennsylvania, Ms. WASSERMAN SCHULTZ, Mr. PUTNAM, Mr. WELCH of Vermont, Mr. RAMSTAD, Mr. WEXLER, Mr. ROSKAM, Mr. SAXTON, Mr. TERRY, Mr. BOEHNER, Mr. KENNEDY, Ms. ROYBAL-ALLARD, Mr. PALLONE, Mr. UPTON, Mrs. CUBIN, and Mr. PICKERING):

H. Con. Res. 273. Concurrent resolution recognizing the 50th Anniversary of the National Academy of Recording Arts & Sciences; to the Committee on Oversight and Government Reform.

By Mr. GILCHREST (for himself, Mr. CUMMINGS, Mr. JONES of North Carolina, Mr. MEEKS of New York, Mr. JOHNSON of Illinois, Mr. MURTHA, and Mr. REYES):

H. Con. Res. 274. Concurrent resolution expressing the need for a more comprehensive diplomatic initiative led by the United States, Republic of Iraq, and international community; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas (for herself, Ms. PELOSI, Mr. CLEAVER, Mr. LEWIS of Georgia, Mr. WYNN, Mr. GENE GREEN of Texas, Mr. HALL of Texas, Mr. GOHMERT, Mr. CONAWAY, Mr. POE, Mr. HOYER, and Ms. DELAURO):

H. Con. Res. 275. Concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued honoring Barbara Charline Jordan; to the Committee on Oversight and Government Reform.

By Mr. ANDREWS:

H. Con. Res. 276. Concurrent resolution expressing the sense of Congress regarding Jordanian institutions; to the Committee on Foreign Affairs.

By Mr. BROUN of Georgia (for himself, Mr. BISHOP of Utah, Mr. WESTMORELAND, Mr. FEENEY, Mr. CULBERSON, and Mr. BURGESS):

H. Con. Res. 277. Concurrent resolution rejecting and condemning the Equal Employment Opportunity Commission's position that English-only employment rules violate title VII of the Civil Rights Act of 1964 as unjustified and unsupported by law, and for other purposes; to the Committee on Education and Labor.

By Ms. ROS-LEHTINEN (for herself and Mr. LANTOS):

H. Con. Res. 278. Concurrent resolution supporting Taiwan's fourth direct and democratic presidential elections in March 2008; to the Committee on Foreign Affairs.

By Mr. CAPUANO:

H. Res. 895. A resolution establishing within the House of Representatives an Office of Congressional Ethics, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA:

H. Res. 896. A resolution recognizing the need to pursue research into the causes, a treatment, and an eventual cure for primary lateral sclerosis, supporting the goals and ideals of the Hardy Brown Primary Lateral Sclerosis Awareness Month, and for other purposes; to the Committee on Energy and Commerce.

By Ms. ROS-LEHTINEN (for herself, Mr. ROYCE, Mr. BURTON of Indiana, and Mr. BOOZMAN):

H. Res. 897. A resolution recognizing the strategic importance of the African continent and welcoming the establishment of AFRICOM, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BACHMANN (for herself, Mr. KLINE of Minnesota, Mr. PETERSON of Minnesota, Mr. WALZ of Minnesota, Mr. ELLISON, Mr. RAMSTAD, Ms. MCCOLLUM of Minnesota, and Mr. OBERSTAR):

H. Res. 898. A resolution recognizing the State of Minnesota's 150th anniversary; to the Committee on Oversight and Government Reform.

By Mr. CLAY (for himself, Mr. UDALL of Colorado, and Mr. GRIJALVA):

H. Res. 899. A resolution recommending that the Langston Golf Course located in northeast Washington, D.C., and owned by the U.S. National Park Service, be recognized for its important legacy and contributions to African American golf history, and for other purposes; to the Committee on Natural Resources.

By Ms. JACKSON-LEE of Texas (for herself, Mrs. BONO, Mr. CLYBURN, Mr. BISHOP of Georgia, Mr. JONES of North Carolina, Mr. LEWIS of Georgia, Mr. LINCOLN DAVIS of Tennessee, Mr. ROSS, Mr. SCOTT of Georgia, Mr. THOMPSON of Mississippi, Mr. BUTTERFIELD, Mr. TOWNS, Ms. VELÁZQUEZ, Ms. CLARKE, Mr. AL GREEN of Texas, and Mr. HOYER):

H. Res. 900. A resolution expressing support for designation of April as "Gospel Music Heritage Month" and honoring gospel music for its valuable long-standing contributions to American culture; to the Committee on Oversight and Government Reform.

By Mr. CRENSHAW (for himself, Mr. STEARNS, Mr. BILIRAKIS, Mr. MILLER of Florida, Mr. BOYD of Florida, Mr. MAHONEY of Florida, Mr. FEENEY, Mr. MACK, Ms. CASTOR, Mr. PUTNAM, Mr. WELDON of Florida, Mr. BUCHANAN, Mr. MICA, Mr. KELLER, and Mr. MARIO DIAZ-BALART of Florida):

H. Res. 901. A resolution congratulating University of Florida Quarterback Timothy "Tim" Tebow for winning the Heisman Trophy and honoring both his athletic and academic achievements; to the Committee on Education and Labor.

By Mrs. GILLIBRAND:

H. Res. 902. A resolution to commemorate the 230th Anniversary of the Battles of Saratoga and the significance this event played in winning American independence and spreading the ideals of freedom and democracy throughout the world; to the Committee on Natural Resources.

By Mr. HULSHOF:

H. Res. 903. A resolution honoring the national contributions of the Missouri School of Journalism in Columbia, Missouri, on its 100th Anniversary; to the Committee on Education and Labor.

By Mr. ISRAEL:

H. Res. 904. A resolution commending the Northport American Legion Post 694 located in Northport, New York, for raising funds for the Marine and Army combat units fighting in the Middle East, enabling them to purchase needed equipment; to the Committee on Armed Services.

By Mr. KINGSTON (for himself and Mr. BISHOP of Georgia):

H. Res. 905. A resolution commending the Valdosta State University Blazers on winning the NCAA Division II National Championship; to the Committee on Education and Labor.

By Mr. LAMBORN (for himself, Mr. EVERETT, Ms. HARMAN, Mrs. TAUSCHER, Mr. FEENEY, Mrs. MUSGRAVE, and Mr. UDALL of Colorado):

H. Res. 906. A resolution commemorating the 25th Anniversary of the United States Air Force Space Command headquartered at Peterson Air Force Base, Colorado; to the Committee on Armed Services.

By Mr. DANIEL E. LUNGREN of California:

H. Res. 907. A resolution congratulating the X PRIZE Foundation's leadership in inspiring a new generation of viable, super-efficient vehicles; to the Committee on Science and Technology.

By Ms. MCCOLLUM of Minnesota (for herself, Mr. KELLER, Mrs. DAVIS of California, and Mr. ROGERS of Michigan):

H. Res. 908. A resolution supporting the goals and ideals of National Mentoring Month; to the Committee on Education and Labor.

By Mr. MEEK of Florida:

H. Res. 909. A resolution commemorating the courage of the Haitian soldiers that fought for American independence in the "Siege of Savannah" and for Haiti's independence and renunciation of slavery; to the Committee on Foreign Affairs.

By Mr. PAYNE:

H. Res. 910. A resolution calling for the full implementation of the Sudan Comprehensive Peace Agreement; to the Committee on Foreign Affairs.

By Mr. SMITH of Washington (for himself and Mr. SKELTON):

H. Res. 911. A resolution expressing the sense of the House that the United States should increase United States forces in Afghanistan and responsibly redeploy forces from Iraq; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

223. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 176 memorializing the Congress of the United States to Repeal Title II of the REAL ID Act of 2005 and to support a return to a negotiated rulemaking process with the states; jointly to the Committees on the Judiciary and Oversight and Government Reform.

224. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 207 memorializing the Congress of the United States to enact federal legislation designed to prevent elder abuse; jointly to the Committees on Ways and Means, the Judiciary, Energy and Commerce, and Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 368: Mr. ENGLISH of Pennsylvania.

H.R. 471: Mr. MOLLOHAN.

H.R. 503: Mr. ROSKAM.

H.R. 549: Mr. UDALL of Colorado.

H.R. 583: Mr. GILCHREST.

H.R. 662: Mr. CONYERS.

H.R. 743: Mr. SMITH of New Jersey and Mr. ALLEN.

H.R. 748: Mr. GILCHREST, Mr. BILIRAKIS, Mr. INSLEE, and Ms. ROYBAL-ALLARD.

H.R. 854: Mr. WEINER.

H.R. 891: Mr. MURPHY of Connecticut, Mr. KLEIN of Florida, Mr. MITCHELL, Ms. BALDWIN, Mr. SHULER, Mrs. BIGGERT, Ms. SLAUGHTER, Mr. SARBANES, Mr. CONYERS, Mrs. JONES of Ohio, Mr. OBERSTAR, Mr. WHITFIELD of Kentucky, Mr. PITTS, and Mr. FATTAH.

H.R. 971: Mrs. CAPITO.

H.R. 997: Mr. LATOURETTE, Mr. NEUGEBAUER, Mr. HULSHOF, Mr. ROGERS of Michigan, and Mr. TIBERI.

H.R. 1023: Mr. SALAZAR and Mr. PERLMUTTER.

H.R. 1073: Mr. MILLER of North Carolina.

H.R. 1078: Mr. DELAHUNT.

H.R. 1084: Mr. MCGOVERN and Mr. PRICE of North Carolina.

H.R. 1091: Mr. TOWNS.

H.R. 1108: Mr. FALEOMAVAEGA and Mr. PICKERING.

H.R. 1113: Mr. ALTMIRE and Mr. MILLER of North Carolina.

H.R. 1134: Mr. PICKERING.

H.R. 1222: Mr. NEAL of Massachusetts.

H.R. 1223: Mr. NEAL of Massachusetts.

H.R. 1232: Mr. VAN HOLLEN.

H.R. 1237: Ms. ZOE LOFGREN of California.

H.R. 1246: Mr. LARSEN of Washington.

H.R. 1283: Mr. MCNERNEY.

H.R. 1286: Mr. MURPHY of Connecticut.

H.R. 1293: Mr. GILCHREST.

H.R. 1298: Mr. MCGOVERN.

H.R. 1343: Mr. WILSON of Ohio.

H.R. 1366: Mr. WITTMAN of Virginia.

H.R. 1479: Mr. BLUMENAUER and Mr. WOLF.

H.R. 1497: Mr. MARKEY.

H.R. 1537: Mr. PEARCE.

H.R. 1542: Ms. ROYBAL-ALLARD, Mr. AL GREEN of Texas, and Mr. OBERSTAR.

H.R. 1552: Mr. GILCHREST.

H.R. 1553: Mr. CLYBURN.

H.R. 1576: Mr. YARMUTH.

H.R. 1609: Mr. HALL of Texas, Mr. BURGESS, Ms. SOLIS, Ms. DEGETTE, Mr. TERRY, Mr. PITTS, Mr. CAMPBELL of California, and Mr. LIPINSKI.

H.R. 1610: Mr. BISHOP of New York, Mr. WALSH of New York, Mr. WATT, Mr. FARR, Mr. FERGUSON, Mr. TIBERI, Mr. KLINE of Minnesota, Mr. UPTON, and Ms. DEGETTE.

H.R. 1644: Mr. COSTELLO, Mr. ENGLISH of Pennsylvania, and Ms. LEE.

H.R. 1647: Mrs. CAPITO.

H.R. 1671: Mr. KLEIN of Florida and Mr. BERMAN.

H.R. 1707: Mr. CLEAVER.

H.R. 1738: Ms. SCHWARTZ, Mrs. CAPPS, and Mr. PEARCE.

H.R. 1740: Mr. KENNEDY.

H.R. 1742: Mr. COOPER, Mr. SESTAK, Mr. FATTAH, and Mr. COBLE.

H.R. 1755: Mr. PRICE of North Carolina.

H.R. 1818: Mr. WEINER.

H.R. 1843: Mr. CARNAHAN, Mr. PASCRELL, Mr. MARKEY, Mr. WAMP, Mr. ABERCROMBIE, Ms. HIRONO, Mr. BUTTERFIELD, and Ms. BEAN.

H.R. 1845: Mr. ARCURI.

H.R. 1849: Mr. FILNER.

H.R. 1884: Ms. GIFFORDS.

H.R. 1930: Mr. SESSIONS.

H.R. 1992: Mr. ENGEL, Mr. ISRAEL, Mr. MCNULTY, Mr. ANDREWS, Mr. WEINER, and Mr. PRICE of North Carolina.

H.R. 2017: Mr. WAXMAN.

H.R. 2040: Mr. WAMP, Mrs. MCMORRIS RODGERS, Mr. HAYES, Mr. GINGREY, Ms. FALLIN, Mrs. DRAKE, Mr. CROWLEY, Mr. PALLONE, Mr. CARNAHAN, Mr. BOOZMAN, Mr. ROSS, Mr. DREIER, Ms. SCHWARTZ, Mr. STARK, Mr. AKIN, Mr. DAVIS of Kentucky, Mr. COLE of Oklahoma, Mr. MCKEON, Mr. BURTON of Indiana, Mr. HULSHOF, Mr. DOGGETT, Mrs. LOWEY, Mr. INSLEE, and Mr. ALLEN.

H.R. 2054: Mr. KIND.

H.R. 2063: Mr. TIERNEY and Mr. ENGEL.

H.R. 2092: Mr. SHAYS.

H.R. 2103: Ms. WOOLSEY, Mr. PATRICK MURPHY of Pennsylvania, and Ms. ZOE LOFGREN of California.

H.R. 2109: Mr. BILIRAKIS.

H.R. 2116: Mr. LATHAM and Mr. CALVERT.

H.R. 2123: Mrs. NAPOLITANO and Ms. CASTOR.

H.R. 2210: Mr. NADLER.

H.R. 2265: Mr. VAN HOLLEN.

H.R. 2353: Mr. ARCURI.

H.R. 2370: Mr. MOORE of Kansas and Mr. MILLER of North Carolina.

H.R. 2449: Mr. JOHNSON of Georgia.

H.R. 2526: Mr. MORAN of Virginia.

H.R. 2550: Mr. SENSENBRENNER, Mr. CONAWAY, Mr. UPTON, and Mr. LIPINSKI.

H.R. 2564: Mr. SALI, Mr. MOLLOHAN, Mr. NEUGEBAUER, Mrs. MYRICK, Mr. MCCOTTER, and Mr. MCCAUL of Texas.

H.R. 2567: Mr. RAHALL.

H.R. 2610: Mr. HONDA.

H.R. 2668: Mr. DEFAZIO and Mr. BLUMENAUER.

H.R. 2676: Mr. MCCOTTER.

H.R. 2744: Mr. ALEXANDER, Mr. JONES of North Carolina, Mr. WAXMAN, Ms. CLARKE, Mr. BUTTERFIELD, and Mr. MILLER of North Carolina.

H.R. 2762: Mr. HONDA, Mr. ACKERMAN, Mr. WHITFIELD of Kentucky, and Mr. PLATTS.

H.R. 2802: Ms. SCHWARTZ.

H.R. 2803: Mr. CUELLAR.

H.R. 2805: Mr. GOODE.

H.R. 2818: Mr. ROSKAM, Ms. GIFFORDS, Mr. GRIJALVA, Mr. MITCHELL, Mr. TIERNEY, Mr. PATRICK MURPHY of Pennsylvania, and Mrs. GILLIBRAND.

H.R. 2922: Mr. BRALEY of Iowa.

H.R. 2943: Mr. KLEIN of Florida and Mr. ARCURI.

H.R. 2965: Mr. STARK, Ms. MCCOLLUM of Minnesota, Mr. HASTINGS of Florida, Mr. WU, Mr. COURTNEY, Mr. FRANK of Massachusetts, Mr. KUCINICH, and Mr. DANIEL E. LUNGREN of California.

H.R. 2994: Mr. LATHAM, Mr. ALLEN, Mr. GILCHREST, and Mr. WYNN.

H.R. 3026: Mr. HONDA.

H.R. 3036: Mr. HINCHEY.

H.R. 3041: Mr. BRADY of Texas.

H.R. 3057: Mr. COHEN.

H.R. 3078: Ms. ZOE LOFGREN of California and Mr. GENE GREEN of Texas.

H.R. 3107: Mr. SOUDER.

H.R. 3119: Ms. BALDWIN.

H.R. 3132: Mr. CLAY and Mr. BAIRD.

H.R. 3140: Mr. SHUSTER, Mr. RUPPERSBERGER, Mr. KILDEE, Mr. BAIRD, and Mrs. CAPITO.

H.R. 3185: Mr. SIRES.

H.R. 3219: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3232: Mr. DAVIS of Kentucky, Mr. PEARCE, and Mr. WYNN.

H.R. 3286: Mr. MARSHALL.

H.R. 3298: Mr. JONES of North Carolina.

H.R. 3329: Mr. VAN HOLLEN.

H.R. 3334: Mr. FERGUSON.

H.R. 3363: Mr. GORDON, Mr. FILNER, Mr. EHLERS, and Mr. PAUL.

H.R. 3366: Mr. HINCHEY, Mr. ELLISON, Ms. BALDWIN, and Mr. COHEN.

H.R. 3368: Mrs. CAPPS and Mrs. GILLIBRAND.

H.R. 3380: Mrs. BIGGERT.

H.R. 3393: Mr. CONYERS.

H.R. 3430: Mr. VAN HOLLEN.

H R. 3439: Mr. MORAN of Virginia.

H.R. 3440: Mr. MOLLOHAN.

H.R. 3450: Mr. MORAN of Virginia.

H.R. 3453: Mr. ALEXANDER.

H.R. 3457: Ms. ROYBAL-ALLARD.

H.R. 3533: Ms. MOORE of Wisconsin, Mr. MURPHY of Connecticut, and Mr. KUCINICH.

H.R. 3544: Mr. MCCOTTER.

H.R. 3548: Mr. VAN HOLLEN.

H.R. 3609: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON-LEE of Texas, and Ms. ROYBAL-ALLARD.

H.R. 3622: Ms. FOXX, Mr. CRAMER, Mr. MATHESON, and Ms. CORRINE BROWN of Florida.

H.R. 3646: Mr. ALEXANDER and Mr. UPTON.

H.R. 3652: Mr. CLAY.

H.R. 3660: Mr. ALEXANDER.

H.R. 3663: Mr. WEINER, Mr. RUSH, Mr. LANGEVIN, Mr. MCNERNEY, Mr. WU, Mr. JONES of North Carolina, Mr. INSLEE, Mr. SCOTT of Georgia, and Mr. BRADY of Pennsylvania.

H.R. 3689: Mr. MCCOTTER.

H.R. 3721: Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. HALL of Texas, Mr. HENSARLING, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. SAM JOHNSON of Texas, Mr. LAMPSON, Mr. MARCHANT, Mr. MCCAUL of Texas, Mr. NEUGEBAUER, Mr. ORTIZ, Mr. PAUL, Mr. POE, Mr. REYES, Mr. RODRIGUEZ, Mr. SESSIONS, Mr. SMITH of Texas, Mr. THORNBERRY, Mr. BARTON of Texas, Mr. BRADY of Texas, Mr. BURGESS, Mr. CARTER, Mr. CONAWAY, Mr. CUELLAR, Mr. CULBERSON, Mr. DOGGETT, Mr. GOHMERT, Mr. GONZALEZ, and Ms. GRANGER.

H.R. 3735: Mr. CROWLEY.

H.R. 3818: Mr. LEWIS of Kentucky.

H.R. 3822: Mr. ALLEN.

H.R. 3825: Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. BERRY, and Mr. DUNCAN.

H.R. 3829: Mr. WAXMAN.

H.R. 3836: Mr. LANTOS.

H.R. 3852: Mr. TURNER.

H.R. 3854: Mr. WEINER.

H.R. 3862: Ms. SCHAKOWSKY.

H.R. 3865: Mr. MILLLER of North Carollna.

H.R. 3932: Mr. HONDA.

H.R. 3934: Mr. FATTAH.

H.R. 3979: Mr. HONDA.

H.R. 3981: Mr. COHEN.

H.R. 3995: Mr. BOUSTANY.

H.R. 4008: Mr. YARMUTH.

H.R. 4011: Ms. DEGETTE.

H.R. 4014: Mr. THOMPSON of California, Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. UDALL of New Mexico, Ms. VELÁZQUEZ, Ms. LORETTA SANCHEZ of California, Ms. KAPTUR, Ms. MATSUI, Ms. KILPATRICK, and Mr. BECERRA.

H.R. 4015: Mr. THOMPSON of California, Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. UDALL of New Mexico, Ms. VELÁZQUEZ, Ms. LORETTA SANCHEZ of California, Ms. KAPTUR, Ms. MATSUI, Ms. KILPATRICK, and Mr. BECERRA.

H.R. 4016: Mr. THOMPSON of California, Mr. AL GREEN of Texas, Ms. JACKSON-LEE of Texas, Mr. UDALL of New Mexico, Ms. VELÁZQUEZ, Ms. LORETTA SANCHEZ of California, Ms. KAPTUR, Ms. MATSUI, Ms. KILPATRICK, and Mr. BECERRA.

H.R. 4040: Mr. ACKERMAN, Mr. ALTMIRE, and Mr. DONNELLY.

H.R. 4054: Mr. LYNCH, Mr. LEVIN, and Mr. ARCURI.

H.R. 4061: Mr. NUNES.

H.R. 4083: Mr. COHEN.

H.R. 4088: Mr. HENSARLING and Mrs. BIGGERT.

H.R. 4091: Mr. GRIJALVA.

H.R. 4105: Mr. ENGEL.

H.R. 4129: Ms. BORDALLO.

H.R. 4133: Mr. HALL of Texas and Mr. BARRETT of South Carolina.

H.R. 4139: Mr. MCINTYRE.

H.R. 4149: Mr. MORAN of Virginia.

H.R. 4152: Mr. HARE and Mr. BRALEY of Iowa.

H.R. 4169: Mr. WOLF.

H.R. 4198: Mr. PRICE of North Carolina.

H.R. 4204: Mrs. BOYDA of Kansas, Ms. SCHAKOWSKY, Mr. ELLISON, Mr. GRIJALVA, and Ms. ZOE LOFGREN of California.

H.R. 4206: Mr. COHEN and Mr. MILLER of North Carolina.

H.R. 4207: Mr. TIBERI.

H.R. 4218: Ms. ZOE LOFGREN of California and Mr. ALLEN.

H.R. 4230: Mr. RYAN of Ohio, Mr. WAXMAN, and Mr. EMANUEL.

H.R. 4236: Mr. SMITH of New Jersey.

H.R. 4246: Mr. ENGEL, Mr. BOOZMAN, Mr. SCOTT of Georgia, Mr. BLUMENAUER, and Mr. BURTON of Indiana.

H.R. 4247: Ms. BORDALLO and Mr. MILLER of North Carolina.

H.R. 4255: Mr. BRADY of Pennsylvania and Mr. LANGEVIN.

H.R. 4266: Mr. FOSSELLA.

H.R. 4297: Mr. PETERSON of Pennsylvania.

H.R. 4301: Mr. RAHALL.

H.R. 4310: Mr. MICHAUD.

H.R. 4318: Mr. TANNER, Mr. ENGLISH of Pennsylvania, Mr. WALSH of New York, and Mr. DUNCAN.

H.R. 4321: Mr. ORTIZ, Mr. SCOTT of Georgia, and Mr. COHEN.

H.R. 4344: Mr. PUTNAM.

H.R. 4355: Mr. SNYDER.

H.R. 4368: Mr. SMITH of Texas and Mr. MARCHANT.

H.R. 4454: Mr. DAVIS of Kentucky, Mr. ROGERS of Kentucky, and Mr. LEWIS of Kentucky.

H.R. 4458: Mrs. CHRISTENSEN.

H.R. 4462: Mr. PETERSON of Minnesota and Mr. FARR.

H.R. 4464: Mr. LEWIS of Kentucky and Mr. DUNCAN.

H.R. 4540: Mr. SARBANES.

H.R. 4544: Mr. BERRY, Ms. MATSUI, Mr. ALTMIRE, Mr. ELLSWORTH, Mr. HILL, Mr. MOORE of Kansas, Mr. CHANDLER, Mr. ETHERIDGE, Mr. SNYDER, Mr. DICKS, Ms. HERSETH SANDLIN, MS. GIFFORDS, Mr. THOMPSON of California, Mrs. CHRISTENSEN, Mr. CROWLEY, Mr. ENGLISH of Pennsylvania, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. BURTON of Indiana, and Mr. MATHESON.

H.R. 4545: Mr. STARK, Ms. WATSON, Mr. GUTIERREZ, and Ms. CORRINE BROWN of Florida.

H.R. 4577: Mrs. DRAKE.

H.R. 4660: Mr. GEORGE MILLER of California and Mr. FRANK of Massachusetts.

H.R. 4788: Mr. HINCHEY.

H.R. 4807: Mr. DELAHUNT and Mr. COHEN.

H.R. 4835: Mr. DEFAZIO, Mr. UDALL of New Mexico, Ms. WATERS, and Ms. WOOLSEY.

H.J. Res. 54: Mr. HIGGINS, Mr. MORAN of Virginia, Mr. TIM MURPHY of Pennsylvania, Mr. TIAHRT, and Mrs. WILSON of New Mexico.

H.J. Res. 64: Mr. GRIJALVA.

H.J. Res. 70: Mr. KANJORSKI, Mr. MILLER of North Carolina, Mr. ANDREWS, Mr. KLEIN of Florida, Mr. MCKEON, Mr. SPACE, Mr. CANTOR, Mr. CASTLE, Mr. GOODLATTE, and Mr. DANIEL E. LUNGREN of California.

H. Con. Res. 81: Mr. WELDON of Florida and Mr. ALLEN.

H. Con. Res. 119: Mr. MCCOTTER.

H. Con. Res. 137: Mr. SOUDER.

H. Con. Res. 176: Mr. GOHMERT.

H. Con. Res. 232: Mr. ENGLISH of Pennsylvania.

H. Con. Res. 239: Mr. FORTENBERRY.

H. Con. Res. 244: Mrs. CUBIN.

H. Con. Res. 249: Mr. UDALL of Colorado, Mr. MARKEY, and Mr. OBERSTAR.

H. Con. Res. 250: Mr. SOUDER, Mr. MCCOTTER, and Mr. STARK.

H. Con. Res. 263: Mr. HELLER.

H. Con. Res. 267: Mr. OLVER, Mr. HALL of Texas, Ms. LINDA T. SÁNCHEZ of California, and Mr. BARROW.

H. Res. 37: Ms. MCCOLLUM of Minnesota.

H. Res. 49: Mr. CLAY.

H. Res. 111: Mr. STUPAK.

H. Res. 163: Ms. BALDWIN.

H. Res. 185: Ms. BORDALLO.

H. Res. 213: Mr. VAN HOLLEN.

H. Res. 333: Ms. MOORE of Wisconsin.

H. Res. 339: Mr. DUNCAN.

H. Res. 373: Mr. ROSKAM.

H. Res. 445: Mr. CHABOT.

H. Res. 537: Mr. LINCOLN DIAZ-BALART of Florida and Mrs. BLACKBURN.

H. Res. 618: Mr. OBERSTAR.

H. Res. 620: Mr. NEAL of Massachusetts, Mr. BISHOP of New York, Mr. CONYERS, Mr. COSTA, Mr. CLAY, Mr. CALVERT, Mrs. MCCARTHY of New York, Mr. DAVIS of Illinois, Mr. HODES, Mr. SCOTT of Virginia, and Ms. MATSUI.

H. Res. 671: Mr. MCCOTTER.

H. Res. 700: Mr. WALDEN of Oregon and Mr. MCCARTHY of California.

H. Res. 705: Mr. ALEXANDER.

H. Res. 753: Mr. PATRICK MURPHY of Pennsylvania.

H. Res. 758: Mr. PENCE.

H. Res. 776: Mr. MANZULLO and Mr. ISSA.

H. Res. 784: Mr. ALEXANDER.

H. Res. 795: Mr. COHEN.

H. Res. 814: Mr. WAXMAN.

H. Res. 854: Mr. FOSSELLA, Mr. VAN HOLLEN, Ms. BORDALLO, Mr. ENGEL, and Mr. GENE GREEN of Texas.

H. Res. 868: Mr. COHEN.

H. Res. 879: Mr. BILIRAKIS, Mr. TANCREDO, and Mr. WEXLER.

H. Res. 888: Mrs. DRAKE, Mr. DAVID DAVIS of Tennessee, Mr. ADERHOLT, Mr. BOOZMAN, Mr. KLINE of Minnesota, Mr. TIBERI, Mr. YOUNG of Alaska, and Mr. MCCOTTER.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. DAVID R. OBEY

H.J. Res. 72, making further continuing appropriations for the fiscal year 2008, and for other purposes, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e) or 9(f) of rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1201: Mr. BOOZMAN.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

Petition 4 by Mr. ADERHOLT on House Resolution 748: Stevan Pearce.

SENATE—*Wednesday, December 19, 2007*

The Senate met at 11:30 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Our Father, when we look to the heavens, the works of Your fingers, the Moon and the stars that You have established, what is humanity that You are mindful of us? May those thoughts of Your Majesty lead us to humility and a willingness to acknowledge our weakness and failure as we receive Your strength and wisdom.

Give our Senators a passion for Your glory. Help them to remember Your words: Those who exalt themselves shall be abased, and those who humble themselves shall be exalted.

Today, I personally thank You for the gifts of TRENT and Tricia LOTT. I praise You for their friendship, their faithfulness, and their fervor for You. As they leave the Senate, surround them with Your grace, power, and love.

We ask this in the Name of Him who is perfection incarnate. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 19, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, morning business will be what we will do most of the day. We have a 10-minute limitation, as we normally do, except for JACK REED, who has an order for 30 minutes. We are going to recess today at 12:30 for a Democratic conference and then reconvene at 2:15. We have a number of issues we will be working through today, the House is sending us, we are going to send them. There are, of course, no votes, and we will do our very best to finish as soon as we can. I spoke to both Majority Leader HOYER and Speaker PELOSI today. They expect to finish around 6 or 7 tonight. So during that time we will be running things back and forth with each other until we get this worked out.

ORDER FOR RETURN OF PAPERS—H.R. 2764

Mr. REID. Mr. President, this request has been approved by the Republicans. I ask unanimous consent that the Senate request the House to return the papers relative to H.R. 2764.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INTEGRATED DEEPWATER PROGRAM REFORM ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 171, S. 924.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 924) to strengthen the United States Coast Guard's Integrated Deepwater Program.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Commerce, Science and Transportation with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Integrated Deepwater Program Reform Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Procurement structure.
Sec. 3. Analysis of alternatives.
Sec. 4. Certification.
Sec. 5. Contract requirements.
Sec. 6. Improvements in Coast Guard management.
Sec. 7. Procurement and report requirements.
Sec. 8. GAO review and recommendations.
Sec. 9. Inspector General review of Deepwater program.
Sec. 10. Definitions.

SEC. 2. PROCUREMENT STRUCTURE.

(a) IN GENERAL.—

(1) USE OF LEAD SYSTEMS INTEGRATOR.—Except as provided in subsection (b), the United States Coast Guard may not use a private sector entity as a lead systems integrator for procurements under, or in support of, the Integrated Deepwater Program after the date of enactment of this Act.

(2) FULL AND OPEN COMPETITION.—The United States Coast Guard shall utilize full and open competition for any other procurement for which an outside contractor is used under, or in support of, the Integrated Deepwater Program after the date of enactment of this Act.

(b) EXCEPTIONS.—

(1) COMPLETION OF PROCUREMENT BY LEAD SYSTEMS INTEGRATOR.—Notwithstanding subsection (a), the Coast Guard may use a private sector entity as a lead systems integrator—

(A) to complete any delivery order or task order that was issued to the lead systems integrator on or before the date of enactment of this Act without any change in the quantity of assets or the specific type of assets covered by the order;

(B) for procurements of—

(i) the HC-130J and the C4ISR, and

(ii) National Security Cutters or Maritime Patrol Aircraft under contract or order for construction as of the date of enactment of this Act,

if the requirements of subsection (c) are met with respect to such procurements; and

(C) for the procurement of additional National Security Cutters or Maritime Patrol Aircraft if the Commandant determines, after conducting the analysis of alternatives required by section 3, that—

(i) the justifications of FAR 6.3 are met;

(ii) the procurement and the use of a private sector entity as a lead systems integrator for the procurement is in the best interest of the Federal government; and

(iii) the requirements of subsection (c) are met with respect to such procurement.

(2) AWARDS TO TIER 1 SUBCONTRACTORS.—The Coast Guard may award to any Tier 1 subcontractor or subcontractor below the Tier 1 level any procurement that it could award to a lead systems integrator under paragraph (1).

(3) REPORT ON DECISION-MAKING PROCESS.—If the Coast Guard determines under paragraph (1) that it will use a private sector lead systems integrator for a procurement, the Commandant shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure notifying the Committees of its determination and explaining the rationale for the determination.

(c) LIMITATION ON LEAD SYSTEMS INTEGRATORS.—Neither an entity performing lead systems integrator functions for a procurement under, or in support of, the Integrated Deepwater Program, nor a Tier 1 subcontractor, for any procurement described in subparagraph (B) or (C) of subsection (b)(1) may have a financial interest in a subcontractor below the tier 1 subcontractor level unless—

(1) the entity was selected by the Coast Guard through full and open competition for such procurement;

(2) the procurement was awarded by the lead systems integrator or a subcontractor through full and open competition;

● **This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.**

(3) the procurement was awarded by a subcontractor through a process over which the lead systems integrator or a Tier 1 subcontractor exercised no control; or

(4) the Commandant has determined that the justifications of FAR 6.3 are met.

SEC. 3. ANALYSIS OF ALTERNATIVES.

(a) IN GENERAL.—Except with respect to a procurement described in subparagraph (A) or (B) of section 2(b)(1) of this Act, or a procurement for which a request for proposals consistent with the FAR has been issued before the date of enactment of this Act, no procurement may be awarded under the Integrated Deepwater Program until an analysis of alternatives has been conducted under this section.

(b) INDEPENDENT ANALYSIS.—As soon as possible, but no later than 120 days after the date of enactment of this Act, the Commandant shall execute a contract for an analysis of alternatives with a Federally Funded Research and Development Center, an appropriate entity of the Department of Defense, or a similar independent third party entity that has appropriate acquisition expertise for independent analysis of all of the proposed procurements under, or in support of, the Integrated Deepwater Program, including procurements described in section 2(b)(1)(B), and for any future major changes of such procurements. The Commandant may not contract under this subsection for such an analysis with any entity that has a substantial financial interest in any part of the Integrated Deepwater Program as of the date of enactment of this Act or in any alternative being considered.

(c) ANALYSIS.—The analysis of alternatives provided pursuant to the contract under subsection (b) for procurements and feasible alternatives shall include—

(1) an examination of capability, interoperability, and other advantages and disadvantages;

(2) an evaluation of whether different quantities of specific assets could meet the Coast Guard's overall performance needs;

(3) a discussion of key assumptions and variables, and sensitivity to changes in such assumptions and variables;

(4) an assessment of technology risk and maturity;

(5) an evaluation of safety and performance records; and

(6) a calculation of costs, including life-cycle costs.

(d) REPORT TO CONGRESS.—As soon as possible after an analysis of alternatives has been completed, the Commandant shall develop a plan for the procurements addressed in the analysis, as well as procurements described in subsection (a) for which no analysis of alternatives is required, and shall transmit a report describing the plan, and the schedule and costs for delivery of such procurements to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 4. CERTIFICATION.

(a) IN GENERAL.—After the date of enactment of this Act, a contract, delivery order, or task order exceeding $10,000,000 for procurement under, or in support of, the Coast Guard's Integrated Deepwater Program may not be executed by the Coast Guard until the Commandant certifies that—

(1) appropriate market research has been conducted prior to technology development to reduce duplication of existing technology and products;

(2) the technology has been demonstrated to the maximum extent practicable in a relevant environment;

(3) the technology demonstrates a high likelihood of accomplishing its intended mission;

(4) the technology is affordable when considering the per unit cost and the total procurement cost in the context of the total resources available during the period covered by the Integrated Deepwater Program;

(5) the technology is affordable when considering the ability of the Coast Guard to accomplish its missions using alternatives, based on demonstrated technology, design, and knowledge;

(6) funding is available to execute the contract, delivery order, or task order; and

(7) the technology complies with all relevant policies, regulations, and directives of the Coast Guard.

(b) LIMITATION.—Nothing in this section shall prevent the Coast Guard from executing contracts or issuing deliver orders or task orders, for research and development or technology demonstrations under, or in support of, the Integrated Deepwater Program.

(c) REPORT TO CONGRESS.—The Commandant shall transmit a copy of each certification required under subsection (a) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 30 days after the completion of the certification.

SEC. 5. CONTRACT REQUIREMENTS.

The Commandant shall ensure that any contract, delivery order, or task order for procurement under, or in support of, the Integrated Deepwater Program executed by the Coast Guard—

(1) addresses the recommendations related to award fee determination and award term evaluation made by the Government Accountability Office in its March, 2004, report entitled Coast Guard's Deepwater Program Needs Increased Attention to Management and Contractor Oversight, GAO–04–380, and any subsequent Government Accountability Office recommendations relevant to the contract terms issued before March 1, 2007, including the recommendation that any award or incentive fee be tied to program outcomes;

(2) provides that certification of any Integrated Deepwater Program procurement for performance, safety, and other relevant factors determined by the Commandant will be conducted by an independent third party;

(3) does not include—

(A) for any contract extending the existing Integrated Deepwater Program contract term that expires in June, 2007, minimum requirements for the purchase of a given or determinable number of specific assets;

(B) provisions that commit the Coast Guard without express written approval by the Coast Guard;

(C) any provision allowing for equitable adjustment that differs from the Federal Acquisition Regulations;

(4) for any contract extending the existing Integrated Deepwater Program contract term that expires in June, 2007, is reviewed by, and addresses recommendations made by, the Under Secretary of Defense for Acquisition, Technology, and Logistics through the Defense Acquisition University in its Quick Look Study dated February 5, 2007; and

(5) meets the requirements of the Systems Acquisition Manual.

SEC. 6. IMPROVEMENTS IN COAST GUARD MANAGEMENT.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Commandant shall take action to ensure that—

(1) the measures contained in the Coast Guard's report entitled Coast Guard: Blue Print for Acquisition Reform are implemented fully;

(2) any additional measures for improved management recommended by the Defense Acquisition University in its Quick Look Study of the United States Coast Guard Deepwater Program, dated February 5, 2007, are implemented;

(3) integrated product teams, and all higher-level teams that oversee integrated product teams, are chaired by Coast Guard personnel; and

(4) the Assistant Commandant for Engineering and Logistics is designated as the Technical Authority for all design, engineering, and technical decisions for the Integrated Deepwater Program.

(b) TRANSFER.—

(1) IN GENERAL.—Section 93(a) of title 14, United States Code, is amended—

(A) by striking "and" after the semicolon in paragraph (23);

(B) by striking "appropriate." in paragraph (24) and inserting "appropriate; and"; and

(C) by adding at the end thereof the following:

"(25) notwithstanding any other provision of law, in any fiscal year transfer funds made available for personnel, compensation, and benefits from the appropriation account 'Acquisition, Construction, and Improvement' to the appropriation account 'Operating Expenses' for personnel compensation and benefits and related costs necessary to execute new or existing procurements of the Coast Guard.".

(2) NOTIFICATION.—Within 30 days after making a transfer under section 93(a)(25) of title 14, United States Code, the Commandant shall notify the Senate Committee on Commerce, Science, Transportation and Infrastructure, the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the House Committee on Appropriations.

SEC. 7. PROCUREMENT AND REPORT REQUIREMENTS.

(a) SELECTED ACQUISITION REPORTS.—The Commandant shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure reports on the Integrated Deepwater Program that contain the same type of information with respect to that Program, to the greatest extent practicable, as the Secretary of Defense is required to provide to the Congress under section 2432 of title 10, United States Code, with respect to major defense procurement programs.

(b) UNIT COST REPORTS.—Each Coast Guard program manager under the Coast Guard's Integrated Deepwater Program shall provide to the Commandant, or the Commandant's designee, reports on the unit cost of assets acquired or modified that are under the management or control of the Coast Guard program manager on the same basis and containing the same information, to the greatest extent practicable, as is required to be included in the reports a program manager is required to provide to the service procurement executive designated by the Secretary of Defense under section 2433 of title 10, United States Code, with respect to a major defense procurement program.

(c) REPORTING ON COST OVERRUNS AND DELAYS.—Within 30 days after the Commandant becomes aware of a likely cost overrun or scheduled delay, the Commandant shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that includes—

(1) a description of the known or anticipated cost overrun;

(2) a detailed explanation for such overruns;

(3) a detailed description of the Coast Guard's plans for responding to such overrun and preventing additional overruns; and

(4) a description of any significant delays in procurement schedules.

(d) PATROL BOAT REPORT.—Not later than 90 days after the date of enactment of this Act the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on how the Coast Guard plans to manage the annual readiness gap of lost time for 110-foot patrol boats from fiscal year 2008 through fiscal year 2014. The report shall include—

(1) a summary of the patrol hours that will be lost due to delays in replacing the 110-foot cutters and reduced capabilities of the 110-foot cutters that have been converted;

(2) an identification of assets that may be used to alleviate the annual readiness gap of lost time for such patrol boats;

(3) a projection of the remaining operational lifespan of the 110-foot patrol boat fleet;

(4) a description of how extending through fiscal year 2014 the transfer agreement between the Coast Guard and the United States Navy for 5 Cyclone class 179-foot patrol coastal ships would effect the annual readiness gap of lost time for 110-foot patrol boats; and

(5) an estimate of the cost to extend the operational lifespan of the 110-foot patrol boat fleet for each of fiscal years 2008 through 2014.

SEC. 8. GAO REVIEW AND RECOMMENDATIONS.

(a) AWARD FEE AND AWARD TERM CRITERIA.—The Coast Guard shall consult with the Comptroller General no later than June 1, 2007 to ensure that the Government Accountability Office's recommendations, in its March, 2004, report entitled Coast Guard's Deepwater Program Needs Increased Attention to Management and Contractor Oversight, GAO–04–380, and any subsequent Government Accountability Office recommendations issued before March 1, 2007, with respect to award fee and award term criteria will be addressed to the maximum extent practicable in any contract, delivery order, or task order or extension of the existing contract for procurement under or in support of the Integrated Deepwater Program entered into after the date of enactment of this Act.

(b) OTHER RECOMMENDATIONS.—The Commandant shall ensure that all other recommendations in that report, and any subsequent recommendations issued before March 1, 2007, are implemented to the maximum extent practicable by the Coast Guard within 1 year after the date of enactment of this Act. The Commandant shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the Coast Guard's progress in implementing such recommendations.

(c) GAO REPORTS ON IMPLEMENTATION.—Beginning 6 months after the date of enactment of this Act, the Comptroller General shall submit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the Coast Guard's progress in implementing the provisions of this Act, the Government Accountability Office's recommendations, in its March, 2004, report entitled Coast Guard's Deepwater Program Needs Increased Attention to Management and Contractor Oversight, GAO–04–380, and any subsequent Government Accountability Office recommendations issued before March 1, 2007.

SEC. 9. INSPECTOR GENERAL REVIEW OF DEEPWATER PROGRAM

Not later than 240 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the Secretary, and to Congress, a report on the acquisition of assets under the Deepwater program. The report shall include—

(1) a description of each decision, if any, of the Coast Guard or Integrated Coast Guard Systems relating to the acquisition of assets under the Deepwater program that directly or indirectly resulted in cost overruns or program cost increases to the United States;

(2) an assessment whether any decision covered by paragraph (1) violated the terms of the contract of Integrated Coast Guard Systems for the Deepwater program;

(3) an assessment of how much program costs under the Deepwater program have increased as a result of any such decision; and

(4) an assessment of whether the Coast Guard or Integrated Coast Guard Systems is responsible for the payment of any cost overruns associated with any such decision.

SEC. 10. DEFINITIONS.

In this Act:

(1) COMMANDANT.—The term "Commandant" means the Commandant of the United States Coast Guard.

(2) INTEGRATED DEEPWATER PROGRAM.—The term "Integrated Deepwater Program" means the Integrated Deepwater Systems Program described by the Coast Guard in its Report to Congress on Revised Deepwater Implementation Plan, dated March 25, 2005, including any subsequent modifications, revisions, or restatements of the Program.

(3) PROCUREMENT.—The term "procurement" includes development, production, sustainment, modification, conversion, and missionization.

Mr. REID. I ask unanimous consent that the Cantwell amendment to the committee substitute which is at the desk be agreed to; the committee substitute, as amended, be agreed to; the bill, as amended, be read a third time and passed; the motion to reconsider be laid upon the table with no intervening action or debate; and any statements relating to this matter be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 3884) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 924), as amended, was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Integrated Deepwater Program Reform Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Procurement structure.
Sec. 3. Alternatives Analysis.
Sec. 4. Certification.
Sec. 5. Contract requirements.
Sec. 6. Improvements in Coast Guard management.
Sec. 7. Department of Defense Consultation.
Sec. 8. Procurement and report requirements.
Sec. 9. GAO review and recommendations.
Sec. 10. Inspector General review of Deepwater program.
Sec. 11. Definitions.

SEC. 2. PROCUREMENT STRUCTURE.

(a) IN GENERAL.—

(1) USE OF LEAD SYSTEMS INTEGRATOR.—Except as provided in subsection (b), the United States Coast Guard may not use a private sector entity as a lead systems integrator for procurements under, or in support of, the Integrated Deepwater Program more than 90 days after the date of enactment of this Act.

(2) FULL AND OPEN COMPETITION.—The United States Coast Guard shall utilize full and open competition for any other procurement for which an outside contractor is used under, or in support of, the Integrated Deepwater Program after the date of enactment of this Act, unless otherwise excepted in accordance with the Competition in Contracting Act of 1984 and the Federal Acquisition Regulations.

(b) EXCEPTIONS.—

(1) COMPLETION OF PROCUREMENT BY LEAD SYSTEMS INTEGRATOR.—Notwithstanding subsection (a), the Coast Guard may use a private sector entity as a lead systems integrator—

(A) to complete any delivery order or task order that was issued to the lead systems integrator on or before the date that is 90 days after the date of enactment of this Act without any change in the quantity of assets or the specific type of assets covered by the order;

(B) for procurements after the date that is 90 days after the date of enactment of this Act of, or in support of—

"(i) the HC–130J aircraft, the HH–65 aircraft, and the C4ISR system, and

(ii) National Security Cutters or Maritime Patrol Aircraft under contract or order for construction as of the date that is 90 days after the date of enactment of this Act,

if the requirements of subsection (c) are met with respect to such procurements; and

(C) for the procurement, or in support, of additional National Security Cutters or Maritime Patrol Aircraft if the Commandant determines, after conducting the alternatives analysis required by section 3, that—

(i) the procurement is in accordance with the Competition in Contracting Act of 1984 and the Federal Acquisition Regulations;

(ii) the procurement and the use of a private sector entity as a lead systems integrator for the procurement is in the best interest of the Federal government; and

(iii) the requirements of subsection (c) are met with respect to such procurement.

(2) AWARDS TO TIER 1 SUBCONTRACTORS.—The Coast Guard may award to any Tier 1 subcontractor or subcontractor below the Tier 1 level any procurement that it could award to a lead systems integrator under paragraph (1).

(3) REPORT ON DECISION-MAKING PROCESS.—If the Commandant determines under subparagraph (B) or C) of paragraph (1) that the Coast Guard will use a private sector lead systems integrator for a procurement, the Commandant shall notify in writing the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure of its determination and shall provide a detailed rationale for the determination.

(c) LIMITATION ON LEAD SYSTEMS INTEGRATORS.—Neither an entity performing lead systems integrator functions for a procurement under, or in support of, the Integrated Deepwater Program, nor a Tier 1 subcontractor, for any procurement described in subparagraph (B) or (C) of subsection (b)(1) may have a financial interest in a subcontractor below the tier 1 subcontractor level unless—

(1) the subcontractor was selected by the Coast Guard through full and open competition for such procurement;

(2) the procurement was awarded by the lead systems integrator or a subcontractor through full and open competition;

(3) the procurement was awarded by a subcontractor through a process over which the lead systems integrator or a Tier 1 subcontractor exercised no control; or

(4) the Commandant has determined that the procurement was awarded in a manner consistent with the Competition in Contracting Act of 1984 and the Federal Acquisition Regulations.

(d) RULE OF CONSTRUCTION.—The limitation in subsection (b)(1)(A) on the quantity and specific type of assets to which subsection (b) applies shall not be construed to apply to the modification of the number or type of any subsystems or other components of a vessel or aircraft described in subsection (b)(1)(B) or (C).

SEC. 3. ALTERNATIVES ANALYSIS.

(a) IN GENERAL.—Except with respect to a procurement described in subparagraph (A) or (B) of section 2(b)(1) of this Act, or a procurement for which a request for proposals consistent with the Federal Acquisition Regulations has been issued before the date of enactment of this Act, no procurement of a major asset may be awarded under the Integrated Deepwater Program after the date of enactment of this Act until an alternatives analysis has been conducted under this section.

(b) INDEPENDENT ANALYSIS.—As soon as possible, but no later than 120 days after the date of enactment of this Act, the Commandant shall execute a contract for an alternatives analysis with a Federally Funded Research and Development Center, a qualified entity of the Department of Defense, or a similar independent third party entity that has appropriate acquisition expertise for independent analysis of all of the proposed procurements under, or in support of, the Integrated Deepwater Program, including procurements described in section 2(b)(1)(B), and for any future major changes of such procurements. The Commandant may not contract under this subsection for such an analysis with any entity that has a substantial financial interest in any part of the Integrated Deepwater Program as of the date of enactment of this Act or in any alternative being considered.

(c) ANALYSIS.—The alternatives analysis provided pursuant to the contract under subsection (b) for procurements and feasible alternatives shall include—

(1) an examination of capability, interoperability, and other advantages and disadvantages;

(2) an evaluation of whether different quantities of specific assets could meet the Coast Guard's overall performance needs;

(3) a discussion of key assumptions and variables, and sensitivity to changes in such assumptions and variables;

(4) an assessment of technology risk and maturity;

(5) an evaluation of safety and performance records;

(6) a calculation of costs, including lifecycle costs; and

(7) a business case of viable alternatives.

(d) REPORT TO CONGRESS.—As soon as possible after an alternatives analysis has been completed, the Commandant shall develop a plan for the procurements addressed in the analysis, as well as procurements described in subsection (a) for which no alternatives analysis is required, and shall transmit a report describing the plan, and the schedule and costs for delivery of such procurements to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(e) EXPERIMENTAL, TECHNICALLY IMMATURE SYSTEMS.—

(1) IN GENERAL.—No procurement of an experimental or technically immature major asset may be awarded under the Integrated Deepwater Program until an alternatives analysis has been conducted for such asset. The alternatives analysis shall include the same components as those set forth in subsection (c). In addition, the alternatives analysis shall also include—

(A) an examination of likely research and development costs and the levels of uncertainty associated with such estimated costs;

(B) an examination of likely production and deployment costs and the levels of uncertainty associated with such estimated costs;

(C) an examination of likely operating and support costs and the levels of uncertainty associated with such estimated costs;

(D) if they are likely to be significant, an examination of likely disposal costs and the levels of uncertainty associated with such estimated costs;

(E) an analysis of the risks to production cost, schedule, and life-cycle cost resulting from the experimental, technically immature nature of the systems under consideration; and

(F) such additional measures the Commandant determines to be necessary for appropriate evaluation of the asset.

(2) REPORT.—As soon as possible after an alternatives analysis pursuant to this subsection has been completed, the Commandant shall transmit a report that provides a detailed summary of the findings of the analysis, a plan for the procurements addressed in the analysis, and the schedule and costs for delivery of such procurements to the Senate Committee on Commerce, Justice, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

SEC. 4. CERTIFICATION.

(a) IN GENERAL.—After the date of enactment of this Act, a contract, delivery order, or task order exceeding $10,000,000 for procurement under, or in support of, the Coast Guard's Integrated Deepwater Program may not be executed by the Coast Guard until the Commandant certifies that—

(1) appropriate market research has been conducted prior to technology development to reduce duplication of existing technology and products;

(2) the technology has been demonstrated to the maximum extent practicable in a relevant environment;

(3) the technology demonstrates a high likelihood of accomplishing its intended mission;

(4) the technology is affordable when considering the per unit cost and the total procurement cost in the context of the total resources available during the period covered by the Integrated Deepwater Program;

(5) the technology is affordable when considering the ability of the Coast Guard to accomplish its missions using alternatives, based on demonstrated technology, design, and knowledge;

(6) funding is available to execute the contract, delivery order, or task order; and

(7) the technology complies with all relevant policies, regulations, and directives of the Coast Guard.

(b) LIMITATION.—Nothing in this section shall prevent the Coast Guard from executing contracts or issuing delivery orders or task orders, for research and development or technology demonstrations under, or in support of, the Integrated Deepwater Program.

(c) REPORT TO CONGRESS.—The Commandant shall transmit a copy of each certification required under subsection (a) to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure within 30 days after the completion of the certification.

SEC. 5. CONTRACT REQUIREMENTS.

The Commandant shall ensure that any contract, delivery order, or task order for procurement under, or in support of, the Integrated Deepwater Program executed by the Coast Guard after the date of enactment of this Act—

(1) addresses the recommendations related to award fee determination and award term evaluation made by the Government Accountability Office in its March, 2004, report entitled Coast Guard's Deepwater Program Needs Increased Attention to Management and Contractor Oversight, GAO-04-380, including the recommendation that any award or incentive fee be tied to program outcomes;

(2) addresses any subsequent Government Accountability Office recommendations that are issued at least 30 days prior to the execution of the contract, delivery order or task order when such recommendations are relevant to the contract terms;

(3) provides that certification of any Integrated Deepwater Program procurement for performance, safety, and other relevant factors determined by the Commandant will be conducted by an independent third party;

(4) does not include—

(A) provisions that commit the Coast Guard without express written approval by the Coast Guard; or

(B) any provision allowing for equitable adjustment that differs from the Federal Acquisition Regulations;

(5) meets the requirements of the Coast Guard Major Systems Acquisition COMDTINST Manual 5000.10(series); and

(6) for any contract, contract modification, or award term extending the existing Integrated Deepwater Program contract term—

(A) is reviewed by, and addresses recommendations made by, the Under Secretary of Defense for Acquisition, Technology, and Logistics through the Defense Acquisition University in its Quick Look Study dated February 5, 2007; and

(B) does not include any minimum requirements for the purchase of a given or determinable number of specific assets.

SEC. 6. IMPROVEMENTS IN COAST GUARD MANAGEMENT.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Commandant shall take action to ensure that—

(1) the measures contained in the Coast Guard's report entitled Coast Guard: Blue Print for Acquisition Reform are implemented fully;

(2) any additional measures for improved management recommended by the Defense Acquisition University in its Quick Look Study of the United States Coast Guard Deepwater Program, dated February 5, 2007, are implemented;

(3) integrated product teams, and all higher-level teams that oversee integrated product teams, are chaired by Coast Guard personnel; and

(4) the Assistant Commandant for Engineering and Logistics is designated as the Technical Authority for all design, engineering, and technical decisions for the Integrated Deepwater Program.

(b) TRANSFER.—

(1) IN GENERAL.—Section 93(a) of title 14, United States Code, is amended—

(A) by striking "and" after the semicolon in paragraph (23);

(B) by striking "appropriate." in paragraph (24) and inserting "appropriate; and"; and

(C) by adding at the end thereof the following:

"(25) notwithstanding any other provision of law, in any fiscal year transfer funds made available for personnel, compensation, and benefits from the appropriation account 'Acquisition, Construction, and Improvement' to the appropriation account 'Operating Expenses' for personnel compensation and benefits and related costs necessary to execute new or existing procurements of the Coast Guard.".

(2) NOTIFICATION.—Within 30 days after making a transfer under section 93(a)(25) of title 14, United States Code, the Commandant shall notify the Senate Committee on Commerce, Science, Transportation and Infrastructure, the Senate Committee on Appropriations, the House Committee on Transportation and Infrastructure, and the House Committee on Appropriations.

SEC. 7. DEPARTMENT OF DEFENSE CONSULTATION.

(a) IN GENERAL.—The Coast Guard shall make arrangements as appropriate with the Department of Defense for support in contracting and management of procurements under the Integrated Deepwater Program. The Coast Guard shall also seek opportunities to leverage off of Department of Defense contracts, and contracts of other appropriate agencies, to obtain the best possible price for Integrated Deepwater Program assets. No later than one year after the date of enactment of this Act, the Commandant of the Coast Guard shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on agreements and other arrangements concluded pursuant to this subsection.

(b) ASSESSMENT.—Within 180 days after the date of enactment of this Act, the Comptroller General shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that—

(1) contains an assessment of current Coast Guard acquisition and management capabilities to manage procurements under or in support of the Integrated Deepwater Program;

(2) includes recommendations as to how the Coast Guard can improve its acquisition management, either through internal reforms or by seeking acquisition expertise from the Department of Defense; and

(3) addresses specifically the question of whether the Coast Guard can better leverage Department of Defense or other agencies' contracts that would meet the needs of the Integrated Deepwater Program in order to obtain the best possible price.

SEC. 8. PROCUREMENT AND REPORT REQUIREMENTS.

(a) PROCUREMENT SCHEDULES.—

(1) BUDGET JUSTIFICATION DOCUMENTS.—Each calendar year, not later than 45 days after the President submits the budget to Congress under section 1105 of title 31, United States Code, the Commandant shall submit to Congress budget justification documents regarding development and procurement schedules for each asset of the Integrated Deepwater Program for which any funds for procurement are requested in that budget.

(2) REQUIRED DOCUMENTS.—The budget justification documents required to be submitted under paragraph (1) for each asset for which funds for procurement are requested in the budget include—

(A) the development schedule for each asset and asset class, including estimated annual costs until development is completed;

(B) the procurement schedule for each asset and asset class, including estimated annual costs and units to be procured until procurement is completed;

(C) any variances in schedule or cost from the schedule and costs described in the plan submitted under section 3(d); and

(D) a projection of the remaining operational lifespan of each legacy asset and projected costs for sustaining such assets.

(b) QUARTERLY STATUS UPDATE.—The Commandant shall provide an update on the status of the Integrated Deepwater Program to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure at the beginning of the first full fiscal year quarter after the date of enactment of this Act, and at the beginning of each subsequent fiscal year quarter.

(c) REPORTING ON COST OVERRUNS AND DELAYS.—

(1) REPORT REQUIRED.—The Commandant shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure as soon as possible, but not later than 30 days after the Deepwater Program Executive Officer becomes aware of—

(A) a likely cost overrun greater than 10 percent of the program acquisition unit cost, the procurement unit cost, or the life cycle cost of an individual asset or a class of assets under the Integrated Deepwater Program; or

(B) a likely delay of more than 6 months in the delivery schedule for any individual asset or class of assets under the Integrated Deepwater Program.

(2) REQUIRED CONTENT.—The report shall include—

(A) a detailed explanation for the variance or delay;

(B) the current program acquisition unit cost and the complete history of changes to that cost from the schedule and costs described in the plan submitted under section 3(d);

(C) the current procurement unit cost and the complete history of changes to that cost from the schedule and costs described in the plan submitted under section 3(d); and

(D) a full life-cycle cost analysis for each asset or class of assets for which a report is being submitted under paragraph (1).

(3) SUBSTANTIAL VARIANCES IN COSTS OR SCHEDULE.—If a likely cost overrun is greater than 20 percent or a likely delay is greater than 12 months from the schedule and costs described in the plan submitted under section 3(d) or, if the plan has been revised, from the schedule and costs described in the revised plan, the Commandant shall include in the report required under paragraph (1) a written certification, with a supporting explanation, that—

(A) the asset or asset class is essential to the accomplishment of Coast Guard missions;

(B) there are no alternatives to such asset or asset class which will provide equal or greater capability in a more cost-effective and timely manner;

(C) the new estimates of the program acquisition unit cost or procurement unit cost are reasonable; and

(D) the management structure for the acquisition program is adequate to manage and control program acquisition unit cost or procurement unit cost.

(4) CERTIFIED ASSETS AND ASSET CLASSES.—If the Commandant certifies an asset or asset class under paragraph (3), the requirements of this subsection shall be based on the new estimates of cost and schedule contained in that certification.

(5) DEFINITIONS.—In this subsection:

(A) LIFE-CYCLE COST.—The term "life-cycle cost" means all costs for development, procurement, construction, and operations and support for a particular asset, without regard to funding source or management control.

(B) PROCUREMENT UNIT COST.—The term "procurement unit cost" means the amount equal to the total of all funds programmed to be available for obligation for procurement of a given asset class divided by the number of assets to be procured.

(C) PROGRAM ACQUISITION UNIT COST.—The term "program acquisition unit cost" means the amount equal to the total cost for development, procurement, and construction for each class of assets divided by the total number of assets in each class.

(d) PATROL BOAT REPORT.—Not later than 90 days after the date of enactment of this Act the Commandant shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on how the Coast Guard plans to manage the annual readiness gap of lost time for 110-foot patrol boats from fiscal year 2008 through fiscal year 2014. The report shall include—

(1) a summary of the patrol hours that will be lost due to delays in replacing the 110-foot cutters and reduced capabilities of the 110-foot cutters that have been converted;

(2) an identification of assets that may be used to alleviate the annual readiness gap of lost time for such patrol boats;

(3) a projection of the remaining operational lifespan of the 110-foot patrol boat fleet;

(4) a description of how extending through fiscal year 2014 the transfer agreement between the Coast Guard and the United States Navy for 5 Cyclone class 179-foot patrol coastal ships would effect the annual readiness gap of lost time for 110-foot patrol boats; and

(5) an estimate of the cost to extend the operational lifespan of the 110-foot patrol boat fleet for each of fiscal years 2008 through 2014.

(e) REPORT ON C4ISR.—Not later than 90 days after the date of enactment of this Act, the Commandant shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the manner in which the Coast Guard is resolving the problems and responding to the recommendations contained in the August 2006 Department of Homeland Security Inspector General Report entitled Improvements Needed in the Coast Guard's Acquisition and Implementation of Deepwater Information Technology Systems.

(f) AMENDMENT OF 2006 ACT.—Section 408(a) of the Coast Guard and Maritime Transportation Act of 2006 is amended—

(1) by striking paragraphs (1) and (3); and

(2) by redesignating paragraphs (2) and (4) through (8) as paragraphs (1) through (6), respectively.

SEC. 9. GAO REVIEW AND RECOMMENDATIONS.

(a) AWARD FEE AND AWARD TERM CRITERIA.—The Coast Guard shall consult with the Comptroller General to ensure that the Government Accountability Office's recommendations, in its March, 2004, report entitled Coast Guard's Deepwater Program Needs Increased Attention to Management and Contractor Oversight, GAO-04-380, and any subsequent Government Accountability Office recommendations with respect to award fee and award term criteria will be addressed to the maximum extent practicable in any contract, delivery order, or task order or extension of the existing contract for procurement under or in support of the Integrated Deepwater Program entered into after the date of enactment of this Act.

(b) OTHER RECOMMENDATIONS.—The Commandant shall ensure that all other recommendations in that report, and any subsequent recommendations issued before March 1, 2007, are implemented to the maximum extent practicable by the Coast Guard within 1 year after the date of enactment of this Act, and implement subsequent recommendations to the maximum extent practicable as they arise.

(c) GAO REPORTS ON IMPLEMENTATION.—Beginning 6 months after the date of enactment of this Act, the Comptroller General shall submit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the Coast Guard's progress in implementing the provisions of this Act, the Government Accountability Office's recommendations, in its March, 2004, report entitled Coast Guard's Deepwater Program Needs Increased Attention to Management and Contractor Oversight, GAO-04-380, and any subsequent Government Accountability Office recommendations issued before March 1, 2007.

SEC. 10. INSPECTOR GENERAL REVIEW OF DEEPWATER PROGRAM.

Not later than 240 days after the date of the enactment of this Act, the Inspector General of the Department of Homeland Security shall submit to the Secretary, and to Congress, a report on the acquisition of assets under the Deepwater program. The report shall include—

(1) a description of each decision, if any, of the Coast Guard or Integrated Coast Guard Systems relating to the acquisition of assets under the Deepwater program that directly or indirectly resulted in cost overruns or program cost increases to the United States;

(2) an assessment whether any decision covered by paragraph (1) violated the terms of the contract of Integrated Coast Guard Systems for the Deepwater program;

(3) an assessment of how much program costs under the Deepwater program have increased as a result of any such decision; and

(4) an assessment of whether the Coast Guard or Integrated Coast Guard Systems is responsible for the payment of any cost overruns associated with any such decision.

SEC. 11. DEFINITIONS.

In this Act:

(1) COMMANDANT.—The term "Commandant" means the Commandant of the United States Coast Guard.

(2) INTEGRATED DEEPWATER PROGRAM.—The term "Integrated Deepwater Program" means the Integrated Deepwater Systems Program described by the Coast Guard in its Report to Congress on Revised Deepwater Implementation Plan, dated March 25, 2005, including any subsequent modifications, revisions, or restatements of the Program.

(3) PROCUREMENT.—The term "procurement" includes development, production, sustainment, modification, conversion, and missionization.

ENERGY BILL SIGNING

Mr. REID. Mr. President, I just returned from the White House for the signing of the Energy bill. It is important to note Senator CANTWELL was not at the signing but how important she was. She is not a committee chair, but she was extremely valuable in everything we did getting that Energy bill passed. She was instrumental in working out a number of disputes keeping the bill from passing. But with her hard work, when she focuses on something, it really helps a lot. I have had experience with her in the past. Her work on the Energy bill was extremely invaluable. I appreciate her help very much.

NATIONAL RESERVIST AND VETERAN SMALL BUSINESS REAUTHORIZATION AND OPPORTUNITY ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Small Business and Entrepreneurship Committee be discharged from further consideration of S. 1784 and the Senate then proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1784) to amend the Small Business Act to improve programs for veterans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. KERRY. Mr. President, a few months ago, I introduced the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act. As the chairman of the Senate Committee on Small Business and Entrepreneurship, I was gratified that I was able to work with Ranking Member Senator SNOWE on behalf of this Nation's veterans. I was also pleased that this bill was added by unanimous consent as an amendment to the Department of Defense Authorization, although disappointed when the final House-Senate negotiated compromise did not make it as part of the final bill.

In November, Senator SNOWE and I sought to pass this bill in the Senate only to meet with objections from my respected colleague from Oklahoma. I am pleased to say that Senator COBURN has worked with me in good faith and that we have reached an agreement that addresses his concerns. We have sought to protect the language that the House and Senate agreed upon and done our utmost to improve the resources that are available to our Nation's veterans. Although this bill is not perfect or exactly as I may have envisioned, it is an important step forward in supporting the American dream of business ownership for veterans and reservists.

Passing these provisions into law has been one of my highest priorities since becoming chairman of the Committee on Small Business and Entrepreneurship in January. My first hearing as chairman was devoted to veteran small business issues, and this bill arises directly from the complaints that we heard there. America's veterans and reservists have sacrificed enough in fighting for our country; they shouldn't have to sacrifice their jobs and their livelihoods when they come home.

There are 25 million veterans in this country. In the last 4 years, alone, nearly 600,000 veterans have returned from serving in Iraq and Afghanistan. Roughly 56 percent are reserve and National Guard members, who continue to serve this Nation at unprecedented levels. This is taking a toll not just on their families, but on their businesses as well. We are in an era where employers do not want to hire reservists because they know they will be called up for lengthy deployments. At a Small Business Committee hearing on veterans' issues earlier this year, one of the witnesses raised concerns about a lack of employer support for reservists due to the new policy that allows reservists to be called up for a second tour of 24 months.

I am also deeply concerned that recently discharged veterans have a higher unemployment rate—double that of their civilian counterparts. In addition, the number of service disabled veterans is increasing—167,000 discharged between 2002 and 2005— and their self-employment rate is lower than the national average.

This bill is a first step in addressing these concerns and it builds on important lessons we learned from Vietnam, not to leave another generation of veterans behind.

The Military Reservists and Veteran Small Business Reauthorization and Opportunity Act of 2007 takes a number of steps to improve the Government's role in supporting our veterans. Specifically, it reauthorizes the veteran programs in the Small Business Administration. This legislation increases the funding authorization for the Office of Veteran Business Development from $2 million today to $2.3 million over 2 years. In light of the large numbers of veterans returning from Iraq and Afghanistan and increased responsibilities placed on this office by Executive Order 13360, it is high time that the Office of Veteran Business Development receive the funding levels that it needs.

The bill also creates an Interagency Task Force to improve coordination between agencies in administrating veteran small business programs. One of the biggest complaints that our committee heard at the "Assessing Federal Small Business Assistance Programs for Veterans and Reservists" hearing held on January 31 was that Federal agencies do not work together in reaching out to veterans and informing them about small business programs. This task force is an attempt to improve that. The task force will focus on increasing veterans' small business success, including procurement and franchising opportunities, access to capital, and other types of business development assistance.

This bill also permanently extends the SBA Advisory Committee on Veterans Business Affairs. The committee was created to serve as an independent source of advice and policy recommendations to the SBA, the Congress, and the President. The veteran small business owners who serve on this committee provide a unique perspective which is sorely needed at this challenging time. Unfortunately, continuing uncertainty about the committee's future has, at times, distracted the committee from focusing on its core function. Therefore, I have called for its permanent extension. It is clear to me that more needs to be done to address the issues facing veterans and reservists, and the role this committee plays will continue to be important.

Additionally, I have taken a number of steps to better serve the reservists who are serving their country abroad while their businesses are suffering at home. Over the past decade, the Department of Defense has increased its reliance on the National Guard and reserves. This has intensified since September 11 and increased deployments are expected to continue. The effect of this increase on reservists and small businesses continues to remain of concern. A 2003 GAO report indicated that 41 percent of reservists lost income when mobilized. This had a higher effect on self-employed reservists, 55 percent of whom lost income.

In 1999, I created the Military Reservist Economic Injury Disaster Loan, MREIDL, program to provide loans to small businesses that incur economic injury as a result of an essential employee being called to active duty. However, since 2002, fewer than 300 of these loans have been approved by the SBA, despite record numbers of reservists being called to active duty. It is clear that changes need to be made, so that reservists are informed about the availability of the MREIDL program and that the program better meets their needs. At the hearing on January 31, we heard suggestions for a number of changes which would improve the Military Reservist Economic Injury Disaster Loan program, and I have included those changes in this bill. They include increasing the application deadline for such a loan from 90 days to 1 year following the date of discharge; creating a predeployment loan approval process; and improved outreach and technical assistance.

This bill also increases to $50,000 the amount SBA can disburse without requiring collateral under the MREIDL program. Reservist families have already sacrificed enough when a family member goes away to serve their country and when their business is harmed as a result. This loan program would allow reservist dependent businesses to access the capital they need to stay afloat without having to sacrifice beyond the service of the key employees. In order to give reservists time to repay the loans, the non-collaterized loan created in this bill would not accumulate interest or require payments for one year or until after the deployment ends, whichever is longer.

There are two more provisions which will help this Nation's service members. One section of the bill will require the SBA to give priority to MREIDL loans during loan processing. Another provision will give activated servicemembers an extension of any SBA time limitations equal to the time spent on active duty. This will make it easier for service members to serve their country while continuing to meet their obligations at home.

Lastly, this bill calls for two reports. One report will look at the needs of service-disabled veterans who are interested in becoming entrepreneurs. As a result of the war on terror and improved medicine, we are seeing more service-disabled veterans than we have seen in decades. For some service-disabled veterans, entrepreneurship is the best or only way of achieving economic independence. Therefore, it is essential that we understand and take steps to address the needs of the service-disabled veteran entrepreneur or small business owner.

This bill also calls for a study to investigate how to improve relations between reservists and their employers. In January, the committee heard that recent changes by the Department of Defense to policies regulating the length and frequency of reservist deployments is harming the ability of reservists to find jobs and the ability of small business owners to continue hiring them. Understanding more about this issue is important and essential to making sure that policymakers can continue to support citizen soldiers and the small businesses that employ them.

The bill also includes a number of other important provisions that were added by the House. For instance, this bill includes language directing the Office of Veterans Business Develop to increase the number of Veterans Business Outreach Centers and requires them to improve their participation in the Transition Assistance Program. This bill also creates a program reducing 7(a) loan fees for veterans, improves Small Business Development Centers outreach to the veteran community and instructs the Associate Administrator of the Office of Veterans Business Development to create and disseminate information aimed at informing women veterans about the resources available to them. I am pleased that the House and Senate were able to come to an agreement on these provisions.

Veterans possess great technical skills and valuable leadership experience, but they require financial resources and small business training to turn that potential into a viable enterprise. A recent report by the Small Business Administration stated that 22 percent of veterans plan to start or are starting a business when they leave the military. For service-disabled veterans, this number rises to 28 percent.

We owe veterans and reservists more than a simple thank you for their service. The least we can do is provide critical resources to help them start and grow small business and to hold Federal agencies accountable. That is what our bill does.

Ms. SNOWE. Mr. President, I rise today to once again urge my colleagues to support passage of S. 1784, the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007, offered by Senator KERRY and me, chair and ranking member of the Senate Committee on Small Business and Entrepreneurship. I have spoken about this bill on multiple occasions because it is truly critical that our fellow colleagues, in each Chamber and both sides of the aisle, continue to collaborate on our veterans' behalf and support swift passage of this legislation. This bipartisan legislation contains key provisions from both S. 904, the Veterans Small Business Opportunity Act of 2007, which I introduced in March, and Senator KERRY's S. 1005, Military Reservist and Veteran Small Business Reauthorization Act of 2007.

This legislation would have an immediate impact on our men and women fighting around the globe for the freedoms we enjoy every day. First, our bill makes vast improvements to the Small Business Administration's, SBA, Military Reservist Economic Disaster Loan, MREIDL, program. The MREIDL program provides funds to businesses to meet ordinary and necessary business expenses that they could have made, if not for the deployment of a reservist who is one of their essential employees.

Specifically, the bill establishes a pre-application process so businesses can be prepared, in advance, to apply for an MREIDL and includes a provision allowing businesses up to one year, as opposed to 90 days, to apply. The legislation increases, from $1.5

million to $2 million, the maximum MREIDL loan a business can take and raises, from $5,000 to $50,000, the level of uncollateralized MREIDL loans available to businesses. Finally, our changes to the MREIDL program would allow the SBA administrator to defer the payment of principal and interest while the employee is deployed.

The bill would also create a new interagency task force to coordinate the efforts of Federal agencies necessary to increase capital and business development opportunities for, and increase the award of Federal contracting opportunities to, small businesses owned and controlled by veterans. This type of coordinated and targeted effort by our Federal Government is long overdue.

Additionally, today's legislation would increase funding for the SBA's Office of Veterans Business Development, and permanently extend the duties and responsibilities of the SBA Advisory Committee on Veterans Business Affairs. It would also allow small businesses owned and operated by veterans to extend their SBA program participation time limitations by the duration of their owner's deployment.

While I have not provided an exhaustive list of this bill's provisions and all that it would do, a simple review of the legislation will reveal that it goes far toward helping our Nation's veteran entrepreneurs and our patriotic small businesses that employ reservists, despite the risk that deployments entail. To that end, I once again urge my colleagues to join us in support of this bill.

Mr. REID. I understand there is a substitute amendment at the desk. I ask unanimous consent that the Coburn amendment at the desk be considered agreed to; the substitute, as amended, be agreed to; the bill, as amended, be read a third time, and the Senate then proceed to H.R. 4253, which is at the desk; that all after the enacting clause be stricken and the text of S. 1784, as amended, be inserted in lieu thereof; that the bill be advanced to third reading, passed, and the motion to reconsider be laid on the table; that any statements relating to this matter be printed in the RECORD without further intervening action or debate; and that S. 1784 then be placed on the calendar.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 3886) was agreed to, as follows:

On page 4, line 25, strike "increase" and all that follows through "opportunities to" on page 5, line 2, and insert "improve capital and business development opportunities for, and ensure achievement of the pre-established Federal contracting goals for".

On page 5, line 10, after the semicolon, add "and".

On page 5, line 22, strike "; and" and insert a period.

On page 5, strike lines 23 through 25.

On page 6, strike line 1 and all that follows through page 7, line 16, and insert the following:

"(3) DUTIES.—The task force shall—

"(A) consult regularly with veterans service organizations and military organizations in performing the duties of the task force; and

"(B) coordinate administrative and regulatory activities and develop proposals relating to—

"(i) improving capital access and capacity of small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through loans, surety bonding, and franchising;

"(ii) ensuring achievement of the pre-established Federal contracting goals for small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through expanded mentor-protégé assistance and matching such small business concerns with contracting opportunities;

"(iii) increasing the integrity of certifications of status as a small business concern owned and controlled by service-disabled veterans or a small business concern owned and controlled by veterans;

"(iv) reducing paperwork and administrative burdens on veterans in accessing business development and entrepreneurship opportunities;

"(v) increasing and improving training and counseling services provided to small business concerns owned and controlled by veterans; and

"(vi) making other improvements relating to the support for veterans business development by the Federal Government.

On page 9, strike line 13 and all that follows through page 10, line 8, and insert the following:

"(e) WOMEN VETERANS BUSINESS TRAINING.—The Associate Administrator shall—

"(1) compile information on existing resources available to women veterans for business training, including resources for—

"(A) vocational and technical education;

"(B) general business skills, such as marketing and accounting; and

"(C) business assistance programs targeted to women veterans; and

"(2) disseminate the information compiled under paragraph (1) through Veteran Business Outreach Centers and women's business centers.".

On page 11, strike line 10 and all that follows through page 20, line 23, and insert the following:

SEC. 201. VETERANS ASSISTANCE AND SERVICES PROGRAM.

On page 22, between lines 10 and 11, insert the following:

SEC. 202. DISASTER LOANS.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) is amended—

(1) in subparagraph (E), by striking "unless" and all that follows and inserting a period; and

(2) by inserting after subparagraph (I), the following:

"(J) There shall be reasonable assurance that a loan recipient under this paragraph can repay the loan of personal or business cash flow.".

On page 22, line 21, strike "waive" and all that follows through "date" on line 23 and insert "extend the ending date specified in the preceding sentence by not more than 1 year".

On page 24, line 4, strike "shall" and insert "may".

On page 32, between lines 9 and 10, insert the following:

(d) ADDITIONAL STUDY.—Not later than 180 days after the date of enactment of this Act, the Office of Advocacy of the Administration shall submit to Congress a report describing—

(1) the barriers in place arising from Federal regulations for veterans who wish to become entrepreneurs;

(2) the barriers in place arising from the tax code for veterans who wish to become entrepreneurs; and

(3) any recommendations for how best to eliminate those barriers to better assist current or prospective veteran small business owners.

The substitute amendment (No. 3885), as amended, was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The bill was ordered to be engrossed for a third reading and was read the third time.

The bill (H.R. 4253), as amended, was ordered to be read a third time, was read the third time and passed.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

YEAR-END LEGISLATIVE WRAP-UP

Mr. MCCONNELL. Mr. President, last night, when everybody was rushing around in the well during the last vote and wishing each other a Merry Christmas, I was reminded of something Senator LOTT said yesterday morning. He told us not to forget that we all have normal lives and families to get home to and the same basic concerns in life as everybody else; and that if we forget that, then this body is in serious trouble.

It is in that spirit that I would like to wrap up the year in pretty much the same way I tried to open it, by urging a little more cooperation and civility. About a year ago now, I called on my colleagues from both sides of the aisle to take advantage of the rare opportunity divided government gave us to tackle big issues on a bipartisan basis. Beyond that, I said Republicans had a few basic priorities: keeping Americans safe and secure, protecting their basic freedoms, protecting their wallets, and spending their money wisely. I said we would not hesitate to ensure these priorities by shaping worthy legislation or by blocking legislation that would undermine them.

Looking back on the year, I think we have been pretty successful at it.

Early on, Democrats presented us with a minimum wage bill that undermined small businesses, and it did not pass. When they agreed to include a tax break, it sailed through by a vote of 94–3. We shaped that one.

A little later, Democrats gave us an energy conservation bill that would have led to higher taxes, and it did not pass. When they agreed to remove the tax hikes 6 months later, it passed easily, 86–13. We shaped that one.

Then they offered to extend a ban on the AMT middle-class tax hike for 1 more year, but to cover the cost by imposing a new tax on the same 23 million Americans who are about to be whacked by it. The AMT was never meant to hit middle-class families, so a new tax to pay for the mistake was plainly unfair. When Democrats finally took it out, the AMT fix passed the Senate 88–5. We shaped that one.

Again and again, we have insisted the minority be heard and, in the end, we were. We have shaped a lot of legislation this year to ensure that Republican priorities were addressed. We are proud of it.

We have also stopped a lot of things that we thought would undermine our security.

The most prominent example, of course, is Iraq. After last night, Senate Democrats had held 34 votes this year related to the war in Iraq. And on every one that either attempted to substitute our judgment for the judgment of our commanders or cut off funds for our men and women in the field, we prevailed.

So we have shaped a lot of things we thought were worthy, things like the AMT fix and the energy conservation bill. And we have proudly blocked some things that we thought were just bad ideas altogether, like pulling our troops out of Iraq before the Petraeus Plan had time to take hold.

But our intention from the start was always, if possible, to avoid confrontation as an end unto itself. The history books are filled with examples of the things Congress achieved when opposite parties controlled the White House and the Congress. That was always our first option.

Unfortunately, our friends seemed intent on forcing votes all year, whether they be on Iraq or any number of domestic issues, that never had a chance of either passing the Senate or of becoming law. The practical effect, of course, is that very little would get accomplished in the end.

But it didn't have to be that way. On the bills I have mentioned, Democrats had a choice: They could have presented us first with the version they knew we could cooperate on. Or, as we saw all too often, they could present us with a partisan bill that could only serve them as a talking point. When they chose the former, we racked up some serious accomplishments together.

Over the last week, we have seen this kind of cooperation work on the energy conservation bill and on the AMT.

I have actually enjoyed working with the distinguished majority leader all year. I won't be the first person to remark that he has a tough job. But he has shown a lot of patience this year, and he has put up with a lot. So I want to thank him for his collegiality and his friendship.

I also want to thank him once again for speaking to the students at the McConnell Center in Louisville in October. It meant a lot to the students, and it meant a lot to me. A lot of people seem surprised when I tell them the last two Senators I have had speak at the center are Senator KENNEDY and Senator REID.

All of us were put here by voters with vastly different backgrounds who hold vastly different views. And the fact that we can work together and pass legislation that covers every one of them is really the glory of this institution and this country. But we will never be able to do that if we are not gentlemanly and respectful. TRENT had it right. We can't lose sight of the important things.

In that spirit, I thank all of our colleagues and staffs on both sides of the aisle, Republicans and Democrats, for all the sacrifices they have made this year and for all the grief they took from their constituents, their wives, their husbands, and their kids for living the kind of life we all live in this fishbowl. I know a lot of them are on their way home at the moment. I am glad they are. I must say I am not far behind. But I do want to wish them all a very warm, happy, and Merry Christmas with their families.

I might say to my good friend the majority leader and to all of our colleagues, we are looking forward to a month off and then looking forward to getting back together at the end of January to see what we can accomplish next year for the American people.

I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I have a statement I will give later in the day about what we have done this year. But I want to take this opportunity to reciprocate with the kind words the distinguished Republican leader said on my behalf.

Without in any way taking away from the opportunities we have, Senator McCONNELL and I, as being Democratic and Republican leaders of the Senate, the majority and minority leaders of the Senate, these are wonderful opportunities, honors neither one of us would ever imagine we would have. I have been in government a long time, as has my friend the Republican leader. We both recognize that we have to set an example for the rest of the body in patience, in cordiality, and being gentlemen and friends to each other. I think we have done that.

We have gone through some difficult times, criticized not each other personally but as to what has taken place there has been criticism. That will continue, and there is nothing wrong with that. I would like to say my criticism is constructive in nature, and I hope that is how I take any criticism that I get from the other side.

We have a lot to do next year. Next year will actually be more difficult than this year because we will be in the midst of a Presidential election. For me, though, I will have three Democratic Senators back working full time. That will be very pleasant. We will not have to try to arrange the schedule for all four of them.

Scheduling is hard because the Senate has changed over the years, even since I have been here. Schedules are now a lot determined by airplane schedules, not Senate schedules. But on the one hand, when Senators are forced to think about having to be here and not do their fundraising over a weekend, or going back to their States, we tend to get a lot done. We have had to, on occasion—several occasions this year—say we are going to have to be in on the weekend, but with the exception of one weekend, or maybe two weekends, we were able to get the same amount of work done had we stayed here all weekend.

So, again, I say to my friend, the Senator from Kentucky, the Republican leader, we have a lot to look forward to next year. We are going to see a new President to replace President Bush. We hope that will create, in the last year of President Bush's term, more cordiality between the two of us.

I have a meeting later today with the President's Chief of Staff. I hope that will bear fruit. One of the things we have to work on is to try to not have to be in session during the entire next month. We have Senators lined up to cover that. I hope we can work something out with the White House so that is not necessary because there is a significant number of Democratic nominations and a large number of Republican nominations we would like to clear. Hopefully, we can do that later today.

So I will be back later, but I do want to express my appreciation for the kind words and thoughts of my friend, the Senator from Kentucky.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period of morning business, with Senators permitted to speak for up to 10 minutes each, and that the Senator from Rhode Island, Mr. REED, will be recognized for up to 30 minutes.

The Senator from Wyoming.

THANKING THE MAJORITY AND REPUBLICAN LEADERS

Mr. ENZI. Mr. President, I thank our leaders for getting together and working things out so we were able to conclude our votes late last night and begin the Christmas recess. It was a relief to many to know they were not going to be here through Christmas due to complications that could arise from airplanes. Today, though, I am going to talk about something that is completely different.

TRIBUTE TO KATHERINE McGUIRE

Mr. ENZI. Mr. President, I am joined on the floor by Katherine McGuire, who is the staff director of the Health, Education, Labor, and Pensions Committee. This will be her last time on the floor of the Senate.

It was just about 11 years ago when I first came to Washington to serve the people of Wyoming in the Senate. As soon as I arrived, the first item on my agenda was to start to put staff together. I knew it was an important first step because the key to whatever success we are able to achieve is always due in large part to the dedicated and loyal people who work with us and for us.

In addition, that first staff is so important to a new Senator because our staffs help to set the tone for that first Congress and the beginning of every Senate career. It is true that in the end, you are only as good and effective as the people with whom you work and for whom you work—as it turns out sometimes.

Now, I talked to everyone I could. I went through a mountain of resumes and slowly but surely began to make some progress. In a short week, I went through orientation—with the leadership of my wife, we bought a house—and I interviewed over 100 people for my staff.

As I reviewed the credentials of an impressive group of applicants, I knew I would need someone to head up my staff who knew Wyoming. That meant I would need to find someone who had Wyoming roots and understood the needs of my home State. In addition, that person would need to know Washington and the Senate and how to help me and the rest of the staff get things done. I knew it would not be good enough to work hard if that hard work and determination did not produce the results that we were after.

It would not be easy to find someone who was equally at home in both Wyoming and Washington, but when I had those qualifications in mind and started looking for such a person, one candidate rose to the top. That was Katherine McGuire, and she was clearly the best and most obvious choice for the job.

She had committee experience as well as State staff experience. She also had a master's degree in agricultural economics. I represent an agricultural State, and I knew I would need that help. She helped to fuel expectations, which we were then able to meet. It is with a lot of pride that I have been inducted into the Wyoming Agricultural Hall of Fame, largely because of her efforts.

Now, I would never forget those early days. As is true with all Senators, our first office consisted of one room. It was actually a storeroom for the credit union. That cramped space helped us to develop a strong sense of teamwork right from the start because we were all in the same room and everybody knew what everyone else was doing.

Now, fortunately, Katherine was there at the helm, and she helped to direct the efforts of my legislative staff right from the start. She was able to do so because she is a natural leader. She leads the best way, and that is by example. People on my staff know they can approach her with any ideas or suggestions they have, confident she will hear them out and help them with whatever issue areas they have been assigned.

Thanks to Katherine, we were able to accomplish a great deal during my first few years in the Senate. In more sessions than I could ever count, Katherine showed she was a great negotiator and an even better strategist. She is the best networker I have ever seen.

Her competitive spirit began to show itself in high school in her play on the basketball team. It then expanded in college, and then blossomed when she played professionally in Europe. You do not want to try to rebound an issue with her.

Then, when the opportunity came to chair the Senate Committee on Health, Education, Labor, and Pensions, once again, I knew I would need to put someone in charge of my committee staff who could handle the responsibility and the opportunity we would have to take action on some issues of great importance not only to the people of Wyoming but to the rest of America as well. Once again, it did not take very long for me to feel certain that Katherine was the perfect choice for the committee staff director position.

On the committee or on my personal staff, Katherine has proven herself time and time again, and over the years she has made a difference in my work on a long list of topics that have come to the Senate floor. It would be impossible to name them all.

I want to mention my first big bill, though. It was drafted to keep Washington bureaucrats from being successful in their determination to make methane gas into a solid, which, of course, would have taken away royalties from property owners and even forced them to pay back back-royalties. In my first year, in less than a month, the correction was passed by both the Senate and the House unanimously. That meant that Katherine, my team, and I had to talk to 535 Members in Congress in less than a month to get that result.

It was interesting later to watch the Supreme Court use that bill as a basis for back payments to these same people. We could not do anything to solve anything before the legislation was passed because you have to look to the future.

So that was our first big win, and, fortunately, more was to come, as Katherine headed up my team effort. I will just mention a few: the global HIV/AIDS law, the Sarbanes-Oxley Act, the new MINER law to protect miners of this country, the new Food and Drug Administration reform law, the Pension Protection Act, and a host of other successful bills that were signed into law. For every one of them, Katherine was always there putting in long and extended hours, providing clear, accurate leadership and advice and doing everything she could to make our team vision come true.

Whenever I get the chance, I like to tell people who ask about my staff that I was very fortunate to hire the people I did. In fact, I still think that if staff work was an Olympic event, my staff would win the gold medal—and Katherine would be the most valuable player.

Katherine was a natural fit for the captain of the team—a role she has played very well. She is proof of the wisdom of the old adage that a good captain makes everyone on the team better. Katherine has been such a good leader because she has always been willing to do what was necessary to ensure a successful outcome. She has an unusual amount of abilities and talents, and an overdose of persistence that has helped her to get things done. She has never been one to talk about what she would like to accomplish; she just takes action.

In the West, we like to say she rides hard. That has helped her to earn the respect and appreciation of not only my staff but all of the staffs she has worked with and developed close ties to over the years.

I have always believed in something called the 80 percent rule. I was not surprised to discover that Katherine understood my 80 percent rule so well because she had put it into practice long ago without even knowing the name. She knew that 80 percent of every issue can be brought to agreement. People usually are willing to accept 80 percent instead of nothing. It is the other 20 percent that is difficult to resolve. But by focusing on the 80 percent, impossible problems become possible and can be solved around here.

Katherine was also there to help support my vision to look for and find the third way in dealing with conflicts. Her philosophy has always been fashioned after the old adage: We will either find a way or make one. That attitude has always served to help her bring groups to the table to reach compromises that seemed unlikely at best.

Now Katherine has decided to leave the Hill to take on another challenge in her professional life. Katherine knows that life is an adventure, and constant change is a good thing. Now she will be moving to a new place to help spread our message.

As she leaves, I cannot thank her enough for all she has done for me and for Wyoming over the years. She has been a tireless worker, and she has never hesitated to roll up her sleeves and get to work whenever and wherever she was needed.

I remember one long evening on the Senate floor. During my speech, in thanking people at the end, I mentioned that Katherine was an excellent juggler, referring to her ability to handle many tasks at the same time. Her daughter was watching on C–SPAN2 and said: I didn't even know Mom could juggle.

Being a legislative director and a staff director has cost her a lot of time from home. But she has been able to work her family life into her work schedule as the top priority that it needs to be. Now she will have more time to spend with her own team at home that needs her love and attention. Her husband David, along with her children Ellie and Cooper, have all been very supportive during her Senate years. She is now going to try something new, and once again her family will be there for her, supporting her, and providing the assistance she will continue to need as she pursues her new career.

It will be difficult to say goodbye to Katherine. When she leaves the Senate, she will be greatly missed. Someday soon, we will have found someone to take on the responsibilities that she leaves behind, but we will never be able to replace her. Her constant warm and genuine smile, her concern for all the people on her staff, and her unique ability to size up a political situation immediately upon contact—unmatched. She has been a tremendous addition to my personal and committee staffs, and we will miss her daily presence in our lives.

Like most offices, our staffs are more than our legislative teams, they are extended family. That will not change. She will forever be a member of the Enzi family—another daughter.

The Senate is a place to work unlike any other in the world. It welcomes only those with special skills and unique abilities and provides them with a tremendous opportunity to make this great Nation of ours a better place in which to live.

In the end, that will be Katherine's legacy after 17 years of service in the Senate. On my staff, and before that, serving with Senator Al Simpson and Senator RICHARD LUGAR, she has made the most of every opportunity she was given, and she can be proud of the record of success she has compiled over the years in every area of her life.

We know from the Bible that we chart our course in life in our hearts, but God directs our steps. God has directed these new steps in Katherine's life, and I know she will continue to make the most of every step that God moves her to take.

Good luck and God bless you and your family, Katherine. Don't forget us. We will not forget you. In fact, we are going to leave a light burning in a window of the Capitol dome so you can always find your way back home. Thanks for your years of service.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. HATCH. Mr. President, if I could make one comment. I have known Katherine for a long time. She is one of the truly great staffers on Capitol Hill.

I want you to know how much all of us have appreciated the work you do, and with this great Senator you have been working for. I appreciate it.

Mr. President, the distinguished Senator from North Dakota has asked that I yield for a unanimous consent request, and then I would like to retain the floor.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota is recognized.

ORDER OF PROCEDURE

Mr. DORGAN. Mr. President, I thank the Senator from Utah. My understanding is the Senator from Utah will speak and the Senator from Rhode Island will be recognized. We will reconvene at 2:15 following the caucus. So I ask unanimous consent that I be recognized at 2:15 for 30 minutes in morning business.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from Utah is recognized.

TRIBUTE TO PATRICIA KNIGHT

Mr. HATCH. Mr. President, I may need a little more than 10 minutes because this is an important speech for me.

I am grateful for the opportunity today to pay tribute to a wonderful woman, dedicated public servant, health policy expert and my chief of staff, Patricia Knight, or as many know her in the Senate—Trisha.

We were all sad to learn last week that, after over 34 years of public service, Trisha has decided to leave the Senate family at the end of the year, which in the arcane ways of the Senate could be any number of days between now and December 31. In fact, had I been able to convince her to stay until January 7, we would have been able to celebrate with her the 34th anniversary of her first job on Capitol Hill.

Trisha was born here in the District and grew up in Arlington. She progressed through Jamestown Elementary School, Williamsburg Junior High School and Yorktown High School. We like to kid her about the fact that this is the pathway that launched CBS newswoman Katie Couric.

When I first approached Trish about being my chief of staff, she quickly pointed out that she was not from Utah. However, always thinking on her feet, she rapidly concluded that graduating from Syracuse University, or Syracuse U, was close enough to 4 years in Syracuse Utah! And that became her story.

I might add that she graduated magna cum laude from Syracuse University, where she majored in anthropology and photojournalism, which makes her in my mind uniquely qualified to work in this body.

Trisha never intended to work on Capitol Hill. She is the daughter of a pair of Washington journalists, both deceased. But, I know they are watching over her and are very proud of what she has accomplished.

She always reminds the young people who come to work in my office that she got her first Federal job by walking up and down Constitution Avenue passing out resumes and the old Civil Service form SF–171.

She was initially hired as a temporary typist at the U.S. Department of Commerce, which it turned out was a lucky career start, because she found out later she had flunked the typing test but they hired her anyway.

That became her launching pad for work in the office of our former colleague, and then House member, Senator Jim Broyhill of North Carolina, the ranking Republican on the Energy and Commerce Committee.

He trained her well. She moved from caseworker, to legislative correspondent, to legislative assistant. I would like to say it was a meteoric rise—but in those days the average Hill staffer stayed more than 2 years. Trisha was there for almost 8 years—day, night, and many weekends.

I knew she would be a real asset to my staff because of her considerable government experience.

Before coming to the U.S. Senate, Trisha served in the executive branch for Presidents Ronald Reagan and George H. W. Bush. It is interesting that she worked at two cabinet agencies twice—the Commerce Department and Health and Human Services. The Cabinet secretaries she served include Richard Schweiker, Margaret Heckler, Otis Bowen, M.D., Lou Sullivan, M.D., and Bob Mosbacher.

Trisha is perhaps best known for her work at HHS—she served twice as a deputy assistant secretary at the Department of Health and Human Services and is considered by many as one of the top health policy experts in Washington, DC. In that job, she was a line officer in the Public Health Service, as well as a staffer for the Secretary, and she worked for some of my favorite people—Dr. Ron Docksai, Dr. Bob Windom, and Dr. James O. Mason.

In addition to her work for Senator Broyhill when he served in the House, she has also served on the staff of the House Appropriations Committee, where she was minority clerk for the legendary Silvio Conte of Massachusetts on three appropriations bills: Commerce-State-Justice; Legislative Branch; and Foreign Operations.

I felt very fortunate when Trisha agreed to work in my office as a volunteer after the defeat of President George H.W. Bush. In fact, I tried to hire her the first week, but she flippantly informed me I didn't have the budget to do it.

A few months later, I found that money, and she joined my health staff, rising quickly to become my health policy director.

She is one of the shrewdest, smartest, most effective legislative minds in the Senate. She deeply understands the legislative process and has cultivated relationships with health policy experts throughout this country and around the world. She truly knows everyone and the proper way to get things done, on health care, and a whole range of issues. She has a rare combination of policy expertise and legislative know-how. In other words, she not only knows what to do, she knows how to make it happen. Those are rare qualities anywhere; certainly around here.

She is very proud of her work in Senate infrastructure development, including her active membership in the Senate Chief of Staff organization and its executive committee. She has been a real leader in that organization. She has worked hard to be a capable administrator and manager and to help develop our staff and our institutional knowledge.

She also takes pride in the young people whose careers she has helped launch on Capitol Hill. I often hear her tell young legislative staff—in the words of her good friend and mentor, Don Hirsch: "Read the bill," as only she can say. I am a poor substitute.

The legislation she has worked on is really among the most important in my service on Capitol Hill. Trisha was by my side when we finally persuaded Congressman WAXMAN, Congressman DINGELL, and Senator KENNEDY to allow the Dietary Supplement Health and Education Act to go through. The Governor of New Mexico, now running for President on the Democratic side, was my prime cosponsor on that bill.

It was a journey of several years. It was a legislative campaign that has served as the model for many pieces of legislation since. And, I might add, it was the only major health bill to be enacted in 1994, the year of President Clinton's Health Security Act.

She was by my side in 1997, when Senator KENNEDY and I worked with Senators Chafee and ROCKEFELLER to enact the CHIP legislation in a record 144 days. People know how important that bill is. Virtually everybody in our society today recognizes the importance of the CHIP legislation. I know she had hoped to stay on and see the reauthorization finished this year, but we will do all we can to get it done next year. She has played a pivotal and extremely important role in that remarkable landmark legislation.

She has had an influential role in development of so many other pieces of law—reforming the Food and Drug export laws, allowing medical volunteers at Community Health Centers to be covered under the Federal Tort Claims Act, so many of the budget reconciliation bills, including the landmark Medicare Modernization Act, all of the major FDA bills we have considered in the past 2 decades, including the Prescription Drug User Fee Acts and the Medical Device User Fee Acts. That is only mentioning a few of the bills and mainly in the health care area—not counting all of the other areas where she has played a pivotal and very important role. She also served on the Judiciary Committee, where she worked on nominations, patents and controlled substances issues, among many, many others.

This week, as she is delighted to note, she assisted in seeing the first bill she drafted pass unamended—legislation to rename the National Institute of Child Health and Human Development as the Eunice Kennedy Shriver National Institute of Child Health and Human Development. I think most people who really know, knew how close I am to Sargent and Eunice Kennedy Shriver and how much I love Eunice Kennedy Shriver. This woman has given so much to our country. Frankly, she is one terrific human being, as was her husband when he worked in so many positions in the Federal Government.

This was a bill that Trish drafted, helped to push through, along with myself, and I am really pleased that Eunice Kennedy Shriver will be memorialized. It is something she always took credit in—the National Institue of Child Health and Human Development. She has worked with children all over the world and deserves that distinguished honor.

The list on and on. There are some that have not become law yet—and I know she regrets that—but I think we may still see the Knight agenda enacted. Two of these are allowing vitamins to be purchased with food stamps—a commonsense measure for good nutrition, and even more importantly, allowing FDA approval of biosimilars, my high priority.

Trish spearheaded for me the Kennedy-Hatch Biologics Price Competition and Innovation Act of 2007, reported earlier this year by the HELP Committee.

Trisha also is a walking rolodex. She knows everyone—including just about every health policy expert in the country. When she made her announcement on Friday, a flurry of e-mails came into the office. I would like to share just a few of them which I think you will enjoy, and which show her true character.

One of my former staff directors for the Senate Labor Committee noted in response to her announcement:

> I can't believe you plan to hang up your whip. Ringmasters occasionally take breaks, but that doesn't mean they quit the circus. Senator Hatch thinks the world of you, as do we all. Whatever your final decision, I hope it keeps you in public affairs.

One of Senator KENNEDY's former staff directors said,

> The planets are realigning. The tectonic plates of the earth are shifting. The sea is parting. The world will never be the same again.

Those Kennedy staffers always do go in for the hyperbole, don't they? That is why they are so successful.

A leadership staffer noted:

> It truly will be a loss to the whole Senate.

A Utah mayor and CEO told Patricia:

> I cannot tell you how much we have appreciated your help. You will be sorely missed. Your ability to make a difference on Capitol Hill is evident. You have been a great friend and ally. Your work ethic is unmatched by anyone I have seen on the Hill. When you combine that with your knowledge of key areas like HHS issues, you have been a very effective government operative.

A Utah political leader noted:

> Trisha is the brightest political strategist I have known in all my years in politics. She has the ability to put together a long-term strategy to deal with a crisis before the crisis occurs. Her perspective and insight into issues is unsurpassed.

And one last example, a former Robert Wood Johnson fellow in my office noted:

> You know, you were singlehandedly responsible for my whole perspective change on the reality of government and its operation . . . The amount of information you have in your mind, from your experiences, and all that you have done for others, is staggering.
>
> You will always be a close and dear friend and my life/career has been better for knowing you in that role. No matter where you find yourself, my admiration and respect will only grow. While I was there (and since), you made sure that I had a life changing experience and got to see and hear it all.

People on the "outside" who deal with many, many congressional staff, hold Trisha in the highest regard—for her expertise, her masterful strategic thinking, and for her straightforwardness, scrupulous honesty and sense of fair play. But more importantly, they genuinely like her because she is, above all, a wonderful, generous person.

Over the years, Trisha has spent weeks traveling through Utah, meeting with county and city officials and getting a good feel for the issues and challenges Utahns are facing throughout our State. She has made it a point to get to know our great State and know it well. She brought to that task all she had learned in her government career, an experience that undoubtedly helped our State in innumerable ways. In fact, when he heard she was leaving, our House colleague, Representative CHRIS CANNON, said:

> It is the State's great loss.

Trisha has the love and respect of everyone in the Senate, in Utah and those whose lives she has touched.

I will always appreciate her wise counsel and deep commitment to me, to my staff and to the citizens of Utah. Her sense of humor has defused many a tense time.

Trisha has been my right hand for many, many years—indeed, she is my longest-serving chief of staff and I will miss her greatly. In fact, one wag blogged upon hearing this news in the Salt Lake Tribune—I hope when she leaves she'll take HATCH with her. I thought that was a little coarse myself.

I ask unanimous consent that these articles be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Salt Lake Tribune, Dec. 15, 2007]

HATCH'S "RIGHT HAND" TO LEAVE BY YEAR'S END

(By Robert Gehrke)

Sen. Orrin Hatch's longtime chief of staff and policy adviser on health issues, Patricia Knight, will leave the senator's office before the end of the year, she said Friday.

Knight said she is leaving before a new law kicks in on Jan. 1, 2008, restricting congressional staffers from lobbying the chamber where they worked for two years. There is a one-year restriction in place now.

"It was extremely tough for me, but in the end I felt like I owed it to myself for my future development to not be limited," she said. "That's the only reason I'm doing it now. I love the job and Senator Hatch and working for the people of Utah."

Knight told the senator of her decision Thursday evening, she said, and Hatch announced her imminent departure during a staff meeting Friday morning.

"Trish has a reputation as one of the best senior legislative staff members of Capitol Hill. But those who know her well realize that she is the best on the Hill," Hatch said in a statement. "She's been my right arm for years and done more for the people of Utah and for this country than I think anyone will ever realize."

Hatch promoted Jace Johnson, his legislative director, to take over as chief of staff. Johnson, a graduate of Brigham Young University, has been with the senator for several years, working on issues including transportation, trade, welfare and telecommunications.

Knight was something of a character among the Senate chiefs of staff. She would do needlepoint during meetings, enjoys Neil Young concerts and has a dry, barbed sense of humor. She likes to garden, spend time at the beach and take care of her dogs, Frank and Maxie.

Knight came to work for Hatch the day after President Clinton took office in January 1993, volunteering her services temporarily after being forced out of her post as a deputy assistant secretary at the Department of Health and Human Services with the change in administrations.

She was hired full-time and worked on Hatch's key health care legislation, including helping to write the 1994 dietary supplement legislation and the first State Children's Health Insurance Program in 1997.

She has been Hatch's chief of staff since 1999, but remained active in health policy, recently helping to negotiate legislation regarding the Food and Drug Administration's regulation of biologic treatments—things like gene therapies, blood and tissue treatments and vaccines.

[From the Desert Morning News, Dec. 15, 2007]

HATCH'S CHIEF OF STAFF STEPPING DOWN

(By Suzanne Struglinski)

WASHINGTON.—Patricia Knight, chief of staff for Sen. Orrin Hatch, R-Utah, will leave government service at the end of the year, she told the senator Thursday. Knight started as a volunteer in Hatch's office in 1993, a status that lasted only a few months before she started working on health-care policy. She has been his chief of staff since 1999 but has worked for the federal government since 1973.

"We will miss Trish terribly," Hatch said in a statement. "I know that this is the right time for her, after 34 years serving our country, and I know she will be successful as she moves her career to the private sector."

Hatch said she has been his "right arm for many years" and that the Virginia native "has done more for the people of Utah and for this country than I think anyone will ever realize."

Knight disagreed with the phrase that she is retiring as she wants to do government consulting or some related work.

She based her decision to leave on the pending enactment of a new law that would bar her as a former Senate staffer from lobbying other Senate offices for a full year. Under current law, she would only be banned from lobbying Hatch's office for a year.

Knight feels the new law, designed to stop the so-called revolving door between congressional offices and lobbying shops, is a little unfair. She said it would limit her from talking to senators and their staff members whom she does not now know.

"It's not like I have a big influence with people I haven't met," Knight said.

Knight said she will miss Hatch's office and working with the people of the state.

"It's going to be different," she said. "I'll be coming at things from a different perspective."

Jace Johnson, Hatch's current legislative director, will become chief of staff, Hatch said.

Johnson and Knight have worked together on issues for several years and "he is well prepared to serve the people of Utah and the country," Hatch said.

"Trish has a reputation as one of the best senior legislative staff members on Capitol Hill. But those who know her well realize that she is the best on the Hill," Hatch said.

Mr. HATCH. I will always be extremely grateful for the service she has rendered. But more than that, she is a dear friend who could always be counted on to tell me the truth. That was really important to me and has always been.

Mr. President, I have been blessed to have superb staff in my 31 years here in the Senate. The devotion staff have to the institution of the Senate is understandable—we are all privileged to serve an institution that embodies the liberty and deliberation among free people that the Senate represents.

But the devotion of staff to a Member is, for me, quite humbling. For 15 years, Trisha Knight has given me and the Senate her expertise, her knowledge, and her advice.

I have been able to rely on her, literally, 24 hours a day during these 15 years. I have depended on her to help me pass landmark legislation, and surmount difficult challenges. I have relied on her advice—even when she felt obliged to tell me what I didn't want to hear.

I have relied, without exception, on her integrity, and I am grateful for every day I have had the pleasure of her good character.

We will all miss Trisha, but I suspect we will be seeing a lot of her in the future. We do have a saying: "Once a Hatch staffer, always a Hatch staffer," and we will expect her to adhere to that rule. And all the other applicable rules and laws, I hasten to add.

So, as the first session of the 110th Congress draws to a close, I hope my colleagues will join me in expressing appreciation for Patricia Knight for her loyalty, her service, her counsel, her sacrifice, and her commitment to good policy.

Let me say I have worked with some wonderful people in my days. I have had some terrific people help me. I have had people who have been loyal, decent, honorable, kind, honest people who have set examples around here and, frankly, every one of them has become a very good friend.

In particular, I love Trisha Knight. I believe she has more than given her best to the Senate, the Congress, and to the Government of the United States of America. I care for her, and I hope she will continue to stay in touch with me and with others in our office because we are going to need her help. We are going to need her advice from time to time. I hope she will always be there for us. I wish Trisha the very best in whatever she chooses to do next. I pray for her continued good health, success, happiness, love, and joy. She is a great one. I have been very privileged to have her with me.

I yield the floor.

Mr. ENZI. Mr. President, I rise today to recognize Patricia Knight who is retiring next week after 10 years as Senator HATCH's Chief of Staff and 15 years playing a central role in health policy here in the Senate.

Although, I am sure Senator HATCH will describe her role in his office, and her work on Judiciary Committee and Finance Committee issues, I wanted to rise and acknowledge her contribution to health care policy. For the last 15 years, Ms. Knight has been a constant advocate for improving the health care system. She has played an important role in every piece of device, drug, and supplement legislation that has been enacted. She has not just overseen this development, but participated. My staff and I have enjoyed working with her, as she has made it very clear that she enjoys getting bills enacted.

In the last 3 years as chairman and now ranking member of the HELP Committee, Ms. Knight has worked with my staff on all of the bioterrorism legislation, the biosimilar legislation, and the recently enacted FDA Reform Act. While being Senator HATCH's Chief of Staff, Trish worked tirelessly as she felt that this was important legislation that needed to be done correctly. She helped organize Republican and bipartisan briefings, helped draft and revise language, and encouraged everyone late into the night.

Throughout her interactions she has been a pleasure to work with kind words and funny nicknames for all. I thank her for her service and wish her the best of luck in her future endeavors. Surely, the Senate will miss her.

Mr. HARKIN. Mr. President, the end of this year brings the loss of one of this body's most talented, dedicated, and accomplished staff members. Patricia Knight, Senator HATCH's longtime chief of staff, is retiring after three decades of distinguished public service to the Senate, House of Representatives, and the Department of Health and Human Services.

I have had the pleasure of working with and knowing Ms. Knight for at least 13 years. My work with her began when ORRIN HATCH and I teamed up in 1994 to pass the landmark Dietary Supplement Health and Education Act, DSHEA. That legislation, which assured continued consumer access to and better research into dietary supplements, is a testament to Trisha's mastery of health care issues, her commitment to legislating across party lines, and her sharp attention to detail. Truly, without her, there would be no DSHEA today.

For the past nearly 30 years, Trisha Knight has been in the middle of almost every major piece of health legislation enacted into law. From DSHEA to the Children's Health Insurance Program, from the Medicare prescription drug legislation to the FDA Modernization Act, her stamp is on a host of major laws that will endure for many years to come.

Mr. President, the American people owe a debt of gratitude to Patricia Knight. While most may not know her, they know and appreciate the public policies she has helped create. She has worked day and night for many years of public service. And all the while she carried with her a passion for public policy, an unflagging dedication to her bosses and great, sharp wit.

I wish Trisha all the best as she moves on and tip my hat to her for a job well done. She will be missed.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

DEDICATING A NEW HAMPSHIRE POST OFFICE IN HONOR OF CAPTAIN JONATHAN D. GRASSBAUGH

Mr. SUNUNU. Mr. President, I will speak as in morning business. I thank Senator REED for giving me the opportunity to speak briefly before his remarks in support of legislation that I do hope the Senate will act on today; that is, legislation to dedicate the post office in East Hampton, NH, in honor of Army Ranger CPT Jonathan Grassbaugh, who was killed in action on April 7 this year in Iraq.

Mr. President, on behalf of Hampstead, New Hampshire middle school students, school board officials, board of selectmen, and residents, I rise to honor a fallen hero, United States Army Ranger Captain Jonathan David Grassbaugh, by introducing a bill to designate the United States Postal Service facility at 59 Colby Corner in East Hampstead, NH, as the "Captain Jonathan D. Grassbaugh Post Office."

Jon, as he was called by his family and friends, moved to East Hampstead, NH, from St. Marys, OH, in 1989. He attended Hampstead Central Elementary School and Hampstead Middle School where his mother, Patricia, is principal.

Jon graduated high school from Phillips Exeter Academy, in Exeter, New Hampshire, where he was a four-year honor student in the Class of 1999. Jon left a remarkable impression on the Phillips Exeter community; remembered for his manifestation of the motto "Non Sibi" or "Not for Oneself," a Latin phrase inscribed on the Academy's seal. Jon exemplified his passion for life through his persistent dedication to his studies, tireless volunteer efforts in school and the local community, and commitment to the Academy's radio station, Grainger Observatory, and the school's Washington Internship Program.

Jon's illustrious high school years were prologue to a promising future, full of infinite potential. Jon enrolled at Johns Hopkins University where he graduated in 2003, earning a bachelor's degree in computer science from the renowned Whiting School of Engineering.

At a young age, Jon's family instilled in him the importance of volunteerism and service to the United States. Jon's father, Mark proudly served three and a half years as an Army Ranger during Vietnam, and his older brother, West Point Alum and Dartmouth Medical School graduate, Army Captain Dr. Jason Grassbaugh, is currently serving as an orthopedic surgeon in Fort Lewis, WA. Jon continued this family tradition of service, joining the Johns Hopkins Army ROTC Program, and eventually becoming battalion commander his senior year. He also became a proud member of the Pershing Rifles fraternal organization, captained the Ranger Challenge Team, and won the national two-man duet drill team competition.

In a storybook setting, Jon met Jenna Parkinson, a freshman ROTC cadet from Boxborough, MA, during his senior year. Jon and Jenna slowly grew closer, watching movies together during spring break, sharing flights to and from school, and attending the military ball. A few short years later, Jon proposed to Jenna on April 30, 2005, and the young couple subsequently married on June 9, 2006, in a Cape Cod ceremony. Prior to their wedding day, Jon and Jenna filled out a questionnaire for their officiate which asked, "Where is a sacred spot, a place where you feel most connected, most at peace and most inspired?" Jon's answer came in three loving words: "With my wife."

Following graduation, Jon completed U.S. Army Ranger School in April 2004 and served his country both at home and abroad. He was assigned to the 7th Cavalry in The Republic of South Korea and served as a member of the Army Hurricane Katrina Relief Team. Later, Jon was assigned to the 5th Squadron, 73rd Cavalry Regiment, 3rd Brigade Combat Team, 82nd Airborne Division in Fort Bragg, NC, where he and the now U.S. Army 2nd Lieutenant Jenna Grassbaugh would reside.

Shortly after Jon and Jenna were married, he was deployed for a second tour of duty in Iraq. Tragically, on April 7, 2007, Jon was one of four soldiers who died while conducting a combat logistics patrol in Zaganiyah, Iraq. Throughout Jon's distinguished military service, he received a number of accolades and commendations, including: The Bronze Star Medal, Purple Heart Medal, Meritorious Service Medal, Army Commendation Medal, Joint Service Achievement Medal, Army Achievement Medal, National Defense Service Medal, Iraqi Campaign Medal, Global War on Terrorism Service Medal, Korean Defense Service Medal, Humanitarian Service Medal, Army Service Ribbon, Ranger Tab, Combat Action Badge, and Parachutist Badge.

Jon is remembered as a confident and mentally strong leader, whose poise under pressure, intelligence, compassion, and love for God, country and family transcends his passing. His valor on the field of battle was equally as impressive as his undying loyalty to and love for his squadron. One well-known anecdote recalls a combat operation in which Jon had pizza flown by helicopter from 100 kilometers away to where his troops were conducting combat operations in an effort to lift morale. Jon left a legacy that continues to inspire our Nation's future leaders from Hampstead and Exeter, New Hampshire, Johns Hopkins, and those he proudly served beside in Iraq.

On a deep and personal note, for those who had the sincere privilege and honor to meet Jon, it was evident his exuberance for life and new experiences, ingenuity, and academic acumen destined him for greatness. By the time of his death, Jon had achieved more than most individuals do in a lifetime, a testimonial to his family's love and guidance through his young life, and Jenna's warmth and support as he fought for our Nation.

Today, Jonathan Grassbaugh rests in peace at one of our Nation's most hallowed and sacred grounds, Arlington National Cemetery—his rightful place among generations of brave Americans who sacrificed their lives in defense of this country. His loved ones will forever remember him as a loving husband, son, brother, and friend. Let it be known, the citizens of New Hampshire and our Nation are eternally in debt to Jonathan David Grassbaugh, an honorable son of New Hampshire, an American Patriot, and a guardian of liberty.

Mr. President, I ask unanimous consent that a copy of the Hampstead, NH, Board of Selectmen's letter of support to dedicate the East Hampstead, NH, Post Office, as the "Captain Jonathan D. Grassbaugh Post Office" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DECEMBER 12, 2007.

Re Petition of dedication.

DEAR SENATOR SUNUNU: Students of the Hampstead Middle School prepared a petition to support honoring Captain Jonathan Grassbaugh, who gave his life for our country. the petition seeks to honor him by dedicating the East Hampstead, NH, 03826 Post Office in his name.

The petition was presented to the Hampstead Board of Selectmen on Monday, December 10, 2007.

The Board of Selectmen accepted the petition and voted unanimously to support the project.

Please find enclosed the petition along with the signatures of 526 individuals.

Thank you for your help in moving this project forward.

Very Truly Yours,
RICHARD H. HARTUNG,
Chairman.
PRISCILLA R. LINDQUIST,
Selectman.
JIM STEWART,
Selectman.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

Mr. REED. Mr. President, I ask unanimous consent that the recess be delayed until I complete my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. REED. Mr. President, I ask unanimous consent that the order with respect to Senator DORGAN be changed to provide that if Senator DOLE is here at 2:15 p.m., she be recognized for up to 5 minutes and then Senator DORGAN be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE ECONOMY

Mr. REED. Mr. President, I rise today to discuss the state of our economy. Regrettably, the news is not good. Two weeks ago, the Mortgage Bankers Association reported that the rate of home foreclosures and the percentage of loans in foreclosure is at the highest level ever recorded by this organization. At the same time, surveys by the University of Michigan and the Conference Board showed consumer confidence at the lowest levels in many years. The financial troubles that began with the subprime mortgage crisis last summer have now spread to all credit markets and created a liquidity crunch that threatens our entire economy.

Some say these troubles are merely temporary. In fact, some say there are two economies—the real economy, with people getting up and going to work, and the economy of Wall Street, which is financial engineering and all sorts of incredibly exotic financial products. The reality is these markets intersect. As a result, our whole economy is threatened now by forces that may be temporary, but they are working themselves out in a very difficult way for the people of this country, the men and women we represent, our constituents.

Some contend that the market has undergone a correction since the end of cheap credit and speculation in the housing sector. They point to job figures and quarterly GDP growth as indications that the overall economy, the real economy, is strong.

Frankly, I think we have to look critically at those assertions. What troubles me more than the numbers—the GDP and all the other financial statistics—is what I am hearing from Rhode Islanders and what I presume my colleagues are hearing from their constituents across the country. The mortgage crisis and credit crunch in many ways represents a culmination of their fears and sort of the tangible acknowledgement of what they have been fearful of for many months. Lately, I have been struck by how many people are finding it increasingly difficult to maintain a decent standard of living, despite having a steady job. People tell me they feel squeezed by the rising costs of energy, food, health care, and higher education, while at the same time the size of their paychecks does not seem to be expanding at all.

For thousand of families in Rhode Island and millions of people across America, wage stagnation has created a general feeling of anxiety. Instead of trying to get ahead, most people are finding it hard to get by. The subprime meltdown and subsequent credit crunch are adding additional stress to that equation. For some people, it has pushed them to the brink of personal and financial crisis.

Today, we are living in an era of divided prosperity, where a few do extremely well—extraordinarily well—and the rest of us are struggling to keep up. The Bush administration has aided and accelerated this trend of growing inequality, and its lax attitude toward regulation has allowed major economic liabilities to develop unchecked, allegedly for the sake of allowing the market to function "efficiently."

The latest crises show markets are not always efficient, nor always equitable, and rampant speculation in the absence of oversight can create problems that cannot be quickly assessed or fixed. This President has perpetuated a system that encourages a fortunate few to collect as much of the benefits of our economy as possible, while sharing very little with the rest of society.

At the same time, what we have seen developing are enormous blind spots that have begun to reveal themselves with disturbing frequency. The tragedies of Katrina and the collapse of the bridge in Minneapolis, as well as the subprime crisis, and even our policies in Iraq are all evidence of the administration's consistent failure to plan for long-term liabilities. Moreover, this shortsighted focus is reflected in massive trade and budget deficits and the absence of any comprehensive plan to address our addiction to foreign oil or the skyrocketing cost of health care. These are creating real challenges for our country.

This year, the new majority in Congress has tried to set a different course, but, unfortunately, we have not had the cooperation or support of the President in any real sense of the word. As a result, we have made some progress in addressing and correcting these issues but not nearly enough. In order to end the Bush era of divided prosperity, which some people speak of as two Americas, we have to, I think, reengage ourselves in a process of making sure America is competitive in the global economy and that it has sustainable policies that lead to true growth, which is shared by all Americans. We must reprioritize and take a more serious approach to the policy challenges at hand.

Since World War II, every period of economic expansion has resulted in shared prosperity for most America. To be sure, growth varied by degrees over time and from place to place, but in general the tradition in America has been that a rising tide will lift up all boats. Yet for the past 6 years, under the Bush administration, this tradition of shared prosperity has not been sustained.

In my State, the Poverty Institute of Rhode Island announced last month that our median wage actually declined since 2000, which makes Rhode Island the only State in New England to experience negative wage growth during this period. With stagnation in most places, we have actually seen negative growth. Since President Bush took office, the real national median household income has declined by $962, from $49,163 in 2000, to $48,201 in 2006. In fact, between the first quarter of 2001 and the third quarter of 2007, real median weekly earnings fell 1.2 percent, compared to 7.1 percent growth between 1996 and 2000 under the Clinton administration. We have seen a startling change in the economy affecting the families of America, whose incomes grew from 1996 to 2000 and have declined in real terms since then, and that reality is shaping the lives of millions of Americans.

While the President's economic policy has yielded extraordinary gains at the very top of the income scale, his fiscal policy has multiplied differences and exacerbated the disparity between the very wealthy and, frankly, most everyone else.

According to data recently published by the Congressional Budget Office, in 2005, real after-tax incomes jumped by an average of nearly $180,000 for the top 1 percent of households, while rising only $400 for middle-income households, and $200 for lower income households, which signifies an extraordinary divergence in terms of the wealth of the very few versus everyone else. That average income gain for the top 1 percent is more than three times the total income of the average middle-income household.

> Taken together with prior research, this new data indicates that income is now more concentrated at the top of the income scale than at any time since 1929. I grew up in an era where we looked to the history of the lives of our parents who endured a depression in which the economy collapsed, and then through the policies of this Federal Government and State government, we saw a rising tide literally lift up every family in America. We saw a more equal distribution of wealth. In fact, many people prospered. Now we are seeing a reconcentration of wealth that has great consequences not only for our economy, but for our society.

We pride ourselves as Americans on having a country where anyone can rise to the top, where opportunity will propel you forward, take the chances that are available to you. But what we are seeing in other economic studies is, frankly, today we can predict the success of a child based on the income of the parent more than we could 20, 30, and 40 years ago. If your parents are wealthy, you are likely to stay wealthy. That was not the case 20, 30, and 40 years ago.

In his new book "The Squandering of America," the economist Robert Kuttner writes:

> Between 2000 and 2006, the productivity of American workers increased by 19 percent. But the total increases in wages paid to all 124 million non-supervisory workers—

These are the blue-collar workers who come in every day, punch in, work hard, go home, and take care of their families.

> —was less than $200 million in 6 years—a raise of $1.60 per worker—not $1.60 per hour, but a grand total of one dollar and sixty cents in higher wages per worker over nearly six years . . . Compare this $200 million total for all nonsupervisory workers to the nearly $38 billion paid in bonuses alone by the top Wall Street firms during the same period.

That is $38 billion to those people who are extremely successful on Wall Street versus $200 million for every nonsupervisory worker in the country.

Since 1997, the pay of CEOs of large corporations has increased to an average of $10.5 billion per year, or about 369 times the average wages of a worker and 821 times the average wage of a minimum wage worker. Such facts make it clear that most Americans are working harder and more productively.

Yet these facts go against what many of us were taught in school about the tenets of economics. I am referring to the basic idea that as the economy becomes more productive, those productivity gains are shared, and as a result workers get more in their paychecks. That is not happening. It is not happening as it should.

Let me give another example. According to "Alpha" magazine and the New York Times, in 2006, the top 25 hedge fund managers combined earned $14 billion. That is enough to pay New York City's 80,000 public schoolteachers for nearly 3 years. Ask yourself: As a matter of social worth and value, should 80,000 public schoolteachers be paid for 3 years with what 25 individuals have earned?

I understand there is a risk premium for the pay that these financial managers earn. They are not only talented, dedicated people, but they are also going in there and taking chances and rolling the dice and creating innovation, entrepreneurship, and opportunities for others. But still I must ask: Is this distribution of wealth and reward commensurate with all the efforts of those teachers, men and women in urban school districts who are laboring to give kids a chance so they can seize opportunities? As Americans, we have to stop and ask ourselves why is this happening. Is there something we can and must do to make this country a little bit fairer?

Even some billionaires are concerned about this. Warren Buffett has criticized the U.S. tax system for allowing him to pay a lower rate than his secretary. Mr. Buffett paid 17.7 percent on the $46 million he made last year. He did not try to avoid paying higher taxes, he simply took the advantages that were in the tax code to which he—indeed, to which each of us—is entitled. Meanwhile his secretary, who earns $60,000, was taxed at 30 percent.

If you consider these inequities, these differences, it is hard to understand why the President is so adamant about protecting the tax rates for the top 1 percent of earners. The consequence of this is that we also have fiscal complications. We have the most rapid deterioration of our Nation's fiscal health in the history of this country. In this administration, we have swung from a projected surplus to a projected deficit dramatically.

When the President took office, we had a surplus. Yet he has run a budget deficit every year for the past 6 years. Over that period of time, Bush's deficit spending has increased our national debt to nearly $9 trillion, which is virtually $30,000 for every man, woman, and child in America. He has pushed this country into record levels of debt to finance tax cuts for individuals who, frankly, are earning at a level at which they do not need additional tax cuts.

Not only does it give more to those who already have a great deal, it also starves the Government from funds to use for investing in the future productivity and prosperity of this country.

The only areas where the President has consistently supported more money have been for his tax cuts and for unlimited spending on his policy in Iraq. With these items, there is no limit to what he will accept. A recent report released by the Joint Economic Committee estimates that the total economic cost of the war in Iraq has been approximately double the direct budgetary costs. We have been spending billions, but the costs are much more than that. As we look to a drawdown of our troops going forward, the JEC estimates that the total economic cost of the war will reach $2.8 trillion for the entire 2003-to-2007 period, when you factor in veterans health care, the cost of equipping and replacing the materiel we have consumed in this war, and the reinvestments we will need to make in our military. It is a huge amount of money.

We are spending $10 billion per month on Iraq. Just 2 months of the cost of that war is roughly the same amount that was at issue between the President and the Congress in our debate about the budget this year. The President refused to spend $22 billion more than his limit on domestic spending, but in 2 months, we will consume at least that much in Iraq without any revenue offsets, without any qualms, and without any additional considerations. Unconditional spending was the message he sent to us last evening when he demanded that this Congress send him money for Iraq.

The President's policy seems to be not guns and butter but guns and caviar—money for Iraq, money for Afghanistan without limit, without end, it appears, and benefits through the tax system for the very wealthiest Americans, not the rich, but the super-rich.

This year, the Government is effectively spending $49 billion to provide tax breaks averaging $130,000 for those with incomes greater than $1 million. And we are seeing the impact throughout this country. We particularly see it as we go back to what has to be, I believe, the reference point for what we all do, and that is, what is happening to families across this country.

In Rhode Island, the cost of health care premiums is rising twice as fast as wages and inflation. Premiums in Rhode Island increased 67 percent between 2001 and 2006. Wages did not increase that fast, I can tell you that. The number of people without insurance increased 50 percent in that same period. They cannot afford to pay for the cost of insurance.

Gas prices have more than doubled in Rhode Island. The price of regular gas has jumped 95 percent from $1.52 when President Bush took office to about $2.97 in June of 2007. People are spending more and more money on getting to work, getting the kids to the Little League games.

College education costs are rising in Rhode Island and across the country. Average tuition fees in Rhode Island have increased 6 percent for our 4-year public colleges and 5 percent for our private colleges.

At the same time, the value of a home has been decreasing, and people are beginning to sense that decrease. A home used to be the great source of economic security, economic wealth, economic flexibility, and a hedge against the uncertainty of the economy, but now we are seeing in Rhode Island, and indeed across America, an explosion in foreclosures.

And we can also factor in the uncertainty of pensions. The fact is that more and more of my constituents are being pushed from a defined benefit to a defined contribution plan or in some cases to no pension at all. The erosion of traditional pensions is adding to this uncertainty.

The net effect of all of this is that many Rhode Islanders are working longer hours but are barely able to maintain the same standard of living.

What we have to do is respond to these issues. We have taken some steps. We have passed, in terms of education, the College Cost Reduction Act. This $20 billion increase in student aid is the result of this Democratic Congress and our priorities, but we have to do much more.

We have moved forward with respect to some issues on housing, but progress has come much too late and is still too little. We finally cleared the Federal Housing Administration Modernization Act, the FHA Act, which is going to increase the amount of loans the FHA can guarantee. That is going to get them back into the lending business. But this action has come months after we should have moved more promptly, more efficiently, more effectively to do that.

We have to respond to this growing crisis now in terms of foreclosures. Secretary Paulson announced his plans recently and I think the plans are important because at least they signal some action. However, I suspect they are probably inadequate for the scope of the problem that is developing. We have legislation that is pending that has to be moved that I think will be much more effective going forward.

On energy, this week, the President is signing an energy bill which is long overdue. It increases gas mileage, or CAFE, standards. But we have to do more there, too. The tax provisions which are so essential, I think, to ensuring that there are incentives for alternate fuels, incentives in the marketplace so investors will put in money with the confidence that they will be repaid, those tax incentives are still languishing. They have to be passed. Again, we have made progress, but it has not been adequate progress to date.

We have to deal with the broader sense of our dependency on oil. Again, this energy bill is a very good step forward. It has to be supported. It has to be advanced. It has to be extended.

When we look at the economy from the standpoint not of the macroeconomic statistics of gross domestic product, when we look at the economy not simply in the context of financial markets, when we look at the economy from the standpoint of people who live in Harrisville, RI, or Harrisburg, PA, it is a tough economy. People at home are asking us to stand up and do something, to give them again the sense that when they work and their productivity goes up, their wages will go up as well; to give them the sense that they can actually provide for their family, maybe even put a little bit aside. Very few middle-income people are putting anything aside these days. That is our challenge.

This Congress has taken some steps to meet that challenge in terms of education policy, in terms of energy policy, in terms of at least beginning to deal with the housing issue. We have a lot more to do, and we need the cooperation of the administration.

I think this is a historic moment. Are we going to abandon our sense that this country is based on opportunity for all of our citizens? Are we going to abandon the sense that our economy works for all of its citizens; that those who are creative and clever and take risks will get great rewards but that no one is going to be left behind, no one is going to be left without anything to show for working hard, working smarter, and working better? I hope not.

I think that will be one of the ultimate judgments not just on this Congress and this administration but on our tenure as Members of the Senate as we go forth.

Mr. President, I thank the Chair for his consideration in allowing me to speak beyond the recess time, and I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:46 p.m., recessed until 2:15 p.m. and reassembled when called to order by the presiding officer (Mr. CARDIN).

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

CONSUMER EDUCATION

Mrs. DOLE. Mr. President, ever since my days as Deputy Special Assistant to the President for Consumer Affairs in the Nixon administration, followed by 5 years on the Federal Trade Commission, consumer education has been a top priority, especially with regard to helping individuals protect their credit and improve their financial literacy.

In fact, back in my days with the White House Consumer Office, we prepared an extensive manual called "Consumer Education K through 12." I traveled the country and encouraged schools to use this material so that students could learn the importance of financial literacy at an early age. So this is truly an issue that is near and dear to my heart, and I am pleased that the Senate Banking Committee held a hearing just last week entitled, "Shopping Smart and Avoiding Scams: Financial Literacy During the Holiday Season." As I said at that hearing, it is unfortunate that today there is a particularly harmful practice called identity theft, an all too prevalent problem we must continue to deal with. Identity thieves constantly create new scams to rob hard-working, law-abiding citizens of their good names, their credit and their security. The stakes could not be higher for the families involved.

As you may remember, after last year's holiday shopping season, TJX, the parent company of TJ Maxx and Marshalls, disclosed that it had experienced a massive data breach, where the security of its customers' financial information was compromised. According to a filing with the Securities and Exchange Commission, beginning in July

2005, and continuing over an 18 month period, at least 45.7 million credit cards were exposed to possible fraud. As this example illustrates, identity theft is often cited as one of the fastest growing crimes in the Nation. According to a study conducted for the Federal Trade Commission, approximately 8.3 million Americans were victims of identity theft in 2005, losing an average of $1,882 dollars each. In my home State alone, an estimated 300,000 North Carolinians are victims of identity theft and fraud each year. Without a doubt, this is an issue that continually needs to be front and center on our radar screens, and we need to do our part to educate people on ways to prevent identity theft and inform them of what to do if, heaven forbid, they become a victim. For example, the North Carolina Department of Justice site called "NoScamNC.gov" and the Federal Trade Commission's Web site, www.ftc.gov, both provide useful information and tools to help consumers protect themselves and take action if their personal information has been compromised or misused.

With regard to financial literacy, I believe clarification of credit card agreements is high on the list to benefit consumers. There are many well-intentioned laws that require credit card companies to fully disclose their policies on rates, payments and terms of use. But unfortunately, the tangible effect of these laws is often multiple pages of single-spaced typing in small font lettering, filled with sophisticated legal terminology. Who are they trying to fool? For gosh sakes, you shouldn't have to have a lawyer and a magnifying glass to understand a credit card user agreement. Some lending companies are now providing consumers with a one-page summary of their disclosure information in a format similar to the nutrition information displayed on products in your local grocery store. In fact, I'm proud that working to get that clear, concise nutritional labeling was a top priority during my early days in the White House Consumer Office.

We must also continue to require that credit card companies provide full disclosure regarding fees, interest rates, minimum payments and privacy statements. It is imperative that this information be presented in the most consumer-friendly manner possible. This will benefit not only the consumers, but also the credit card companies. By providing more easily understood applications and monthly statements, card issuers can reduce losses due to defaults and also lessen the demand for customer service to guide consumers through problems. It's a win-win situation or, as they say, a no-brainer.

During this busy shopping season, and all year-round, we can each benefit from sharpening our financial literacy and protecting our personal information and credit.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I believe I am by previous order to be recognized for 30 minutes. My colleague from Michigan has asked for 5 minutes to precede that. I will be happy to grant that by consent, if I will be recognized following her presentation.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Michigan is recognized.

PREVENTION THROUGH AFFORDABLE ACCESS ACT

Ms. STABENOW. Mr. President, I thank my colleague from North Dakota for his graciousness. It is my understanding that there will be an objection to this unanimous consent request. At this point there is not someone on the floor to object, so I will briefly talk about what I am asking that we do, and then, as a courtesy to our colleagues on the other side, if we do not have someone here I will postpone the actual motion. But let me just say, because I want to make sure I am only taking a moment—I know Senator DORGAN has some important words—let me just say I will be asking unanimous consent that S. 2347, the Prevention Through Affordable Access Act, be discharged and the Senate proceed to its consideration and pass it.

Due to an unfortunate drafting mistake in last year's Deficit Reduction Act, some safety net providers, such as family planning clinics and other health centers, cannot receive contraception from drugmakers at nominal drug prices without violating Medicaid's best price rule. These are drugs that in fact are donated. Since this law became effective in January, the provision has been a tremendous hardship for women across America and has driven up the cost of contraception, family planning, by some 400 percent in some cases.

Because of this, many women cannot afford their prescriptions, and clinics are being forced to close because they can no longer receive the donations they have traditionally received. This is sure to result in an unintended series of pregnancies among low-income women and students. This is very serious for women and families across America.

Hundreds of articles have been published documenting the impact of this mistake. We understand our Republican colleagues have indicated this was a mistake. This has affected low-income women and families on college campuses nationwide. Some clinics stocked up early, but their supplies are running out. For too many clinics, especially in rural areas and on college campuses, they simply do not have enough resources to overcome this provision which, it was indicated, in fact was a technical drafting error. According to one family planning organization, over 200 clinics across 34 States serving half a million patients are at imminent risk of closing, and therefore women and their families lose these important health care facilities.

In my own State, women in rural parts of Michigan will have limited or no access to contraception. I have already heard from rural health clinics, as well as universities, student clinics, how this provision, passed last year, is hurting women and potentially causing these centers to close. Again, this is essential health care for women that is at risk.

I rise today to express my strong support for the Prevention Through Affordable Access Act. This bipartisan bill, introduced by Senator OBAMA and myself and nearly 30 other Senators, is a commonsense solution to a major problem affecting our Nation's family planning providers. Historically, Congress has expanded access to affordable prescription drugs for vulnerable populations in America by permitting pharmaceutical companies to offer what is called nominally priced drugs, drugs that are either donated or provided at dramatically reduced prices, to certain health care providers.

What we are asking for today is merely a technical correction, to do the right thing. The Prevention Through Affordable Access Act will not cost the Government anything and merely will allow pharmaceutical companies that are willing to continue to donate drugs to safety net family planning clinics to do that.

This is invaluable in terms of women's health care. I urge my colleagues to join me in doing the responsible thing by passing S. 2347 now.

Congress must act responsibly now to ensure that family planning services and birth control pricing are restored this year. For too many families across America, this is an urgent situation. Women cannot wait until next session to have this mistake corrected and affordable birth control returned.

At this point we do not have someone, I understand, on the floor to address this from the other side, so I will delay actually asking for the unanimous consent until a later point. I do intend to do so. It would be my hope that, in fact, with such a large number of Senators supporting this effort we would be able to get this done today.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, as we near the end of this first session I want to talk about a couple of things. I think perhaps today is the last day, maybe tomorrow, I do not know for certain, but most of the business that required votes was completed last evening by about 11 o'clock.

FTC

First, I want to talk about some action that was taken yesterday by Federal Communications Commission Chairman Kevin Martin and Commissioners Tate and McDowell, forming a majority of three. In a 3-to-2 split, the Commission decided yesterday their main issue was the need to relax the ownership rules so we can have more concentration in America's media. It is exactly the wrong thing to have done. They have done the wrong thing for the wrong reasons, despite the fact that the Congress itself has asked them not to do this.

The Commerce Committee, of which I am a member, has passed legislation asking them not to vote so quickly on this rule. Members of the Commerce Committee and other Senators, 27 in total, sent a letter to the Chairman of the Federal Communications Commission this week and said: If you proceed to do this, we will introduce legislation to nullify and revoke the rule you are intending to pursue.

Now, despite that, yesterday the Chairman of the Federal Communications Commission, having worked apparently the night before—at 1 a.m. he was still passing around materials about what his rule was—drove through a new FCC rule to allow newspapers to buy television stations, to relax the cross ownership ban that has existed for some three decades here. We have in this country a dramatic concentration in America's media. A substantial portion of what most people in this country will see and hear and read today is controlled by a handful of corporations; it's a massive concentration. It is not unusual for you to drive down the street and think you're listening to your hometown radio station, but it isn't. Oh, you think you are listening to your hometown radion station, but they are not there. It is very likely someone is driving down the road in Salt Lake City, UT, and hears the disk jockey say: Well, it is a great morning here in Salt Lake City. The sun is coming up, we have got a few clouds in the sky, it is going to be a beautiful day. The traffic is kind of light. You think, well, this person obviously is in Salt Lake City, I am listening to a Salt Lake City station. But, no, that person is actually in a basement studio in Baltimore, MD, ripping from the Internet whatever that person can find about Salt Lake City and then pretending he is broadcasting from Salt Lake City. It is going on all across the country and it is called voice tracking. Localism is gone in many companies that have radio stations and television stations. And yet the Federal Communications Commission that is supposed to wear a striped shirt and be a referee—that is what a regulator is about—the Federal Communications Commission apparently believes we do not have enough concentration in the media.

In one community in my home state, Minot, ND, one company bought all six commercial radio stations. Think of that, bought all six of them. There was an incident one night at 2 in the morning that threatened peoples' lives, killed one person, sent a lot of people to the hospital, when a plume of anhydrous ammonia enveloped that town from a train accident. The citizens called the radio station, but could not get an answer. Nobody answered the phone. Maybe if those six radio stations had been owned by six local people, you think you may have found someone there? I would think so, but yesterday the Federal Communications Commission said: Well, none of that matters. We want more concentration in the media. So they passed a rule that allows cross ownership, that has been banned for some 30 years, between newspapers and television stations.

Well, here is the media. Let's take a look at the media. They say: Well, we have got all of these new opportunities in the media. All of these are different voices. We have got Internet, we have cable channels, we have got so many more voices. Yes, more voices, the same ventriloquist.

Let me describe why that is the case. News Corporation. Here is one company. Take a look at it. The Internet, books, production, programming, film, magazines, newspapers, satellite. One corporation. By the way, that corporation has just purchased the Wall Street Journal.

Disney: Parks and resorts, magazines, radio, books, Internet, production, television, film. Time Warner. All of this media it owns: Programming, magazines, the Internet, film, television, cable.

Viacom: The Internet, film, production, programming, radio television. Well, I could go on. Let me go on to two more charts.

CBS Corporation, exactly the same thing. Go to the most popular Internet sites, who owns them? The same companies. General Electric. Television, programming, production, film, magazines, and on and on.

So we have now a Federal Communications Commission that says: You know what we need? We need more concentration, less localism, less minority ownership, apparently. It is unbelievably arrogant what they did yesterday. Let me describe why I think what they did yesterday was arrogant.

They had a rule they were going to put out some while ago dealing with migratory birds and communication towers. They said: This is an important rule. We will give 90 days for the American people to comment on this rule. Ninety days. On a rule dealing with relaxing ownership limits, they gave 28 days. Twenty-eight days.

Chairman Powell, the chairman before Chairman Martin, ran an FCC that included now-Chairman Martin. Four years ago he said he was going to put out a new ownership rule for the media. Here is what he proposed: In one of America's largest cities a company could own the following: eight radio stations, three television stations, the cable company, and the newspaper, and it will be fine.

Well, it was not fine with me. Senator TRENT LOTT and I got the Senate to pass a resolution of disapproval of the rule. In the meantime, the Federal court stayed the rule so it could not take effect. Here we are now back with the same issue, Chairman Martin leading the way. He says, well, this is a smaller step. Sure, it is a smaller step. You have abrogated the right of the American people to even understand what you are doing. He says: Well, we had a 120-day comment period. No, you did not, you had 28 days. You went out and held some meetings, but there was no rule for people to comment on at that point.

I want to make this point. What the FCC has done is arrogant. The chairman and the ranking member on the Commerce Committee asked them not to do it, 27 Senators sent them a letter saying it is inappropriate, saying you should not be short-circuiting the right of the American people to comment on this rule.

This Federal Communications Commission, operating with its strings to the White House, has decided what we need in this country is more concentration of the media. It is unbelievable to me. The last thing in the world we need in this country is more concentration in the media. What we do need with respect to radio stations and television stations and, yes, newspapers are some basic connections in the communities in which they serve.

This notion of voice tracking and all of the other things that are going on, one person at a studio board is running four or five stations, sending out homogenized music, pretending he is in four cities at the same time, that is not what was intended when we decided to give for-profit companies the right to use the airwaves that belong to the American people free of charge.

They have a responsibility, a public interest responsibility, and a responsibility to serve local interests. This Federal Communications Commission ought to hang its head for what it did yesterday. It is not over. We will bring to the floor of the Senate a resolution of disapproval. I am convinced, and I predict, that the resolution of disapproval will prevail on the floor of the Senate.

I would prefer to say nice things about a Federal agency, if only we could find a Federal agency that takes some responsibility for doing what it is intended to do. You can look around. You can look at the Surface Transportation Board, an agency that is supposed to be a referee with respect to the railroads. It is dead from the neck up; has been for years. There is no opportunity, no real opportunity, for anybody to have any opportunity to contest rail rates, for example.

I can go on and on with respect to regulators. It is too bad, because the American people deserve better, in my judgment. The American people expect better from this administration.

I want to speak on another couple of subjects this afternoon. First, I want to talk about the subprime loan issue, which affects almost everyone in this country because of the way it is affecting our economy. The subprime crisis has at its roots a substantial amount of greed and a lust for profits, that in my judgment injured basic common sense.

I want to read an advertisement that almost everyone has seen or heard when in the morning you get up, brush your teeth, maybe are listening to the television set as you get ready for work, and you hear this advertisement. We have all heard them. I wondered when I heard them: Well, how on Earth can this work?

Here is one, Millennia Corporation: 12 Months, No Mortgage Payment. That is right. We will give you the money to make your first 12 payments if you call in the next 7 days. We pay it for you.

Here is one from a company called Zoom Credit: Credit approval is just seconds away. Get on the fast track with Zoom Credit. At the speed of light, Zoom Credit will pre-approve you for a car loan, a home loan, refinance, or a credit card. Even if your credit is in the tank, Zoom Credit is like money in the bank. Zoom Credit specializes in credit repair, debt consolidation too. Bankruptcy, slow credit, no credit. Who cares?

That is the advertisement from Zoom Credit.

Countrywide Financial, the largest mortgage lender in the country, had this to say: Homeowners, do you want to refinance and get cash? Countrywide has a great reason to do it now. A no cost refinance. It has no points, no application fees, no credit reporting and no third-party fees. No title, no escrow, no appraisal fees. Absolutely no closing costs. So you wind up with a lot more cash.

Now the advertisements that say: Have you been bankrupt? Have you been missing payments? Do you have bad credit? Come to us. Do those advertisements say something to us about fundamentally bad business? It does to me.

Let me tell you what Countrywide Financial was doing. It is not just Countrywide; I am using it as an example. They began to offer hybrid mortgage loans. They offered loans where you paid interest only. You get a loan on your home, a new mortgage, and you pay no principal. You just pay interest only, and layer your principal in later at the end of the mortgage.

Well, that was not enough. They decided: Well, we will do a payment option adjustable rate mortgage. That allows the borrower to pay only a portion of the interest and none of the principal, and the portion they did not pay gets added to the back of the mortgage.

So you advertise, and you say: You know what, you have got bad credit, you have been bankrupt, you are a slow pay, your credit rating is in the tank, tell you what, we will give you a subprime loan. Do you know what? We will give you a loan at 2 percent. It will have to bounce up when it resets in a while, so you will have to pay a little more later, but we got this housing bubble going on, you know, bubbles never burst. So buy this and flip it. If you cannot make the payment 2 years from now when the interest rate resets, you can flip the house and make $30,000, $50,000, $100,000, do not worry, be happy.

In fact, some of this comes from cold calls to the home from brokers in some cases making $10,000 $20,000, $30,000 in fees, saying: What you need is a new loan. It is a new loan that is going to have a 2-percent interest rate. And, by the way, when we tell you what your monthly payment is going to be, we are not going to tell you that you have escrow payments on taxes and insurance. That will not be part of what we tell you. So we will get you into this new mortgage loan, and we are going to have a prepayment penalty. You are locked into a circumstance where the rate is going to reset, and when it resets, you cannot pay it off early because you will have a big penalty. This from the largest mortgage lender in the country.

I don't know how one looks at this and understands the consequences of it for mortgage lenders that went hog-wild. They then gave people subprime loans. It is called subprime because it doesn't quite measure up and has very unusual terms. What they do next with the subprime loans is they sell them quickly, and then they are securitized by perhaps a third party who sells them again, so they are sold in two or three cases. It is like putting sausage together, the old story about how sausage used to be made with sawdust. It is a filler used to make sausage. You get a container—in most cases the intestine—you fill it up with a little meat and sawdust, and then you slice it. That is what they did with these mortgages. They took some subprime, they took some others, they diced them, spliced them, securitized them, sold them two or three times.

Now we have a circumstance where a financial institution in France has a massive problem because they are holding securities they didn't know existed with subprime loans that were sliced and diced. What is the incentive for the investor to buy these? The investor is greedy. The broker is greedy. The mortgage lender is greedy. The investor who wants to buy these sliced-and-diced pieces of mortgage sausages is going to get a higher return because you have to reset the interest rate. That is going to jack rates way up, which means you get a higher return as an investor. Guess what. The center pole of the tent collapses, and everybody is standing around wondering what on Earth happened.

What happened was an unbelievable system filled with greed by everyone who should have known better, starting with television advertising that said, "Get a loan from us even if you are in bankruptcy because we are interested in helping you out, even if you have bad credit," starting with that and ending on the other side with sophisticated investment banks and rating organizations believing they can buy these pieces of mortgage sausage that, at its fundamental, never added up, and they believe they can show big profits on their books. The result is now we see CEOs of some very large corporations who are not only losing jobs, but the corporations are taking writeoffs of $8 billion, $10 billion. This is going to be a casebook study of bad business in all business schools at some point.

The question is, How does it happen that all of this occurs outside of the view of regulators or outside of the concern of regulators? Where was the Federal Reserve Board when all of this happened? Where was Alan Greenspan? He was walking around scratching his head, worried that we were going to pay down the debt too rapidly in the first part of this decade. He was the enabler for George Bush for deciding that even though we don't have a fiscal policy that has yet produced 10 years of surplus—we had a surplus when President Bush took over, but the prediction was for the next 10 years—even though we didn't yet have that, he had an enabler in Alan Greenspan walking around scratching his head, trying to figure out how he could sell the Bush policy by saying: I am really worried we are going to pay down the debt too quickly and it will have an adverse impact on the economy. He, more than anybody, gave a green light to a bad fiscal policy. Even as that was occurring, he apparently was looking the other way in a determined manner as all of this was happening under his nose. It is the Federal Reserve Board, yes, but it is also other regulators as well who should have been involved. If ever there is a lesson that you need effective regulatory capability in a government, it ought to be now.

I was watching a wonderful series about the Presidency. It is documentaries about most of America's more recent Presidents during the last century. One of them was about Franklin Delano Roosevelt, something he did during the 1930s that was unbelievably controversial. During the 1930s, he decided banks should be regulated. He did that for a good reason. He decided there should be regulation of banks. He was excoriated by American business and by banks. What on Earth are you talking about? Why should banks be regulated?

The question is, What happened to effective regulation that began to be created over some decades to protect the public interest, when we now see in the year 2007 this kind of behavior, a subprime mortgage crisis that at its roots is devoid of common business sense? Yet it happened, and the smartest guys in the room—to describe the title of a movie dealing with Enron—apparently were the ones who constructed it. Now we all pay the price.

Warren Buffett, one of the wonderful business leaders in this country, says: Every bubble will burst. Part of the housing bubble was created by subprime loans and by all of these folks deciding: We are going to get all these mortgage instruments out there, even if they are not sound fundamentally. That helped exacerbate the bubble. The plain fact is, the bubble was destined to burst. Then what happened? What happened is what we see now—substantial financial chaos, some companies running, trying to figure out what happened, and we have a lot of victims.

George Will suggests that nobody is a victim who got a home loan. I beg to differ. The fact is, those who were getting cold calls from fast-talking mortgage brokers trying to put them in a mortgage they didn't quite understand and could not afford, those folks have been victimized. I don't pretend to know all the solutions, but I know the start of a solution is to decide, No. 1, you can't be peddling this kind of thing. We have seen it before in other decades. It almost always leads to collapse and chaos. Second, you can't effectively function in a financial system such as ours unless you have some regulatory capability.

I had recently written a piece about a new financing system that has emerged in our country and around the world—but especially it is developing here—that represents the dark side of money. It is the equivalent of the dark matter in the universe, the dark money that exists that is outside of the sight of anybody. When you take a look at what is happening with respect to hedge funds and derivatives, a whole series of things happening in our financial system that are outside of the regulatory capability or even the sight of regulators.

I gave a speech talking about where the price of oil is. One of the senior analysts of Oppenheimer says there is no reason that it ought to be 5 cents above $55 for a barrel of oil. There is no justification for the price of oil being a nickle above $55 a barrel. It is above $55 a barrel because the futures market for oil has become an orgy for speculation. We have hedge funds deep in the futures market for oil. We have investment banks in the futures market for oil. There are reports that some investment banks are actually buying storage facilities so they can actually take the supply off the existing inventory, put it in storage, and wait until the price goes up. There is so much going on in this country's financial system that desperately needs the capability for regulators to understand what is happening and take effective action to respond to it.

Mr. WEBB. Will the Senator yield?

Mr. DORGAN. I am happy to yield.

Mr. WEBB. If I may, this Senator came to the floor on other business, but I followed the Senator's comments with some fascination and gratitude, quite frankly. I admire the Senator for coming down here week after week and addressing issues that in many cases are conceptual issues that don't usually get the time for consideration in this body. One of the events that came to my mind when the Senator was talking about Franklin Roosevelt's administration and his willingness to regulate banks—and we have seen such a push of late against any sort of Government regulation—was when Andrew Jackson vetoed the charter for the second national bank, which was an act that Historian Vernon Louis Parrington termed "the most courageous political act in American history." Andrew Jackson did it for exactly the same reasons as the Senator from North Dakota is stating. What Andrew Jackson said at that time was that if the charter of the second national bank came into place, it would have created and perpetuated an unbridled aristocracy in the United States. It would have allowed the continuation of aristocracy in a nation that was supposed to be a democracy.

I particularly associate myself with the remarks of the Senator when it comes to the verticalization of our communications industry. You can look back in history. Whenever authoritarianism takes hold of a nation, they do it through three entities. They take out the ability of people to worship. They attempt to decimate the family, and they go after the ability of people to speak freely. In some cases, this verticalization, it can be argued, is simply economic. But certainly in a lot of areas, when you have this verticalization of ownership from film to TV to local TV stations to newspapers, it can affect people's access to information. It can affect people's ability to make reasoned judgments.

I wanted to interrupt the Senator for a few minutes to state my appreciation for his coming to the floor week after week and making these points. I will be very strongly desirous of working with him on both of those issues.

Mr. DORGAN. Mr. President, I appreciate the comments of the Senator from Virginia. He said something about a year ago that I have long remembered because it is something I have been concerned about. He was talking about the economy and about concentration in the economy. It relates to what I was describing about big companies and the media. Senator WEBB talked about the fact that we have reached a point now where the average CEO in America makes 400 times what the average worker makes.

I was doing some writing the other night about this issue. I talked about hedge funds a few moments ago and their role in the subprime mortgage scandal. I was talking about what hedge fund managers are earning. From a recent Alpha Magazine report on compensation—the hedge fund manager who earned the most last year made $1.7 billion. James Simons did that. And $1.7 billion means he makes in 1 hour what the average worker makes in a year, but he makes it every hour. The point I am making about this is the skewed nature of this economic system of ours and what is happening in it.

My colleague will know that in recent days we have had a debate with President Bush about who the big spenders are and so on. The biggest spender by far has been President Bush. He has sent us budgets that represented the highest amount of spending and the biggest deficits we have had for a long time. When we tried to pay for some things, we said: Let's do certain things and pay for them. The President said: Not on your life. We will not allow you to pay for these things.

Here are the things we wanted to do to pay for some of those things, some things that were worthy—for example, extending incentives for renewable energy and so on. We said: Those people, including hedge fund managers, who are making a lot of money and are paying a 15-percent income tax rate, which is a lower rate than the receptionist in the office down the street is paid, they should be paying an income rate like all Americans. The President said: Not on your life.

We described in a picture what is happening. We said: We want to shut down tax scams that allow Wachovia to buy a sewer system in Germany, not because they have expertise in German sewers; they want to buy the assets of a German sewer system so they can write off hundreds of millions of dollars in taxes they would otherwise owe this country. The President said: No, you can't be doing that. That is a tax increase.

From David Evans, a really great reporter, I got a picture of this building, the Ugland House, some while ago. This is a 5-story white house in the Cayman Islands, home to 12,748 corporations. Are they there? No, it is a legal fiction. Lawyers have put them there legally so they can avoid paying U.S. taxes. The President doesn't want to shut those things down. He said: No, if you shut this sort of thing down, we call it a tax increase, even as the President is protecting these unbelievable opportunities for the wealthiest to avoid paying taxes, at a time when the debt is increasing dramatically.

Here is what the President has done since the year 2002. He sent us emergency requests, none of it paid for, and said: I want it all added to the Federal debt. In 2002, he said: I want $50 billion. In 2003: I want $76 billion. I don't want to pay for any of it. Add it right to the debt. I am sending soldiers to Iraq and Afghanistan. When they come back, they can pay for the debt. In 2004: I want $87 billion. In 2005: I want $82 billion. In 2006: I want $92 billion. It is all emergency money outside the budget, all added to the Federal debt. In 2007: I want $103 billion. And in 2008: I want $196 billion.

He has asked for over two-thirds of a trillion dollars and wanted to charge it all to future generations, and he has gotten by with it. Then he sits in the Oval Office and says: Well, I am the fiscal conservative. I do not think so. I grew up in a small town. I understood what a Republican was. They are an important part of this political system. The one thing you could count on from real Republicans is they believed you ought to balance budgets. It is what it was in my hometown. It is what it used to be in this Chamber.

Now, that new brand is: Let's spend money, and let's add it to the Federal debt. This is not some Democrat that is doing this; this is President George W. Bush asking for over two-thirds of a trillion dollars and asking that none of it be paid for. We will send soldiers to war, but we will not have the courage to ask the American people to help pay the bill.

In recent days and weeks, we have been treated to quite a sideshow of this administration describing their view of fiscal responsibility. They have said the Senate wants to spend $22 billion more than the President in this year on things such as health, education, taking care of sick kids, improving America's classrooms, energy—a whole series of things—weather assistance, home heating fuel in the winter. For all of these things, the President says no. He says: You want to spend more than I do here at home, so you are big spenders. You are $22 billion over my number. And, oh, by the way, I am $196 billion over your number. He says: I want that, and I don't want any of it paid for.

I think it is long past the time to start taking care of a few things at home, and I think there is a right and a wrong way to do it. It is time we pay for that which we spend, and there are plenty of ways to do it. If we have the richest people in the country paying 15 percent tax rates, I think they ought to pay what others pay.

As I said, the second richest man in the world, Warren Buffett, is a remarkable businessman and an interesting guy and somebody I have had the opportunity to know over the years. He said he did a little test in his office in Omaha, NE. I think he said there were 30 or 40 people who worked in that central office. He checked—with the cooperation of his employees—to find out what their effective tax rate was. Guess what. The lowest effective tax rate in his office was Warren Buffett's. And he said, to his credit: That is just wrong. Why should I pay a lower tax rate than the receptionist in my office? This is from the world's second richest man.

Very few in that stratosphere in income will take that position. Most of them are spending a lot of money to try to preserve what they have: a 15-percent tax rate. In many cases, the top hedge fund managers in this country are paying the 15-percent tax rate on massive earnings, and they have this President in the White House trying to do everything he can—and so far successfully—preventing those of us in the Congress who want to say to the wealthiest Americans: Pay the tax rate that the rest of us pay, that everybody else pays.

The point I wanted to make, very simply, is this: The President has made a big cause in recent weeks about being a fiscal conservative. There is nothing fiscally conservative about an administration that took a very large budget surplus and turned it into very large budget deficits. There is nothing conservative about protecting tax breaks for the wealthiest Americans. There is nothing conservative about proposing two-thirds of a trillion dollars of spending and wanting to add it to the Federal debt. That is not conservatism. That is reckless fiscal policy and one that ought to change.

One final point: The President, today, is signing an energy bill. We wrote an energy bill, and it is a good bill. It comes up short in two areas. We should have increased renewable energy provision in it that requires that all electricity produced in this country should be produced with 15 percent from renewable resources. That ought to be in the bill. It is not in the bill that passed.

Second, we ought to have had the extenders, extending the production tax credit and other incentives for the renewables and other sources of energy in order to make sure we are going to continue to push on renewable energy incentives.

But having said that—we did not get that because of the President and his supporters—having said that, here is what we did get: We got an energy bill that, for the first time in 32 years, requires Detroit and the auto companies to make automobiles that have better gas mileage, 10 miles to the gallon in 10 years, beginning in the year 2011. That is a significant change. I am proud to have been a part of causing that change. I was the principal author of a legislative initiative supported by SAFE, Securing America's Future Energy. That called for the increase in reformed CAFÉ standards. It called for a substantial increase in renewable fuels, which we have done by a 36-billion-gallon renewable fuels standard to be achieved by 2022.

We have a title that is very good dealing with conservation and efficiency of virtually everything we use in this country today. We get up in the morning, we turn on a switch, and then we turn on a key. We see light, and we start the car. We don't think much about energy, but it is central to our lives.

We are so unbelievably dependent on foreign sources of energy. Sixty percent of the oil we use comes from outside our country, much of it from troubled parts of our world. We have to change that.

I am proud of the bill we have passed in this Congress. It is a significant accomplishment. We need to come back next year, and do the renewable energy piece, saying every kilowatt of electricity produced in the country should have 15 percent renewable. We can take energy right from the wind, and we can extend America's energy supply with renewable energy.

I think while there are a lot of reasons we did not make as much headway as we would have liked in this Congress—we are, after all, only 51–49 in the Senate and about the same percentage in the U.S. House and a President who has a veto pen. Despite all of that, for the first time in nine years we increased the minimum wage. Those folks working at the bottom of the economic ladder—the ones who work two jobs, sometimes three jobs. I believe in 60 percent of the cases, it is a woman trying to make ends meet, often trying to raise a family—for the first time in 9 years, we increased the minimum wage to say to them: You matter as well. You are at the bottom of the ladder, but there are ways we can help you. And an increase to the minimum wage is a significant accomplishment.

We passed a reauthorization of the Higher Education Act, and that was significant. We increased Pell grants and student loans. We did some important things in Congress. We passed an energy bill at the end.

Would we have wished we could have done more? Sure. But the fact is, with this President in the White House, we were not able to get all the things we wanted to get done. But we will. The future is about change. The agenda that we care so much about is about change, about pivoting and beginning to take care of things in this country that have long been neglected.

Having said all of that, I feel optimistic. I like what we have done. I know this is a time that is very frustrating for the American people for a lot of reasons: the war in Iraq, the subprime loan scandal, the massive scandal of waste, fraud, and abuse in contracting for the war in Iraq and Hurricane Katrina, the most significant waste, fraud, and abuse in the history of this country.

I know why people are upset. They are upset about jobs going overseas, trade policies that, in my judgment, are bankrupt in terms of standing up for this country's interests. But the fact is, all of those things are things we can change. Step by step, we can make these changes. That is why I feel optimistic.

Mr. President, with that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. WYDEN. Mr. President, anytime I am home in Oregon or have a chance to travel around the country, when I hear citizens talk about Government, they zero in on one word above all else. That word is "change." Americans want change in our foreign policy. Americans want change in our energy policy. And above all, Americans want change in our health care policy at home.

So this afternoon I am going to spend just a few minutes talking about some of the most urgently needed changes in American health care, and then how the Congress can go about setting those changes in place.

Above all else, Americans want changes in health care costs so as to hold down these staggering expenses. This country is going to spend $2.3 trillion this year on health care. There are 300 million of us. If you divide 300 million into $2.3 trillion, you could go out and hire a physician for every seven families in the United States. That is how staggering the health care costs are in this country. You could literally go out and hire a physician for every seven families in the United States, pay that doctor $200,000 for the year, and say: Doctor, your job for the year will be to take care of seven families.

In fact, I know the Presiding Officer has a great interest in health care as well. Whenever I bring this up at a townhall meeting, and physicians are in the room, they usually say: Where do I go, Ron, to get my seven families? Because they think it sounds pretty good to change the American health care system so they can do what they were trained to do, which is, to be advocates for people, to stand up for their patients, to make sure they get the best shake for American health care.

Certainly, employers want changes to hold down the costs of health care. Today, if you are opening a business in Coos Bay, OR, or Stowe, VT, you are competing in the global marketplace. You essentially spot your foreign competition something like 20 points the day you open your doors in Vermont or Oregon or anywhere else. That is because your premiums go up 13, 14, 15 percent a year, and your foreign competition benefits from national health insurance. So that is what these crushing costs mean for the business community.

If you are lucky enough to have health insurance in our country—and because the costs are going up so high—you are literally one rate hike away from going without coverage.

One of the reasons the costs hit people with insurance so hard is that today in America, if you have coverage, you also pick up the bills for those who don't have coverage. I am sure the distinguished Presiding Officer of the Senate hears the same thing I do at home. Somebody who has coverage, for example, is in a hospital and looks at the expenses and the bill and it says something like Tylenol, $60. A citizen comes to one of us at a townhall meeting and says to us: What do you mean Tylenol costs $60? I could have gone to CVS or to some other pharmacy and I could have gotten Tylenol for $20. Why did it cost me that much? The reason it costs that much for somebody who has insurance is there are a lot of people in the hospital who don't have coverage and they couldn't pay for their Tylenol, so the cost gets shifted over to the people who are insured.

So first and foremost, when it comes to changes in health care, we need changes that rein in these staggering costs—costs that are going up far beyond what cost increases are elsewhere in the world.

The second area that is so critical to change in American health care is lowering the administrative costs in American health care. We have higher administrative costs than any other country on Earth. Once again, you see it at home and in your State when physicians and others come to you. In my home State, in a typical doctor's office with a few physicians, there is one person who will spend the entire day on the phone essentially trying to pry out information from insurance companies as to what they will pay on one claim or another. These are clerks trying to get information about an insurance company matrix, trying to figure out what will be spent because this country still lacks a uniform billing system because there are so many differing systems of paperwork and charges. This country's staggering administrative costs are an area that desperately needs to be changed in American health care.

Most other parts of the country have simplified their record-keeping and their administrative costs. They use electronic record systems. Today, for example, the typical doctor's office has less technology to hold down administrative costs than the corner grocery store. So second on my list of changes to American health care are steps that would be taken to slow and reverse the crushing increase in administrative costs, hassle for doctors, and needless time and heartache that go into administering American health care.

The third area of change—something I know the Presiding Officer feels very strongly about—is moving health care to prevention and wellness rather than sick care. The fact of the matter is that in the United States we don't have health care at all. What we have is sick care. The Medicare Program shows this more clearly than anything else. Medicare Part A, for example, will pay huge checks for a senior citizen's hospital bills. The check goes from the insurance carrier to a hospital in Vermont or Oregon or anywhere else—no questions asked. Medicare Part B, on the other hand, the outpatient portion of Medicare, will pay virtually nothing for prevention—virtually nothing to keep people well, to keep them healthy, and to keep them from landing in the hospital and racking up all those huge hospital expenses under Part A. That is a bizarre way, in my view, to run the Medicare Program. In fact, the Medicare Program, which is so biased in favor of sick care rather than wellness and prevention, runs the biggest outpatient program in the country that offers no rewards for, for example, lowering your blood pressure, lowering your cholesterol, stopping smoking. The biggest outpatient program in the United States is Part B of Medicare. Available to more than 30 million older people in our country, it is the biggest outpatient program that offers no rewards for sensible prevention. We have to change this bias. We can look at the problem in this country of childhood obesity and the onset of type 2 diabetes. If we don't focus on prevention, wellness, and keeping our citizens healthy, we will see these continued increases in the costs of chronic care later in life, when heart disease, stroke, diabetes set in and our country racks up still additional health care costs because there has been no focus on prevention.

Finally, it seems to me there has to be a much sharper focus on improving quality in American health care. When people talk about changing health care, they usually focus first on costs and that is why I brought it up initially. But they also want to make sure they get better quality care. Right now, with citizens reading reports, for example, from the Institute of Medicine—about thousands and thousands of needless deaths, hospital deaths, other deaths—it is obvious that steps need to be taken to improve the quality of our health care. Some of them are steps that certainly sound fairly simple: Better infection control in our health care facilities, making sure sensible steps are taken after an individual has a heart attack. Clearly, there needs to be more focus on early diagnosis of illness, which I think is part of a continuum of better quality care that starts with prevention and zeroes in on early diagnosis. But those are some of the areas I think need to be changed.

The reality is the reason for all these changes and the reason why the country wants them is the health care system hasn't much kept up with the times. For more than 150 million people, the employer-based system is pretty much what we had in the 1940s. I talked earlier, for example, about the crushing toll it takes on employers, where they spot their foreign competition 18, 20 points the day they open their doors. But let's think about what it means for individuals.

Right now, I can tell my colleagues a lot of individuals are very concerned, as they see their employer hit with these crushing costs and that every year their package will be skinnied down. There will be more copayments and fewer services, and a lot of them are very worried about whether their employer will be able to offer coverage at all. A lot of individuals come to me at townhall meetings and say: Ron, I am 56, 57. I am not sure my employer is going to be able to hold onto our coverage at work, and what will I do if I lose coverage at work and I am not yet eligible for Medicare. This, of course, would mean they might be without coverage between 57, 58, and 65. You can't be without health care coverage, as the Presiding Officer knows so well, for 7 or 8 years.

So the individual who has coverage at work is worried about the trends, and in a lot of instances, that worker feels job-locked. They would like, for example, to look at another position, say another position that paid more, but they can't do that because they fear if they gave up their current position, they would go into the marketplace and they would be uninsurable. They might have an illness. They might have had a previous health problem. They know what goes on in much of the marketplace—that there is a lot of insurance company cherry-picking and that the insurance companies screen out people who have these health problems and try to send them over to Government programs. So a lot of our citizens feel job-locked and unable to move. It is why I think one of the most important changes that is needed in American health care is to modernize the employer-employee system. Because what we have today in 2007 isn't all that different from what we have had since 1947. My view is that will be one of the most important changes the country needs to look at in American health care.

Finally, let me touch on the other side of the prevention coin in American health care. If we don't make changes and improve our system of health care prevention, what is surely going to happen is we will face increased costs for chronic health needs in America. Already, the evidence shows something like 6 percent of the Medicare population consumes 60 percent of the overall Medicare bill. These are the people who have problems with heart and stroke and diabetes—and the costs of chronic care go up and up and up. A modern health care system, one we ought to be looking at going to in the future, would put a better focus on chronic care management. So when you have an individual, for example, with several of these conditions, there is an effort among physicians and others to coordinate care. One of the best ways to do that is to have something which has come to be known as a health care home, where, in effect, an individual—a patient—can designate one person to coordinate their care when they have these multiple kinds of problems. But talk about the need for change: The Government does virtually nothing to promote the chronic care management which I have described and have had a chance to talk about with the Senator from Vermont.

So we are going to have a chance to go home now for a few weeks and go to the townhall meetings and the Chamber of Commerce lunches and the service clubs. We are going to hear citizens talk about their hunger for change in a lot of areas: Foreign policy, energy policy, education policy—a variety of areas. I think what they are going to talk about when it comes to addressing their concerns here at home is the need for change in health care policy in America. They are going to talk about what is going to be done to contain the costs, what is going to be done to reduce some of the mindless paperwork, how we can put more focus on prevention and wellness, make better use of health care technology, and offer sensible policies that reward the coordination of managing cases for individuals with chronic conditions. These are the key areas they talk about. It all comes down to a health care system that doesn't work very well for them, No. 1. The issue becomes how can it be that a country such as ours—the richest country on Earth, with all these wonderful doctors and hospitals—cannot figure out how to meet the health care needs of our people.

I believe we know what needs to be done. I have tried to outline a number of these key areas. As the Senator from Vermont knows, I have offered legislation with Senator BENNETT of Utah—we have 13 cosponsors on a bipartisan bill—that addresses these kinds of concerns. But now, when we are home and we have a chance to listen to folks, I think we will have a chance also to talk about real priorities for our country, the changes that are needed. We need to especially talk about the changes that are needed in American health care so this country can end the disgrace that we are the only Western industrialized Nation that hasn't been able to figure out how to get basic, essential health care for all our citizens. We are up to it. It is now a question of political will and our willingness to embrace change.

I have appreciated the chance this afternoon to outline some of the most important changes that are needed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

CRIMINAL BACKGROUND CHECK IMPROVEMENT ACT

Mr. COBURN. Mr. President, later today, Senator SCHUMER will bring up the Criminal Background Check Improvement Act, which is an important piece of legislation. When this bill was originally hotlined, we asked that it be held so that we could discuss the improvements to the bill.

This bill came out of the tragedy at Virginia Tech. It is important that the American people understand that what we are changing in this bill would not have prevented what happened at Virginia Tech. What happened to the individuals there was because the law we have on the books was not followed by the State of Virginia. They recognized that shortly thereafter and have made corrective action to it.

What is also important to note is that under the previous legislation we have had, over $400 million a year was authorized to help the States implement the programs so that somebody who is truly a danger to themselves or others or has been admitted to a mental institution and considered mentally defective—that is a term of the bureaucracy—is not allowed to purchase a gun. We all agree to that in this country. So when you don't follow the law, the laws don't work. Consequently, the families are suffering great grief at this time because the law wasn't followed.

Too often, the first reaction of Congress is to hurry up and pass a bill. There are and have been in this bill some good ideas. But there were some bad ideas. The idea of holding the bill to be able to work with those who are offering the bill to get improvements has come about. The principle is this: As we protect people from the dangers of weapons by withholding both criminals and those people who constitute a threat to themselves and others, we can't do that if we are going to step on the rights of those who have a right and who are not in that category.

I wish to take a moment to thank Senator SCHUMER for his hard work and Elliot of his staff for his hard work and to recognize my staff, Jane Treat and Brooke Bacak and others on my staff who worked through the last couple of months to improve this bill. We have come out to make sure those people, veterans in this country who go out and defend, with their lives, bodies, and their futures, our rights, aren't inappropriately losing their rights under this legislation.

It is interesting for the American people to know that at this time, if you are a veteran and you come home with a closed head injury and you resolve that, then, in fact, by the time you wake up and recover over a year or 2-year period, you will have lost all your rights to bear an arm to be able to go hunting, to be able to skeet shoot, to be able to hunt with your grandchildren, without any notification whatsoever that you have lost that right. That is the present law. That is what is happening.

We have 140,000 veterans with no history of mental deficiency, no history of being dangerous to themselves or others, who have lost, without notice, their right to go hunting, to skeet shoot, to have that kind of outing in this wonderful country of ours in a legal, protected sense. What this bill does is it attempts to address that by giving them an opportunity for relief. It mandates that, first of all, they are notified if that happens to them so that they know they are losing their rights. What a tragedy it would be if a veteran who lost his rights but doesn't know it becomes incarcerated under a felony for hunting with his grandson because it is illegal for him to own, handle, or transmit a weapon? That is not what we intended to do in this Congress some 10 years ago. Yet that is the real effect of what is happening.

Consequently, we are at a point now where we have agreed with the fact that we want to make sure—and we want to put the resources through this authorization—it covers those who could be a danger to themselves and others, and we are going to help the States implement this law, the law on the books, by authorizing significant sums to do this. It is not a new authorization; $400 million was authorized before, but the appropriators didn't appropriate it. They chose to make a higher priority. The most ever appropriated under this, I think, was $23 million a year.

So, in fact, what we want to do now is say we mean it, which means when it comes to appropriations time, this authorization will have no effect unless, in fact, we appropriate the money to the States to carry out this notification system. It is something we can and must do. It shows that when we work together to solve the problems and protect the future and honor the Constitution, the rights under the Constitution, we can do that if people of good faith and of good intent work together to solve that.

My compliments to Senator SCHUMER and his staff and Hendrik Van Der Vaart on my staff for the hours and hours we have put in to make sure this happened.

A couple other key points. Sometimes the bureaucracy delays whether or not you are on this list. So we have said that, at the end of the year, if they can't decide, it is going to be adjudicated that you cannot have a gun and you will have to prove that you can. That is fair enough, provided we create the means with which you can recover the cost of that adjudication. So if, in fact, you get to Federal court and you win your case that there is not anything wrong with you, the Federal Government is going to pay your lawyer's fees and return your rights—the rights given to everybody else in this country—return your wrongly denied rights back to you.

Therefore, we really, truly do give access to those who have been injured under this law and, at the same time, protect the rest of the American public from those who could be injured when we don't follow the law.

I also pay tribute to Congresswoman MCCARTHY. I served with her in the House. She has been dedicated to this issue for years. She suffered a terrible tragedy herself at the hands of somebody who was obviously deranged. This will mark a milestone for one of the things she wanted to accomplish during her service in the Congress.

It is my hope that others will not hold this bill. It is my hope that when it comes appropriations time, the moneys that are necessary to put the people who really are a danger to themselves and others on the national criminal background check, that they will get there, and that those who should not be there will not be there. So it is a balance, a balance for protection, but it is also a balance to preserve rights, especially for our veterans—the very people who continue to protect our rights. They are going to be preserved.

Myself and Senator SCHUMER sent a letter to the ATF asking them to reconsider some of the wording in their ruling because it puts people in there who should not be. We are hopeful that they recognize that, and that they, because of a bipartisan query, do a rulemaking process that really directs this where it should be. When that happens, we will have finished everything we need to do, except get the dollars appropriated to implement this act.

Again, my hat is off to Senator SCHUMER and those who have worked tirelessly to get this done. It is with great appreciation for the manner in which it was handled, and it is my hope that we will pass this on and see the great accomplishments of protecting people from those who are a danger to themselves and others.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I see that the very able Senator from New York, Mr. SCHUMER, is on the floor. May I ask if he wishes me to yield to him.

Mr. SCHUMER. Mr. President, I ask my colleague from West Virginia if he might yield to me 5 minutes.

Mr. BYRD. Mr. President, I am glad to do so.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, first, I thank my distinguished colleague and our great leader from West Virginia, Senator BYRD, for yielding. Unfortunately, at the end of session, there are many needs that intercede.

We have just heard that the hold on a bill will be lifted. I want to get it moving so it can get over to the House before they leave. Once again, the Senator from West Virginia is not only gracious and capable, but he has been kind to me from the day I came to the Senate, and it is something I will always treasure. I thank my friend.

Mr. BYRD. I thank the Senator.

NICS IMPROVEMENT AMENDMENTS ACT OF 2007

Mr. SCHUMER. Mr. President, I rise in support of the Leahy-Schumer substitute to H.R. 2640, the NICS Improvement Amendments Act of 2007. I have just been told a hold which had been placed against this bill is about to be lifted.

At its core, this bill does something that has been too long in coming. It gets States critical resources they need to upgrade the mental health and conviction records they use to screen prospective gun buyers.

These records go into the national instant criminal background check system, the NICS, that we rely on to screen for those who should not be allowed to buy guns. It has the support, I am proud to say, of both the Brady organization and the NRA. This was a collaboration that occurred over the last year.

I also thank my colleague from Oklahoma, Senator COBURN, and my colleague from Massachusetts, Senator KENNEDY, because both agreed last night on final language.

Today, millions of criminal and mental health records are inaccessible to the NICS, mostly because State and local governments have noncomputerized or outdated records. Furthermore, the process is spotty, as States are not required by law to turn over all pertinent information that could prohibit a person from buying a gun. As a result, many people who simply should not have guns are allowed to purchase them.

This bill will address that problem. In a word, without affecting a single law-abiding citizen's gun rights, the bill will make America safe.

I started working on this legislation a long time ago in 2002, along with my colleague Representative CAROLYN MCCARTHY. That was when on Long Island, in my State of New York, a gunman who was a paranoid schizophrenic slipped through the cracks of the system and bought a .22 caliber semiautomatic rifle. He then took that gun, walked into a morning service at Our Lady of Peace Church and gunned down its beloved priest and one of its most prized parishioners.

So Representatives CAROLYN MCCARTHY, JOHN DINGELL, and I worked on legislation to help improve the background check system. We wanted then, as we do now, to make sure no more dangerous people are allowed to get guns.

Over the years, as it often does, the political process played out. It would pass one House but not the other, and the bill was stalled.

As this has gone on, we have not stopped working and have kept alive the faith this legislation would one day become law. Through it all, every one of us hoped desperately that there would not be another preventable tragedy, another time when the system failed. But on April 16, 2007, our deepest fears came true.

I do not need to recite the facts of what happened at Virginia Tech. Every one of us is aware of the unspeakable horror that took place on the campus last April. We can never know if we could have prevented the shootings. What we do know, however, is that a very dangerous individual with a history of mental illness was allowed to buy two handguns.

It is a shame that we are again called to act on this 5-year-old legislation in the face of tragedy. But now is Congress's moment to take a huge step toward fixing a broken system.

The House passed a bill on June 13, 2007. Around the same time, Chairman LEAHY and I began work on a similar bill. As I said before, I thank Chairman LEAHY for his leadership in recognizing the importance of this issue. We attempted to pass the bill by unanimous consent. Senator COBURN, as was his right as a Member of the body, held the bill based on concerns he had.

Rather than try to go around our colleague, we worked with him. And I must say, from the beginning, Senator COBURN acted professionally, respectfully, and in good faith.

When it comes to guns, I do not agree with TOM COBURN on much, but he and I sat down at length and worked through our differences on this bill. I can say with full confidence, this bill is something on which both of us can agree.

At the heart of the concerns of my friend from Oklahoma were fears the bill, as originally drafted, could have the unintended consequence of jeopardizing the rights of law-abiding veterans.

This not being a gun control bill, and it has never been our intent to jeopardize the rights of lawful citizens and veterans, we have made changes to address our colleague's concern, and he told me he will lift his hold as a result.

Remember, I was an original sponsor of the Brady bill. I care about seeing the background check process work the right way. I will not support legislation I believe will hurt the system. But today we have a great accomplishment. It is fitting that at the end of this session we are there, proud of the bipartisan process. Chairman LEAHY, Senator COBURN, Senator KENNEDY, and I came up with a solution last night at about 11 p.m. on the floor. Senators COBURN and KENNEDY shook hands, as I watched, and we have come to an agreement. Through all this negotiation, this bill has the backing of both the Brady Campaign to Stop Gun Violence and the National Rifle Association.

So now the hard work is done. We must pass this legislation. We must get it back to the House for them to pass again before they adjourn, and then we must get it on the President's desk to be signed into law. The parents of Virginia Tech families and millions of other Americans, including those at Our Lady of Peace congregation on Long Island are waiting for this moment. We have waited a long time. As citizens and parents, we must do everything to see that we do not have another Our Lady of Peace shooting or another Virginia Tech shooting. I urge my colleagues to support the legislation.

I will say again this is an example of how the system should work, and in a few moments I will be asking unanimous consent to move the bill forward, but before doing so, I yield my time to my colleague from West Virginia, because they are doing the paperwork, and I thank my colleague from West Virginia for his courtesy and his kindness.

The PRESIDING OFFICER (Ms. LANDRIEU). The Senator from West Virginia.

CHRISTMAS SPIRIT

Mr. BYRD. Madam President, soon the Senate will recess for Christmas. Members will travel home to their families and to their States to share in Christmas parades and tree lightings, Christmas cantatas, and festivals of lights. They will decorate their own trees and attend the Christmas season celebrations in their own churches. Some will make trips to Iraq or Afghanistan, while others will comfort people who are struggling to recover from wildfires or the recent devastating snow and ice storms that have left so many homeless and without power. I join in the prayers for their swift recoveries, and I rejoice in the fellowship and the support that are flowing to Americans in need all across the Nation and all around the world. That fellowship and that support is the true spirit of the Christmas season.

Everywhere, everywhere, Christmas tonight!
Christmas in lands of the fir-tree and pine,
Christmas in lands of the palm-tree and vine,
Christmas where snow peaks solemn and white,
Christmas where cornfields stand sunny and bright.
Christmas where children are hopeful and gay,
Christmas where old men [like I] are patient and gray,
Christmas, where peace, like a dove in its flight,
Broods o'er brave men in the thick of the fight;
Everywhere, everywhere, Christmas tonight!
For the Christ-child who comes is the Master of all;
No palace too great, no cottage too small.

Christmas is a special time, no matter where the season finds us. Somehow, Christmas lights create their special magic, whether they are hung on snow-laden pine trees or wrapped around stately palm trees. Christmas carols never fail to bring a nostalgic glow, as they bring to mind our childhood celebrations. The smells and fragrances of Christmas recall their own delightful memories—the tang of pine boughs brought indoors, the spicy warmth of cinnamon, cardamom, cloves and mace, the licorice scent of anise, the exotic aroma of nutmeg. Christmas baking is one of the best parts of the holiday—Erma always looked forward to that part. Christmas baking is one of the best parts of the holiday, she would say—as the house fills with mouth-watering aromas. My own childhood Christmases were spare, not lavish, but they were full of love, given to me by a wonderful old couple who have gone on now to meet their reward in heaven.

Today's Christmases should be full of special food and lots of music, and if it were like it used to be, it would be played by me, that music would be, on my fiddle, to entertain my mom and dad, their friends and their borders. My mom ran a boarding house. We never had very much at Christmas, not much compared to some of the extravagant gifts advertised these days, but our simple celebrations left us more time to enjoy some company or the church services or read a Christmas story together.

Every family, every town builds its own Christmas traditions. Some families visit or host Christmas open houses. Other families gather for a traditional Christmas meal. In some towns, people bundle up to watch floats go by in the annual Christmas parade, followed by a tree lighting ceremony. We have done that in the Nation's capital. I myself have lit the tree. There are Christmas tree lighting ceremonies at the White House and on Capitol Hill. At Arlington Cemetery and at other veterans cemeteries around the Nation, the simple act of a single man has grown into a Wreaths Across America, an effort to put fresh wreaths on the graves of veterans across the Nation, honoring those who will never be home again for Christmas. Other volunteer efforts send living Christmas trees to the troops overseas so they, too—our troops, your troops, my troops; our soldiers, sailors, and our airmen—can share in the Christmas season. In the busy press of family traditions, it is heartwarming to discover how many people still find time to remember and celebrate the sacrifices made by others.

Although Christmas can bring with it even busier schedules for already busy people and monetary stresses for parents trying to make the day a special holiday for their children, it is important to recall the greatest gift of Christmas is the one embodied in the nativity scene—the great gift of unconditional love and hope wrapped in swaddling clothes, given by our Creator—our Creator Almighty God—to inspire us with His teachings of good will and caring toward all men.

And so, my colleagues, my friends, dear ones all of you; staff, those who watch over us every day, it is my Christmas wish that we all keep more of that Christmas spirit with us throughout the coming year. Charles Dickens said it best:

> I will hold Christmas in heart, and try to keep it all the year.

I guess it was the American editor and author, Oren Arnold, who lived from 1900 until 1980, who suggested a wonderful Christmas gift list for all of us:

> To your enemy, forgiveness; to an opponent, tolerance; to a friend, your heart; to a customer, service; to all, charity; to every child, a good example; to yourself, respect.

Madam President, I wish you and Louisiana, near the great bay and the waters which wash over the soil on which I used to walk with my wife—I wish you, Madam President, and everyone listening, a very Merry Christmas and a Happy New Year filled with peace and happiness. My God bless you all.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, first I extend my holiday greetings, my Christmas greetings, to my colleague and friend, Senator BYRD, as well as to you, Madam President, and my colleagues from New Jersey, Pennsylvania, and everyone else in this Chamber. May God give a wonderful year to them and their families.

Madam President, I thank you for your help with this next particular issue.

The PRESIDING OFFICER. The Senator from New York is recognized.

NICS IMPROVEMENT AMENDMENTS ACT OF 2007

Mr. SCHUMER. Madam President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of H.R. 2640 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 2640) to improve the National Instant Criminal Background Check System, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Madam President, today, the Senate took an important step forward to improve the National Instant Criminal Background Check System, NICS, the Nation's background check system for gun purchases. Along with Senator SCHUMER, I have worked hard to craft this compromise legislation that respects the rights of gun owners and, at the same time, makes sure that the NICS system will work more effectively. This compromise has not been easy, as many have strong views on issues surrounding this bill, but working with Senators on both sides of the aisle, we have forged strong, fair legislation to address serious shortcomings in the Federal program. Throughout the process, we have taken great care to make sure Federal law governing who can own or possess a firearm remains unchanged. The Senate language makes clear that the correct records will go into the NICS system, that any records improperly in NICS will be removed promptly, that legal notice and due process considerations will be required in Federal proceedings, and that the States have sufficient support to meet the goals of the bill. We have been responsive to the legitimate concerns of veterans and advocates on both sides of the issue, and at the same time, we have worked hard to correct weaknesses that have been exposed by the tragic events of the last year.

The senseless loss of life at Virginia Tech this spring revealed serious flaws in the NICS system, particularly in the transfer of mental health information relevant to gun purchases between the States and the Federal Government. Deficiencies in the current NICS system, including a significant lack of funding, permitted the perpetrator of this terrible crime to obtain firearms and ammunition despite having a mental health history that made him ineligible to buy or possess a firearm under Federal law. He was able to pass a background check and purchase the weapons he used in his attacks because data was missing from the NICS system.

In response to this devastating tragedy, the Judiciary Committee worked hard to produce a comprehensive legislative proposal related to issues of school safety, and in August unanimously reported the School Safety and Law Enforcement Improvement Act of 2007, SSLEIA, to the full Senate. As part of this legislative package, we drafted title II of SSLEIA to include an amended version of the NICS Amendment Improvement Act of 2007, H.R. 2640, that passed the House in July. Today, the Senate passed a revision of title II from SSLEIA, as the Leahy-Schumer amendment to H.R. 2640, which closes the gaps in the NICS system that allowed the purchase of the firearms that were used in the Virginia Tech killings. I hope the House of Representatives will take up and pass H.R. 2640, as amended, as soon as possible.

The Leahy-Schumer amendment largely mirrors the language of H.R. 2640 as passed by the House. But it also makes modest but important changes to that bill in order to ensure this new law works effectively and fairly for all Americans. It creates a legal regime where the reporting of disqualifying mental health records, both at the State and Federal levels, will be improved. This bill will also require Federal agencies to report mental health and other disqualifying records into NICS and would create significant new incentives for States to report this same information. These basic features of the amendment are the same as in the House bill. Additionally, the bill contains provisions directing Federal agencies to establish relief from disabilities programs through which individuals who have overcome a disqualifying mental illness or disability may reclaim their rights, and urges the States to do the same.

As I reviewed this issue, however, I determined that additional changes were necessary both to improve the NICS system further and to better enable States like Vermont to implement these improvements. By tempering the penalties for insufficient participation by the States in meeting the bill's goals, and increasing incentives for full participation, I am hopeful that the bill will strengthen the partnership between Federal and State authorities in search of a common goal. The NICS system is only as good as the information that is reported into it, and to achieve success in improving NICS, we must recognize and adequately support the States in this challenging undertaking.

I want to thank Paco Aumond, director of Criminal Justice Services at the Vermont Department of Public Safety, for working with me to identify those changes in the legislation to ensure that Vermont and the many similarly situated States will be more easily able to make the comprehensive improvements necessary for a more effective NICS system.

Nothing can bring back the lives tragically lost at Virginia Tech, and no legislation can be a panacea, but the bill we pass today will begin to repair and restore our faith in the NICS system and may help prevent similar tragedies in the future.

Mr. SCHUMER. I ask unanimous consent a Leahy-Schumer substitute amendment at the desk be agreed to, the bill as amended be read a third time and passed, the motions to reconsider be laid upon the table with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The substitute amendment (No. 3887) was agreed to.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

The bill (H.R. 2640), as amended, was read the third time and passed.

The amendment was ordered to be engrossed and the bill to be read a third time.

BLOCK BURMESE JADE (JUNTA'S ANTI-DEMOCRATIC EFFORTS) ACT OF 2007

Mr. SCHUMER. Madam President, I ask unanimous consent that the Committee on Foreign Relations be discharged from further consideration of H.R. 3890, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3890) to amend the Burmese Freedom and Democracy Act of 2003 to impose import sanctions on Burmese gemstones, expand the number of individuals against whom the visa ban is applicable, expand the blocking of assets and other prohibited activities, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. SCHUMER. Madam President, I ask unanimous consent the Biden-McConnell amendment at the desk be agreed to, the bill as amended be read a third time and passed, the amendment to the title be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3888) was agreed to.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

The title amendment (No. 3889) was agreed to, as follows:

The title is amended to read as follows:

"An Act to impose sanctions on officials of the State Peace and Development Council in Burma, to amend the Burmese Freedom and Democracy Act of 2003 to prohibit the importation of gemstones and hardwoods from Burma, to promote a coordinated international effort to restore civilian democratic rule to Burma, and for other purposes.".

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 3890), as amended, was read the third time and passed.

Mr. SCHUMER. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I ask unanimous consent that following my time on the floor, the Senator from Pennsylvania, Mr. CASEY, be the next Democratic speaker in line.

The PRESIDING OFFICER. Without objection, it is so ordered.

THANKING SENATOR BYRD

Mr. MENENDEZ. Madam President, I came to the floor for a specific purpose, but I had the good benefit of listening to the distinguished senior Senator from West Virginia's holiday greeting. It was a very warm, loving greeting as well. I am glad I made it to the floor to listen. I thank him for his incredible service in this institution and for taking those moments to talk about our humanity collectively. This is a great time of the year in which that humanity gets to be recognized.

Mr. BYRD. Madam President, I thank the incredible Senator who now holds the floor and speaks with such aplomb and dignity, befitting a Roman Senator.

IRAQ

Mr. MENENDEZ. Madam President, as we celebrate this holiday season with our families, as we gather with those we love and give thanks for our tremendous blessings, we remember how incalculable the losses have been to the families of the 3,888 soldiers who have been killed in Iraq. Their losses cannot be tallied, not in the number of Christmas nights spent without the one they loved; not in the number of days since their wives, husbands, parents, and children left home forever. We cannot calculate the strain on the 28,661 wounded soldiers and their families, many of whom will be spending this precious time of the year in a military hospital, coping with their blindness, living with only one leg or arm, sleeping through nightmares of the battlefield instead of the beautiful dreams they used to know this time of year.

As we hold them in our hearts—as well as all of the men and women in uniform across the globe who serve to protect the country and to promote its interests, for which we have eternal gratitude—as we hold them in our hearts and express that gratitude, we also watch our money slip away from us in Iraq. That is a casualty we can and must count.

I have come to the floor over the last 2 months to talk about the cost of Iraq to us at home. The lives lost in Iraq cannot have a price put to them. Their sacrifice and that of their families have no price. The human suffering of those who have been wounded also has no price.

But there is also a price that is calculable at home, and it is what the war is costing not just in dollars from our Treasury and debt cast upon on the next generation of Americans, but what it is costing in lost opportunities at home. There is a brutal holiday irony that is no cause for festive spirit in Washington.

The irony is this: President Bush and his Republican allies in Congress held hostage some key investments we need to make right here in our country, in order to extract a promise of more money for the war in Iraq.

They are asking for more than $150 billion more for Iraq next year, but at one point they threatened to starve the entire Government of funding over a difference in the Federal budget that amounts to less than one-tenth of what the President wants to spend on the war next year. He was ready to shut the whole Government down over the difference of what amounts to less than one-tenth of what the President wants to spend on the war next year.

Mr. BYRD. Shame.

Mr. MENENDEZ. This holiday season we wondered if President Bush wanted to be Scrooge to America and Santa Claus to Iraq. Over the last several months I have spoken many times about what the American presence in Iraq is costing at home. The true cost of the $455 billion we have spent on that war and the $10 billion per month we continue to spend might never be more clear than it is right now, at a time when Congress debated the budget for almost the entire Federal Government.

While we have been here crunching numbers, American families are feeling the crunch of a few numbers themselves: the interest rate on their mortgage that is about to jump beyond what they can afford, the price on the gas pump when they fill their tank, the price of heating oil and natural gas, higher grocery bills, fare hikes or threats of hikes on public transportation, and the skyrocketing costs of providing medical care for themselves and their children.

The President's consistent threats to veto funding for Federal Government operations forced across-the-board cuts to programs and services that so many Americans are counting on. This winter, as snow and ice fall on roads across America, people are waiting for better ways to travel. They are waiting for expanded, affordable public transportation, progress on efficiency, and new sources of fuel and power. They are waiting for our Nation to fill our energy portfolio with something other than the usual energy sources.

The omnibus spending bill the Senate approved this week would inject another $1.7 billion in the development of renewable sources of energy, such as solar, wind, and geothermal. It is an important step—but it could have been much greater.

Republicans have consistently objected to bigger steps. They said weaning us off fossil fuels is too expensive. Meanwhile, they have insisted that oil companies need more multimillion-dollar tax cuts. Meanwhile, we spend enough money to pay for that entire renewable energy package in Iraq in just 5 days—in just 5 days.

Mr. BYRD. Five days.

Mr. MENENDEZ. Energy independence for our country, stopping giving foreign countries that wish us harm the ability to have the resources to make that harm happen, and that we could have funded for 5 days in Iraq. Those are the choices that we make.

Mr. BYRD. Hear that? Five days.

Mr. MENENDEZ. Five days, Senator BYRD.

Cancer patients going through the dark winter of their illness are waiting on lifesaving treatments that only intensive scientific research can discover. Congress has a bill before it to fund that research, but President Bush vetoed the funding once, and his allies in Congress have whittled it down as much as they could. The cost of the funding increase for that cancer research, to turn the winter of their illness into the spring of possibility? It is $329 million, or less than 1 day in Iraq.

Mr. BYRD. Less than 1 day.

Mr. MENENDEZ. This winter, while President Bush asked for billions more for security for the streets of Baghdad, he says we cannot afford to bring security to the streets of our own hometowns. The Senate proposed spending $55 million, in part to hire police officers specially trained to stop child sexual predators. We have seen the fantastic growth of the Internet—and that is great. It brings many good things with it. But it also brings challenges. The President did not just force funding to stop child sexual predators to be cut in half, he sliced it to less than a third of what it was. We could have made up the difference and fully funded the program to stop child sexual predators with what it costs to be in Iraq for just about 2½ hours.

Being able to successfully have the law enforcement capability to pursue child sex predators versus 2½ hours in Iraq. Where are all the family values we hear talked about so often? What ever happened to recognizing the importance of our children, who are truly our greatest asset, but also our most vulnerable asset? What are our values? What are our priorities?

There are too many provisions in this big funding bill that are absolutely essential, too many to name here. But the victims of the cuts that the President and his Republican allies have called for, the millions of Americans waiting for clean power that will not be produced, the cancer patients who are waiting for research that will not be allowed to happen, the communities trying to stop child sexual predators who are waiting for police officers who will not be hired: These people are also too many to name.

In that sense, even beyond the lives lost overseas, the cost of the war in Iraq has been incalculable. If there is one thing we must all acknowledge right now, it is this: The war in Iraq is not free, it is not without consequences here at home, and no one should be pretending that this war is free.

The Bush administration likes to parrot the line that we are fighting them over there so we do not have to fight them here. But Americans have figured out what they mean, and what they mean is: We are spending all our money over there so, by the way, we did not have it to spend here.

Above all, this is a question of values. Do we value our children, and value protecting them? Do we value our schools and the education we want our children to have so they can continue to make America the global competitive leader? Do we value the men and women who wear the uniform, not just by marching in a parade on Memorial Day or going to a Veterans Day service, which we should, but by taking care of their health care and their disabilities and taking care of their survivors, for those who commit the ultimate sacrifice, as a grateful nation truly does? Or will we neglect those and other priorities such as the health care of our children and of our families?

The Democratic budget bill set out for our values a clear and serious test. We cannot allow the budget to have a heart as cold as the ice on our front steps. We cannot let our financial stability melt away, and we cannot continue to let more of our money burn up in a war that has taken so much from so many for so long.

At year's end, we speak of renewal, we return to our families and witness a rebirth of hope. This season is about the best in each and every one of us. This season, decisions we make are going to test how we operate as a government and test what we stand for as a nation. There is no better time than now to let the best in American values guide our way: generosity, equality of opportunity, cooperation with one another, turning to each other instead of against each other.

We have the power to end unnecessary suffering and waste, and the chance to approach these tasks with a fresh sense of urgency that they require. As we rest and dream in the company of those we love, let us remember that December is the darkest time of the year, but it is also the turning point when the sun begins to shine more and more each day.

Together we offer our wish, our hope, and our prayers that the dreams that have carried us so far of peace on Earth, good will toward all may yet still come true.

THANKING STAFF

Before I yield the floor, I would like to take the opportunity to acknowledge the individuals in my now second year here in the Senate whom I have seen work incredibly hard, but very rarely get acknowledged, all of those who help us as we preside: the clerks, who keep all of the documentation that comes before the Senate moving; the Parliamentarians, who try to keep us in some degree of order as we move along the way; the party secretaries and their staffs, who do such a great job on informing us as to what is happening and to try to keep somewhat of a schedule in terms of our lives here in the Senate; to those in the cloakroom who also produce that service; to the pages who have done a great job.

It was a privilege to have the opportunity to talk to so many of them. I think they are going to carry their experiences here with them a lifetime, and I am sure that maybe we will see some of them in this Chamber in the future.

To all of those who make this institution the greatest democratic institution in the world operate the way it successfully operates, my deepest thanks, my best for the holiday season.

With that, I yield the floor.

ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Alaska.

Mr. LEVIN. Would the Senator from Alaska yield for a unanimous consent request?

Ms. MURKOWSKI. Yes.

Mr. LEVIN. Madam President, I ask unanimous consent that after the Senator from Alaska finishes, I understand the Senator from Pennsylvania would be recognized. I would then ask that I be the next Democrat to be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING SENATE PAGES

Ms. MURKOWSKI. Madam President, I want to follow on the comments of my colleague from New Jersey in recognizing those who allow this body to function so efficiently and to also give special recognition to the pages.

Given the schedule they have, we are likely not going to be seeing much more of this particular group as they finish up for the holidays and their exams, and then move back to their respective States and their communities. But to all of you who have given so much to so many of us, to make our jobs a little bit easier, we thank you. Thank you very greatly. I believe this is an episode in your life that you will long remember, and hopefully it will be a good and positive experience for all of you. Thank you for your contribution.

WELCOMING RETURNING TROOPS

Madam President, I note that in my hometown of Anchorage, AK, this afternoon, there is a wonderful celebration taking place. The 495th out of Fort Richardson has all come home. They have come home after 15 months being over in Iraq, doing incredible work under incredibly difficult situations.

We mourn the loss of those who are not home, who will not be home. But today in Anchorage, the community is coming together to say: Welcome back. Please let us know how we can support you and your families, not only at this holiday season, but throughout the year, and support you for all the support you have given us.

We take time during the holiday season to show our thanks, to show our appreciation to so many. But I wish to recognize the soldiers and the veterans from Alaska, from throughout the whole country, who have given so much and who continue to give so much. We want them to know their sacrifices in serving us, whether it be in Afghanistan or in Iraq, have not gone unnoticed. Their sacrifices have certainly not gone unnoticed by my fellow Alaskans.

When I was in Iraq earlier in the year, I had the pleasure of meeting with soldiers and guardsmen from Anchorage, Fairbanks, Seward, Soldotna, Eagle River, Slana, and Wasilla, all over the State. In hearing their stories and their commitment, you cannot help but feel proud as an American. I was certainly proud as an Alaskan. Every day I have Alaskans who write my office to praise the servicemen and the servicewomen who have returned and those who are still in combat. Sometimes it is a quick e-mail, saying: I support all of those who are serving, and other times they are very long, heartfelt letters praising our heroes and truly expressing a solidarity with them for the sacrifice they have made.

The fact that Alaska has the largest number of veterans per capita, I think says a lot about our State's character. Our Alaska veterans are some of the most exemplary in the Armed Forces. The 172nd Stryker Brigade out of Fairbanks was on tour in Iraq, and they were extended to 16 months. But when they were asked to give more, they remained strong, they remained proud. Last week, I received an e-mail from the former commander of the 172nd, and he sent along an article of an Iraqi, a young Iraqi girl who had been blind. Some of the solders in the 172nd had helped facilitate this young girl coming to the United States for eye surgery. This young child, this beautiful little Iraqi girl, is now able to see. She was given that gift of sight because of the caring and compassion of these solders.

Another story was shared with me by the former commander. He noted that on December 12, SGT Gregory Williams from the 172nd was presented with the Distinguished Service Cross, the second highest award for valor, for his actions while in combat in Baghdad. Despite being injured himself when their vehicle was struck by a bomb, Sergeant Williams was able to return fire and help a wounded comrade to safety. To date, there have only been eight Distinguished Service Crosses awarded since the war began in 2001. So we are very proud of SGT Gregory Williams.

We say that we do things a little bit differently in Alaska. We enjoy doing things a little differently. There was one Alaskan marine who was over in Iraq. He discovered that he had some hidden talents he did not imagine. His innovative approach to searching out insurgents earned him a Marine Corps Commendation Medal. SGT Aaron A. Henehan led his squad to search out and detain 18 black list or high-value insurgents while in his third tour in Iraq. He is an adventurous young man. Sergeant Henehan was barely out of high school and was anxious to see the world when he first thought of signing up to serve his country. September 11 and the outbreak of war did not cause his decision to waiver an inch.

Sergeant Henehan deployed in April of 2003 and spent his first tour in the town of Babylon. He served his country well. Like many who fought alongside him, he began to learn the undercurrents, the inner workings of Iraqi society. He returned for a second tour to Husaybah, near Iraq's border with Syria in August of 2004. At that time Husaybah was a dangerous town.

Sergeant Henehan served his second tour in Iraq with distinction, but still he felt he needed to do more. Before deploying for his third and final tour in February of 2006, he told his friends and his family back home that he wanted to make a difference in Iraq, a sentiment many American soldiers and guardsmen share. He spent a lot of time between his second and his third tours thinking about what he might be able to do differently, how he could learn from his experiences in the two deployments prior, and how he might be able to achieve a better result.

Combining his Marine training with information he learned from a retired Los Angeles police officer who was deployed to Iraq to teach the troops urban tactics, Sergeant Henehan approached his third tour with what he referred to as a beat cop mentality. He wanted to approach the problem of rounding up insurgents as if he were a native of the area. He spent his free time studying the tribal history and the geography of Husaybah for hours at a time. The ability to put his plan in motion, Sergeant Henehan says, was made possible in part by Operation Steel Curtain, which had cleared Husaybah block by block, and set up outposts called "firm bases" throughout the city.

So upon returning for his third tour, Sergeant Henehan immediately noticed that after this push, while not always willing to openly support the coalition forces, Iraqis felt safe enough to give him tips on where the insurgents were hiding. This change in mentality, coupled with Sergeant Henehan's knowledge of family and tribal connections, allowed him to determine which people to ask about each of the 18 high-value insurgents he located. He knew exactly who would be willing to tip him off about a social rival or historic foe.

Traveling with an interpreter, Sergeant Henehan had a talent for remembering names and personal details. He took every opportunity he could to talk with locals and learn about the town's social organizations and tribal boundaries, often returning several times to talk with the same families to gain their trust. He would bring with him candy, good humor, even doctors. He would knock on the doors and politely ask to chat. Entire families opened up to him. Sometimes it would start with a toy given to a child, sometimes it was a heartfelt conversation with a shopkeeper. The response he got astonished everyone, including the insurgents hiding out in the town.

The 12 marines in his squad called him a fair but tough leader with whom they felt very safe. His intense and proactive preparation for the more than 80 combat missions which he led and his personal attention to each of his 12 soldiers' well-being gave them a sense of security. They, too, noted how his relaxed Alaskan exterior quickly helped earn him the respect of the townspeople.

Even more remarkably, Sergeant Henehan's reputation for being fair and caring allowed him to detain all 18 high-value insurgents without any real violence. These 18 also led him to their associates, significantly disrupting insurgent operations in that part of Al Anbar Province.

Sergeant Henehan remained behind after his unit returned to the States to train new troops about how he had learned to wage urban warfare while gaining the trust of the townspeople. The downturn in violence in Al Anbar can be linked perhaps in part to his efforts and the efforts of those like him.

Sergeant Henehan is currently attending a California community college and plans to transfer to a larger State school after completing his distribution credits. He wants to major in computer games and even talks of one day creating video games that more accurately portray what war in the modern era is like. He has already begun organizing photographs from his three tours to use as backdrops. Clearly, his talent for careful planning and his desire to share his knowledge and experiences with others did not leave with his donning of civilian clothes.

I wish him the best in all of his future endeavors, just as I wish the best for all Alaskan veterans and those now serving.

MEDICARE REIMBURSEMENT

Ms. MURKOWSKI. Madam President, I wish to take a few moments to speak on the issue of Medicare reimbursements for physicians, particularly those in rural and frontier States. We have moved forward a temporary fix of Medicare reimbursement for physicians, essentially for 6 months. I wish to speak to the issue for Alaska and other rural parts of the country.

In Alaska, many of our Medicare beneficiaries, even without this potential 10-percent reimbursement cut, lack the ability to see a primary care physician unless they have the means somehow to pay out of pocket for doctor visits. Without congressional action on a long-term strategy—longer than 6 months—to increase Medicare reimbursements, these cuts threaten access to care as fewer and fewer doctors are able to afford seeing Medicare patients. An American Medical Association survey shows that 60 percent of physicians reported they would be forced to limit the number of new Medicare patients they treat if the impending reimbursement cuts go through.

I get so many calls on a daily basis from seniors asking me to fix Medicare. They want to be able to continue to see their doctor. I know I am not the only Member who receives these calls. It is unfortunate, but America's seniors every year are thrust in the middle of this Medicare reimbursement debate out of fear that they are going to lose their health care provider to Medicare cuts.

In 2003, with great fanfare, we provided a Medicare prescription drug benefit. At that time, I asked the question: We can have a wonderful drug benefit, but what good is the benefit if there is no physician to write the prescription?

The Presiding Officer knows how big a State it is; she has had the opportunity to come for a visit. We are bigger than California, Texas, and Montana combined. "Rural" in Alaska has a new meaning. The physician shortage crisis in Alaska has been magnified because of our geography, distance, and size.

What many people might not realize is what is happening to our population. We have always been viewed as a young pioneering State where the average age is the early 20s and predominantly male—a wilderness image. But we have grown and matured. Our elderly population is the fastest growing senior population per capita in the Nation behind Nevada. That is a statistic which would surprise many people.

The Mat-Su Valley, an area just north of Anchorage, is the fifth fastest growing region among seniors nationally. Yet, think about that statistic and compare it with what is happening with our physician ratio. Alaska has the sixth lowest ratio of physicians to population in the United States. Outside of the Anchorage area, our ratio of physicians to population is the worst in the Nation.

To put it into context, we had a field hearing the first part of the year to understand how bad the situation is as far as access to care. To reach the national average of physician-to-patient ratio, Alaska needs a net increase of 980 physicians statewide or 49 more physicians per year. I go into some of these hospitals, VA clinics, and community health centers. They have been waiting years trying to find not only doctors but all within the medical profession, whether it is outpatient therapists all the way up to cardiologists. Fairbanks, our second largest city, got its first cardiologist this year.

According to the Anchorage Daily News, our largest newspaper, it costs 65 cents on the dollar to care for a patient in Alaska, and yet Medicare only reimburses 22 to 35 cents on the dollar. In addition to low reimbursement, we have other factors that drive the cost up. We have higher salaries, a higher cost of living, higher equipment costs, and higher transportation costs. Higher energy costs add to that.

We had a field hearing earlier in the year and had an individual testify before the committee. He was later quoted in the Anchorage Daily News:

> The costs [to practice] were so exorbitant and the fees for reimbursement were so low for Medicare patients, at the end of the day I could actually owe money for working a ten-hour day.

The sustained growth rate formula which has been in place since 1997 calls for nearly 40 percent in cuts over the next 8 years, even as practice expenses continue to increase. So how do we expect to entice more physicians to practice and care for our seniors, our veterans, if we threaten to cut Medicare reimbursements every year?

We know the time for Congress to act is now. I ask my colleagues, those on the Finance Committee, let's work on legislation that will provide a long-term reimbursement fix to ensure continuous care for the elderly, who may otherwise be left without access to care in the neediest of times. This is something we all must work to advance.

TRIBUTE TO SENATOR TRENT LOTT

Ms. MURKOWSKI. Madam President, yesterday was a day of tribute to one of our colleagues, a gentleman who has served his State and this country admirably for many years. I have not had the privilege to serve in the Senate with our colleague for as long a period as many of those who spoke yesterday, but I think we know it doesn't take long to realize how important has been the contribution of the Senator from Mississippi to this institution. I listened yesterday to so many of the kind words. I heard repeated time after time: statesman, leader of an institution, truly a statesman.

We all know of TRENT LOTT'S tremendous dedication to the institution that is Congress, 34 years of public service between the House and Senate, his creation of the whip organization in the House that emphasized Member-to-Member contacts and outreach that are so important in building relationships, election to the Senate in 1988, Senate majority leader in 1996, and then Republican whip earlier this year. We don't want to lament the loss of a tremendous asset, but we need to always remember to celebrate those accomplishments, learn from them.

I learned that if there was a problem that needed to be resolved, you could go to TRENT to resolve it. When there was a compromise that needed to be brokered, TRENT could figure out how to make that happen.

I learned that when there was a shortage of tomatoes at the Lott household, TRENT knew he could just go a couple doors down the street and find some tomatoes in a friendly neighbor's yard. My husband and I have been neighbors with TRENT and Tricia these past 5 years. As neighbors, we share a lot of things. We share a lot of leaves. He blows the leaves down the sidewalk to my house, and my husband will blow the leaves back down to his house—good, friendly neighbors. I have always appreciated that.

Truly, whether it is the quick conversation between Members during votes or whether it is the closed-door sitdown when he comes to the office and says: LISA, I want to talk to you about this, TRENT knows the pulse of the Senate.

I would watch him on the floor. He was like a butterfly. He would come over and alight next to somebody, have a quick conversation, a talk, and then he would move over to another area and do the same thing, kind of going from person to person, always working but always friendly and always working to find a path forward. His ability to develop those relationships and work out a deal to everyone's satisfaction is a skill I certainly look to as a model for how the Senate should operate.

It is with great fondness that I wish my friend, my colleague, my neighbor well in his future endeavors.

I wish him and Tricia well and truly love as they embark on their next adventure. We do know there will be adventures. I thank him for his friendship, his service to this Nation and to this institution.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

UNANIMOUS-CONSENT REQUEST— S. 1498

Mr. CASEY. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 455, S. 1498; that the committee-reported amendments be considered and agreed to, the bill, as amended, be read a third time, passed, and the motions to reconsider be laid upon the table, without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Ms. MURKOWSKI. Madam President, on behalf of Senator COBURN, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. Madam President, the Captive Primate Safety Act, S. 1498, is an important, bipartisan bill promoting the humane treatment of animals and protecting public health and safety from the considerable risks associated with primate pet ownership and trade.

On May 24, 2007, I introduced S. 1498, with Senators VITTER, LAUTENBERG, LIEBERMAN, and MENENDEZ. Senator ENSIGN is also a cosponsor.

Nonhuman primates are susceptible to many biological agents that infect human beings, including tuberculosis, Ebola/Marburg, and poxviruses. Because of the serious health risk, importing nonhuman primates into the United States for the pet trade has been banned by Federal regulation since 1975. In addition, many States already prohibit these animals as pets. Still, there is an active trade in these animals. Estimates are that 15,000 are in private hands; however, as the trade is largely unregulated, the number may be much higher. Because many of these animals move in interstate commerce, Federal legislation is needed.

This legislation amends the Lacey Act to prohibit transporting monkeys, great apes, lemurs, and other nonhuman primates across State lines for the pet trade. The bill has no impact on trade or transportation of animals for zoos, medical and other licensed research facilities, or certain other licensed and regulated entities.

The Captive Primate Safety Act is supported by the Humane Society of the United States, the American Zoo and Aquarium Association, the American Veterinary Medical Association, Defenders of Wildlife and the Wildlife Conservation Society and many other environmental organizations and animal welfare groups.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

EXPRESSIONS OF GRATITUDE

Mr. CASEY. Madam President, thank you. I appreciate your attention in presiding today, on a day when people are headed home. We are grateful for your presence here.

I join so many others—I do not want to be too redundant, but it is important to repeat expressions of gratitude—like a lot of people here, I have a lot of gratitude in my heart: gratitude for my wife Terese and my family for supporting me in my first year in the Senate; certainly for my staff—like so many Senators here could say of their own staff—I know it is true of mine; I have a great staff, and I am grateful for their help and their support and professionalism for almost a full year now; for the staff here in the Senate—I could go to any Senate office, but especially in the Chamber itself, all those who work so hard, day in and day out, year in and year out, to make this place work, and to guide even those veteran Members on parliamentary questions, but especially some of the first-year Senators.

We are grateful for your skill, your knowledge, and your professionalism, and we wish you and your families a happy holiday season at this time.

The same goes for my colleagues on both sides of the aisle, who have been so supportive of me as a first-year Senator. I will mention two in the interest of time: Senator REID, our majority leader, the majority leader of the entire Senate, and also, of course, the leader of the Democratic side of the aisle—a great leader for our party, but even beyond that, a great leader for the Senate. He is a man of great compassion and decency, someone who cares about changing the direction of the country, to move us in the right direction. He has done that very well. I am honored to serve with him.

Senator LOTT is going to be leaving us. I had the privilege of presiding yesterday when I heard all of the testimonials to his service. I was honored to be a small part—a witness of that Senate history. We wish Senator LOTT and his family all of God's blessings at this holiday season. But also beyond the season, we wish him the best of luck in his new life outside of the Senate. We are grateful for his service.

I have one more note of gratitude and best wishes, and that is to those who are serving our country in Iraq and Afghanistan and around the world—those men and women in our military the world over who are doing that brave and noble service every day. We are thinking of them. We pray for them at this time, as we try to throughout the year. But especially we are thinking of them and their families at this holiday season.

(Mr. SALAZAR assumed the Chair.)

AMERICAN FAMILIES IN CRISIS

Mr. CASEY. Mr. President, I am going to try to be about 5 minutes. I want to highlight a couple of issues, not only because it is this season but I think especially because it is this season, the holiday season.

When we think about families coming together, we think about hope, and we think about caring for people. We think about exchanging gifts. It is a time of happiness. But for some families it is not so. It is a very difficult time for a lot of families—not only during the holiday season but the winter season.

I was struck, unfortunately, in a very negative way the other day. I think it was yesterday. I picked up the Washington Post and read a story about President Bush's speech about the economy. We can go through that and debate what he said, but one of the first sentences in that article quoted him as follows—when he was talking about the economy:

> There's definitely some storm clouds and concerns.

"There's definitely some storm clouds and concerns." That is a quotation from that article from the President of the United States. I have to say, I have never seen a crisis in the lives of a lot of families so understated, and I think irresponsibly so. I hate to say that, but there is no other way to say that in any other way.

It is not, Mr. President, just some "concerns" and some "storm clouds."

We are way beyond storm clouds for a lot of Americans. There are so many Americans who face the crisis of not having enough to eat this season. This Government can do something about it. We know that. We all know that if we are honest with ourselves. There are families who do not have enough resources or enough power in their own lives to be able to access the resources to heat their homes, so they are cold at this time.

There are a lot of other families who are facing other crises—health care costs and others, the subprime crisis. We could go down the list: the price of fuel, gasoline, and home heating oil. We could go down the list. But it is a crisis, and for a lot of hard-working Americans, they are bracing for a winter storm that has nothing to do with snow and ice. Many of these same working families are one emergency away from financial disaster.

In light of that challenge they face, I sent a letter to the President just over a week ago—actually before he made the statement about the storm clouds and some "concerns." It is lot worse than that, I would respectfully submit to the President. I am not going to go through the letter. I ask unanimous consent that my letter to the President dated December 10, 2007, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, December 10, 2007.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: Hardworking Americans are bracing for a winter storm that has nothing to do with snow and ice. Many working families are just one emergency away from financial disaster. Escalating costs of home heating, gasoline, food, and health care threaten to leave these families hungry and in the cold. In light of these circumstances, I urge you to provide emergency assistance to help local food banks and other programs meet the rising need this holiday season.

This winter, home energy prices are projected to reach record levels, increasing by more than 15 percent over last year. At the same time, the U.S. Department of Energy is predicting higher demand for home heating because the upcoming winter is expected to be colder than the last. The states' energy assistance directors estimate that with this combination of higher prices and higher usage, the average family will pay $2,157 for home heating oil this winter, $693 more than last winter.

Meanwhile, family hunger and food insecurity is on the rise. Last year alone, the United States Department of Agriculture (USDA) reported that 35.5 million Americans did not have enough money or resources to get food for at least some period during the year. This was an increase of 400,000 over 2005 and an increase of 2.3 million since 2000.

Families in states like Pennsylvania, particularly families with children, increasingly face difficulty meeting the needs to heat their homes and feed their loved ones. This kind of family crisis can have both immediate and longstanding effects. Research shows that babies and toddlers in families struggling to keep up with their home energy needs are more likely to be in poor health, have a higher risk of developmental problems, and have greater food insecurity.

Faced with the choice of eating or heating, many of these families are seeking help from food banks and emergency heating assistance programs. Yet America's food banks are facing critical shortages. Rising demand coupled with sharp drops in federal supplies of excess farm commodities and declining donations have forced food banks to cut back on rations, distribute supplies usually reserved for disaster relief, and in some cases, close their doors because of the lack of federal assistance.

Similarly, rising food costs and limited funding are placing great strain on the Women Infants and Children Nutrition Program (WIC), threatening service to some of the 8.5 million low-income pregnant and postpartum women and young children who participate in the program.

Under your proposed budget for the fiscal year 2008, more than 500,000 low-income women, infants, and children would lose access to food and nutrition services.

I was proud to join the Senate Agriculture, Nutrition, and Forestry Committee in unanimously approving a 2007 Farm Bill that includes over $5 billion in additional funds for federal food assistance programs. Passage of this bill will provide extra funding for food banks, increase food assistance to working families with high child care costs, and increase food assistance for low-income seniors. While the full Senate continues to work on this important legislation, we must take steps to immediately address the hunger-relief needs of millions of Americans across this nation.

Compounding matters, states report that they have insufficient resources to meet expected demands for home energy assistance. That is why Congress rejected your funding proposal for the Low Income Home Energy Assistance Program (LIHEAP), which would have cut the number of households assisted by 1.1 million, from 5.6 million to 4.5 million. Instead, we passed a bill to maintain the LIHEAP block grant at its current level of $1.98 billion and increase emergency contingency funding by $250 million to $431.7 million to meet the expected higher demand in the upcoming winter. Unfortunately, your veto of this bill stopped that relief in its tracks.

America's working men and women, seniors, and children desperately need your immediate help this holiday season. Specifically, I urge you to provide emergency assistance to help local food banks and other programs meet the rising need this winter season. While optimally The Emergency Food Assistance Program (TEFAP) needs an infusion of $27 million, I strongly urge you to transfer as much funding as is feasible to shore up America's emergency food supplies throughout the upcoming winter months. I also urge you to approve an appropriation that includes no less than $5.96 billion to fully fund the WIC program for FY08 and to approve the Farm Bill nutrition funding, including funding for TEFAP and the Commodity Supplemental Food Program (CSFP), when approved by Congress. Finally, I urge that you use your authority to release the remaining $20 million in the contingency fund for the Low Income Home Energy Assistance Program (LIHEAP).

As a nation, we must do all we can to bring light to families facing the darkness of hunger and cold during the holidays and throughout the winter. As we count our blessings in this season of hope, let us bring comfort to those who are vulnerable and need our help.

Thank you for your consideration of this important request.

Respectfully,
ROBERT P. CASEY, Jr.,
U.S. Senator.

Mr. CASEY. I will not read the letter, but I outlined some of these challenges people have in their lives. I asked him to do a couple of things. These things are not difficult to do. These things, literally, require his signature on either legislation that has just been passed or using his discretionary power as the most powerful elected official in the world to release small sums of money in the scheme of our entire Federal budget.

I will wrap up with this, four things I have asked him to do basically in this letter. First of all, No. 1, provide emergency assistance to help local food banks and other programs meet the rising need this winter season. There is story after story. I say to the Presiding Officer, you know it from your home State of Colorado. We know it all over the country. There is article after article about food banks stretched in a way they have not been. It seems as if the same story has been written across the country. Never before, in 20 years, some would assert, have we seen this. We have not seen this in years. They do not have enough resources to meet the demand of those who are hungry.

So I would ask the President to use his power—his power to provide that emergency assistance to those who are hungry. He has the power to do that.

Secondly, I ask the President to use his power to give full meaning to a great program, the Emergency Food Assistance Program, known here in Washington, like everything else, with an acronym, EFAP, the Emergency Food Assistance Program. It needs an infusion. This would be the optimal situation, if the President would do this for the American people. It needs an infusion, right now, of at least $27 million. I ask the President to get that done. And I think he could if he wanted to do this.

I urge him also to approve the bill we just passed, that massive piece of legislation last night. A lot of good things are in that bill. I will mention one or two. One is the Women, Infants, and Children Program—a tremendous program that helps pregnant women and postpartum women, as well as young children, with nutrition and other assistance. Thank goodness the bill we passed has $6 billion for it. I am told that is full funding.

I ask the President to sign that legislation for a lot of reasons—hundreds of reasons—but if he has no other reason, to look at that part of that bill, the Women, Infants, and Children's Program during this holiday season; to sign the farm bill because of a lot of reasons, but in this context because of the nutrition funding which is included in it that I mentioned, as well as other nutrition increases. There are billions of dollars more for nutrition in the farm bill. So I ask the President, No. 3, to sign the farm bill.

And No. 4, and finally, to release the remaining $20 million in contingency funding for the so-called LIHEAP program—another acronym, the Low-Income Home Energy Assistance Program. A lot of people know about it and depend on it. Just $20 million; a tiny eyedrop worth of money in terms of a Federal budget into the trillions.

I ask the President not only to read a letter and not only to respond to it, but, most importantly, to take action which is asked for in this letter and the pleas for help from families across America. U.S. Senators, Members of Congress, and others have asked this President to do his part in this holiday season because the President, just like the Congress, has power—power to help people, power to improve their lives, and power to do all he can to help them every time throughout the year but especially at this time of the year.

I conclude with this: In this season of hope, let it be said of those who have power—real power—let it be said of those who have power that they helped those who are hungry, those who are cold, and those who will live through yet another season of despair. Let it be said of us, and let it be said of the President, that he fulfilled and met his obligation to help those Americans who need it, especially in this season.

Mr. President, I thank you and yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

CONGRATULATING SENATOR CASEY

Mr. LEVIN. Mr. President, first, while the Senator from Pennsylvania is on the floor, let me congratulate him for an extraordinary first year in the Senate. He has made a real difference in his first year. We all are grateful he is present here to assist this Senate and hopefully achieving some very important results. I congratulate him on his freshman year.

Mr. CASEY. I thank the Senator.

MESSAGE TO THE IRAQI POLITICAL LEADERSHIP

Mr. LEVIN. Mr. President, I want to review the outcome of last evening's debate and vote on the Iraq amendment that I offered along with Senators REED, VOINOVICH, HAGEL, SNOWE, REID, SMITH, and SALAZAR.

The amendment expressed the sense of the Congress that the missions of the U.S. forces in Iraq should transition to counterterrorism operations, and training, equipping, and supporting Iraqi forces, as well as force protection, and that—and this is, perhaps, the most critical, the important part of the amendment we voted on—that it should be the goal to complete that transition by the end of 2008.

The vote on our amendment was 50 yeas and 45 nays.

Legislating on Iraq is a difficult matter because of the need to gain 60 votes in order to overcome a filibuster, and it was made perhaps even more difficult last night because the Republican leader stated that the President would veto the Consolidated Appropriations Act if it contained our amendment.

Now, imagine that. The President of the United States would veto funds for the troops if 60 or more Senators simply expressed their nonbinding opinion that a goal should be to bring most of our troops home by the end of next year. I would hope the President would welcome at least the nonbinding advice of the Congress and not threaten funding for the troops if that advice were forthcoming.

Despite a great deal of pressure, including the veto threat, our amendment secured six Republican votes—more Republican votes than amendments to change course in Iraq have secured to date. Senators VOINOVICH, HAGEL, SNOWE, SMITH, COLLINS, and DOLE joined 44 of the 46 Democrats who were present to produce a 50-vote majority in favor of our amendment.

I am confident that at least four of the five absent Senators would have supported our amendment, as they have done in the past. So we would have had 54 votes in favor of our amendment, which would have been the most votes thus far for this type of a policy change in Iraq.

Now, what does that majority Senate vote mean, last night's majority vote? What message does it send to the White House, the American people, the Iraqi political leadership, and the Iraqi people?

I believe the message is that more and more Senators are embracing the view that the American people reflected during the last election a little over a year ago; namely, that we want to change course in Iraq, and we want to have a reasonable timetable for the return of most of our troops, and that we have reached the limits of our patience with the Iraqi political leadership.

I hope the President takes full notice of last night's majority vote, although the majority will was thwarted by a filibuster. I am sure he is aware of the vote, since the Republican leader said the President would veto the legislation if it contained our amendment.

I hope the American people understand a growing majority of the Senate agrees with their view that we need to establish a goal for the reduction of most of our forces in Iraq and the goal should be most should leave Iraq by the end of next year.

I hope the Iraqi political leaders understand a growing majority of the Senate is willing to vote to change course in Iraq as a way to bring pressure on them to make the long-promised political compromises that virtually everyone agrees are required to end the violence in Iraq.

I hope Prime Minister Maliki, in particular, understands what the U.S. Department of State said on November 21 about him and the other political leaders in Iraq. This is an extraordinary finding by the Department of State. I hope it gets somehow or other through to Prime Minister Maliki. Here is what the Department of State report said:

> Senior U.S. military commanders now portray the intransigence of Iraq's Shiite-dominated government as the key threat facing the U.S. effort in Iraq, rather than al-Qaida terrorists, Sunni insurgents, or Iranian-backed militias.

I wish the President of the United States would read his own State Department report so that not only would the majority of the Senate adopt resolutions intending to put pressure on the Iraqi leadership by telling them the open-ended commitment of American forces is over, but that the President of the United States would tell the Iraqi leaders what his own State Department said in that November 21 report. It is so important that I am going to repeat it:

> Senior U.S. military commanders now portray the intransigence of Iraq's Shiite-dominated government as the key threat facing the U.S. effort in Iraq, rather than al-Qaida terrorists, Sunni insurgents, or Iranian-backed militias.

I hope the members of the Iraqi Council of Representatives, the Iraqi Parliament, understand they must find a way to bring about reconciliation or face the consequences of squandering that window of opportunity provided by the military successes of the surge that, as General Odierno notes, will not be open forever. As I did after my trip to Iraq last August, I once again express my personal hope that the Iraqi Parliament will replace Prime Minister Maliki with someone who is willing to strongly push national reconciliation and to replace that Prime Minister with someone less connected to a sectarian group.

Finally, I wish to note that while last night's vote relative to Iraq was the last such vote this year, it is not the last vote the Senate is likely to hold on our policy in Iraq. The $70 billion approved last night is only about one-third the amount the administration has sought for Iraq and Afghanistan. The next time the Congress considers funding for the war in Iraq, of the many factors that Members will no doubt consider, none will be more important than whether Iraqi political leaders have compromised with each other and assumed responsibility for the future of their own country.

THANKING STAFF AND SENATOR SALAZAR

As others of my colleagues, let me add my thanks to our staffs, the Senate staff, our pages, all the people who make it possible for us to try to do the best job we can do. We don't often express our thanks to our staffs, to our pages, but this is surely the appropriate time of year to pause for a moment to express that gratitude to them. Without their support, without their assistance, it would not be possible for us to function. They make it possible for us to do a lot better than we otherwise would and even to make it possible for us to do some important things once in a while.

I wish to also express my thanks to the Presiding Officer. General Salazar I almost called Senator SALAZAR—Senator SALAZAR has been of invaluable assistance to me on so many matters, and I know that feeling exists with other Members of the Senate. As I talk about Iraq this afternoon, looking at our Presiding Officer, Senator SALAZAR, I am reminded of the countless numbers of times and the efforts Senator SALAZAR has made to try to pull this body together to see if we couldn't make a difference in terms of Iraq policy. That effort to achieve a bridge across the aisle, to bring Senators together, is something which Senator SALAZAR does as well as any Member of this body. Even though we don't often or always succeed in achieving bipartisan results, we would achieve them far fewer times but for the assistance and help of our Presiding Officer. So I wish to add my thanks to him as well.

I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LEVIN). Without objection, it is so ordered.

ACCOMPLISHMENTS OF THE SENATE

Mr. SALAZAR. Mr. President, I come to the floor this evening, in the closing hours of the year 2007, to make a few comments.

First, at the beginning of this year, the beginning of this Congress and the first year, I believe, we have been a Congress of robust achievement, which has made significant change, and that we must also continue to be agents of change in the future because additional change is needed. We have done some good things for this country. There is much more change we need to do.

We have made change in moving forward and seeking a new direction in Iraq and holding the administration accountable on that issue. There is more we have to do in achieving that new direction in Iraq.

We have made significant change in terms of moving forward toward energy independence. There is more work we need to do to achieve real energy independence.

We moved forward in crafting the best farm bill, in my view, in several decades. We need to get that farm bill across the finish line.

We made progress in the Senate dealing with health care issues, including passage of the Children's Health Insurance Program. But we somehow need to get that over the President's veto pen and start addressing the other issues relating to health care and health care reform.

We have made progress in the arena of education, with passage of the Higher Education Authorization Act and providing financial aid to students across the country and the passage of the Head Start Program. But we now know we still need to move ahead and make more progress and be agents of change with respect to No Child Left Behind.

We have made significant progress in the Wounded Warriors Act, providing the resources we need to take care of our nearly 25 million veterans in America. We need to make sure we stay on top of those issues with 1½ million veterans returning from Operation Iraqi Freedom and Enduring Freedom. It is important that we not lose sight of the Nation's promise to take care of our veterans.

There has been a lot of good work done, but there is still more work ahead. We must, in this Senate Chamber, figure out a way to continue to be agents of change to bring about change in the direction of America.

I want to comment on a couple of the subjects I touched on.

First, Iraq. Iraq remains the major national/international foreign policy issue of the United States. The Presiding Officer, the senior Senator from Michigan, has helped lead us from the wilderness in which we found ourselves with respect to the war in Iraq to move forward to what I consider to be a different level of debate today in America.

For the first 6 years of this administration, they essentially controlled all of the cards. It was only with the change in leadership in the Senate and in the House of Representatives that, today, there is accountability that is occurring with respect to the war in Iraq.

The senior Senator from Michigan, the very distinguished chairman of the Armed Services Committee, has really led us in the search for trying to find that new direction for Iraq. It was the Senator from Michigan who conceived of the fact that we needed to move away from having our troops in a combat mission over to the more limited missions of counterterrorism, force protection, border security, and moving forward in the more limited presence in Iraq, and sending, as he has so often said on the floor of the Senate, an unmistakable message to the Iraqi Government and the Iraqi people that it is they who have to get Iraq together. It is not up to us in America or to our troops on the ground to resolve the political problems Iraq faces today. That unmistakable message the Iraqis have received would not have been received had it not been for the leadership of Senator LEVIN, Senator REID, and others in this Chamber who stood up and said we need to have a new direction in Iraq.

There may be some around the country who are saying: Well, what has happened, because we are still in Iraq and the money is still being provided to our troops? But there has been a significant change that has occurred. We know last night, for example, on the vote that occurred with respect to the funding of our troops in Iraq, the $70 billion provided to our troops was provided to make sure our troops are not without money as they carry out the mandate of the Commander in Chief. But it was not the $196 billion that was requested by the President of the United States. It was an installment. It is the first time we get to a point where there is this kind of sequential funding. That will allow the Congress and the Senate, under the leadership of Senator LEVIN, the Presiding Officer, to continue to move forward to try to seek a new direction in Iraq and to continue to hold the administration accountable with respect to its efforts on the ground in Iraq.

Yes, when I look at the issue of Iraq, from my perspective and involvement, I believe we have made significant progress in terms of creating a new direction and a new momentum in Iraq. I appreciate the effort of the chairman of the Armed Services Committees in that debate. I appreciate his leadership and for inviting me and others to go with him to Iraq a year or so ago, along with Senator WARNER. We were on the ground meeting with Iraqi officials, as well as our military leadership, to make sure we had the best information as we move forward with the issue on Iraq.

Secondly, I wish to comment on energy. For me, the issue of energy is one of the most important signature issues of the 21st century. I don't think we can do anything that is any less important. This is of monumental importance not only to the people of America but to our entire globe and all of civilization.

The legislation we passed this year, which the President signed today, is legislation that is important because it moves us forward in terms of getting a higher level of efficiency with respect to how we use oil, with respect to how we use electricity in our homes and buildings, and with respect to how we deal with carbon sequestration, to begin dealing with global warming. But there is more work we must do to move forward with an energy package that is something that is doable here among all of us in this Congress. We need to make sure the jet engine powers this clean energy economy into the 21st century, created out of the Finance Committee, which lost by 1 vote—we had 59 votes in the Senate to get that package adopted—and that we get that across the finish line in the years ahead.

The automobile companies in our country need to have that financial assistance included in that finance package for them to be able to make the transition that is so important to get the higher efficiencies we are asking them to make. There is still a significant amount of work we must move forward with when we deal with energy.

In my view, the inescapable force that ought to bring us together, Democrats and Republicans, progressives and conservatives, ought to be the issue of national security. It ought to be the issue of the environmental security and the economic opportunity we have for our Nation. I hope our successes on energy this year are the beginning of a foundation that will continue to build in the years ahead.

Thirdly, on the farm bill, I am very proud of the work Senators HARKIN, CONRAD, CHAMBLISS, GRASSLEY, BAUCUS, and others accomplished in that effort. It is interesting to note that 78 Senators voted for that farm bill just last week. That is more U.S. Senators voting for that farm bill than any farm bill in the last quarter century. If the Presidential candidates had been here, we would have had 82 or 83 votes for that farm bill. It is a very good bill on what we do in our investments in nutrition and conservation and renewable energy, in all of those things which are important to making sure we have food security in America.

It is my hope that, as we move forward into a conference with the House of Representatives, that legislation can move forward to the President so it can be signed into law so that we can make sure we maintain the food security of America and that we also open a new chapter for American agriculture as rural communities and agriculture help us grow our way to energy independence.

On health care, it is a tougher issue, it is a tough issue, where there has not been significant concern or any concern, frankly, from this administration with respect to dealing with this crisis bankrupting so many American businesses and causing pain to so many American families. When we think about the statistics, the fact is almost 50 million Americans today don't have health insurance. In Colorado, almost 20 percent of the population of the State doesn't have health insurance. It is a crisis in America.

Yes, the White House has not seemed to really want to move forward with any kind of change with respect to health care that will address the pain occurring across America. We tried to make some movement in that direction by providing health insurance to 10 million children in America. If we are going to deal with health insurance, it seems we need to start providing that insurance to the most vulnerable, the children of our country. Yet twice the President vetoed the bills passed out of this Chamber and out of the House. It is my hope that we can return to deal not only with children's health insurance but other health insurance issues that are on the table.

Fifth, I come from a family—just like the Presiding Officer's family—who very much has recognized the importance of education. We very much see that the American dream is made possible through opening up those opportunities to come about through education.

I remember growing up on our farm, where my father would come around the table, and as we were gathered around the table with the kerosene lamp—because we didn't have electricity and a telephone at the ranch—he would say he was a poor man and there was not much he could leave us in terms of a legacy of wealth or a very large ranch. But the one thing he would say to those eight children gathered around that table was that he wanted them to get a good education. He would say: If you get a good education, which you will get because I will insist on it, that is something I prefer to give you over anything else in life in terms of riches because an education is something no one can ever take away from you.

Mr. President, until this year, there had been, in the last 6 years, a policy of disinvestment in education in America. Through the leadership of Senator KENNEDY and Senator ENZI, the higher education programs we reauthorized and funded will provide financial aid and educational opportunity to millions in America. To my own small State of Colorado, about $560 million of additional financial aid will be made possible to the young people who are seeking a higher education.

The passage of the Head Start Reauthorization Act is another investment in our young people. I come from a background of having served my State as attorney general. During the time I was attorney general, I was one of the participants and cochairs of an organization called Fight Crime: Invest in Children. We had a simple agenda. We were crime fighters, law enforcement, and attorneys general, but we realized it was important for us to keep kids out of trouble in the first place. So, as a consequence, our agenda was simple: invest in early childhood education and in afterschool programs. I think the investment we are making in Head Start and the reauthorization of that program is part of that agenda, and I very much appreciate the leadership of the Senate in getting that done.

Finally, returning to an issue in which Senator LEVIN, Senator AKAKA, Senator MURRAY, and others have been so much at the point of the spirit in leading us to a new level of investment and protection of our veterans, this bill, which we approved last night, which is now being considered in the House, which will move forward to the President, will, for the first time, invest in veterans health care at a level that the independent budget of the veterans service organizations have recommended. It is the first time that we have met those funding levels.

The Wounded Warriors Act, which is included in that legislation, will open up a whole new chapter of taking care of those who serve our country. I appreciate the leadership, again, of those who have been involved in that effort.

When I look back at what we have done in 2007 in the Senate and the Congress, yes, it has been a year of robust achievement, but it is also a fact that there is much change that is still needed. I look forward to working with the Presiding Officer and with the rest of my colleagues, both Democrats and Republicans, in achieving that change that is so much needed.

Let me quickly, also, as we move forward to this holiday season, say thank you to the troops who are overseas and to their families for their service and for their sacrifice. As we think about that service and that sacrifice, it is important for us to take stock that this is a real sacrifice.

The statistics today, December 19, 2007, do not gloss over the reality of war and the horrors and sacrifice of war: Total Americans killed in Iraq, 3,896; total Coloradans from my State killed in Iraq, 54; total soldiers from Fort Carson in Colorado Springs who have been killed in Iraq, 226; total Americans killed in Afghanistan, 468; total Coloradans killed in Afghanistan, 8; and the number of wounded over 30,000; the number of wounded in Iraq alone 28,711; the number wounded in Afghanistan, 1,840.

For those of us who have visited Walter Reed, as most of us have, we see the horrors of war with our wounded warriors. It is important that we honor them. It is important that we remember them. It is important that we pray for them in these times and we pray for their families as well.

Mr. President, finally, I say thank you to the leadership in the Senate, especially to majority leader HARRY REID, the man from Searchlight, NV.

As he said earlier, even today in some of our meetings, he was a Capitol policeman. He never, frankly, thought someday he would be elected to Congress and then be elected to the Senate and much less to serving as the majority leader essentially in charge of this institution, and yet he is there today.

I am very proud of his work, as are all the rest of my colleagues. Through some very difficult times and difficult procedures, he has led us to have the robust achievements we have been able to accomplish in 2007. I am very proud of the fact that he is in charge as the leader of the agent of change as we move forward into the new year.

Mr. President, I thank you for your time. I thank you for your leadership and example in the Senate.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 5:53 p.m., recessed subject to the call of the Chair and reassembled at 6:22 p.m., when called to order by the Presiding Officer (Mr. LEVIN).

ORDER OF BUSINESS

Mr. REID. Mr. President, when we come back in January—we are coming back on the 22nd—we are going to immediately move to the Indian Health Care Reauthorization Act. I have spoken to the chairman of the committee, Senator DORGAN. We are going to do everything we can to finish that legislation on January 22. If we can't finish it January 22 or early on January 23, we are going to move immediately to FISA. I have had a meeting today, for example, with General Hayden and Admiral McConnell, to talk about FISA. I have told them it is going to be very difficult to get this done. It expires on February 1. It is something we need to do. It would be in the interests of everyone to have that legislation extended for a year. I offered to do that earlier yesterday, and the White House said, no, that wasn't a good idea.

We are going to do everything we can to complete that legislation quickly when we get back, after we do the Indian Health Care Reauthorization Act.

Also, one of the things we are going to do is, there is one Senator who has held up scores of pieces of legislation that have already passed the House. These bills have all been reported out of the committee by Senators BINGAMAN and DOMENICI. They are very important pieces of legislation dealing with the jurisdiction of that committee. What we are going to do, and what we have done, is all those bills that have passed the House of Representatives, we put them into one vehicle over here so we will have one vote.

I have offered to Senator COBURN, who is holding these up—I said, I am willing to let you have two or three votes on these. We have been more than reasonable waiting to work through this, in my opinion. I think it is unreasonable that he has held these up. We are going to complete this legislation one way or the other as soon as we complete these other items I mentioned.

I will have more to say about this in a little while, but I spoke to the Republican leader today, and we both have a good feeling about how we have ended the session. Both of us didn't get exactly what we wanted, but there was a feeling of cooperation and bipartisanship. I hope that spills over into next year—I certainly hope so, and I know Senator MCCONNELL feels that way.

I would like to spend a minute on nominations.

My staff, Ron Weich, who does such a wonderful job for me, indicates I said FISA should be extended for 1 year. It should be extended for 30 days, so we have an opportunity to legislate that during that period of time. I appreciate my staff correcting that statement I made.

We have been working with the White House for the last several days in an effort to reach an agreement that works for both sides regarding nominations. We were unable to reach such an agreement before the Thanksgiving holiday. That led to my calling the Senate into pro forma sessions to avoid the President's very objectionable recess appointments. My hope was I could avoid that prospect for the coming holiday. I tried very hard to work with the President. But he indicated he would still use the period of time that we would be in recess to appoint objectionable nominees.

I said go ahead—here are some. We will give you these—for example, the head of the Federal Aviation Agency, somebody on the Board of Governors of the Federal Reserve Board, the Chemical Safety Board. Go ahead and do those recess appointments.

He wanted a person who cannot get through the Judiciary Committee to be Assistant Counsel to the Attorney General, a man by the name of Bradbury. I talked to various members of the Judiciary Committee yesterday. They don't think the man is somebody who should be confirmed by the Senate. I would say, without a lot of hesitation, there is no chance he would be confirmed. It is my understanding he has already been recess appointed. I can't understand why the President wouldn't do what we have suggested.

My only solution is to prevent this and call a pro forma session again. I thought these jobs—there are more than 50 of them, career-ending opportunities for a lot of these people. These are very important jobs. All of them have to be confirmed by the Senate. I could be a Grinch. I could tell the President I will not move any nominations given his demand to make controversial recess appointments. That would mean more than 50 Republican nominees would not move forward today. So during the holidays it would be: Well, maybe when we come back in a month we can do something.

The Republicans would get about 60 nominations. We would get eight.

But I am not going to do that. I am not going to be the Grinch. We are going to go into pro forma sessions so the President cannot appoint people we think are objectionable, but I am not going to meet stubbornness with stubbornness. It is not good for the body politic; just because someone is being unreasonable means we have to be unreasonable.

Think about this. Because the President wants one person whom we cannot get out of the Judiciary Committee, he is willing to hold everything up. It doesn't sound like much of a compromise to me. I can't understand the rationale behind this.

I have spoken with Josh Bolton. Josh Bolton is a very pleasant person to deal with. He has a boss, and that is the President of the United States. So I called Josh Bolton and told him, as unreasonable as I think our President is being, I am not going to be unreasonable. We are going to confirm these appointments this evening; as I said, about 60 for the Republicans, 8 for the Democrats. And I will keep the Senate in pro forma session to block the President from doing an end run around the Senate and the Constitution with his controversial nominations.

I hope this is a Christmas present for these people. These are important jobs, and I wish them well in their jobs. I wish them all a Merry Christmas and a happy New Year with their new positions.

PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND THE HOUSE OF REPRESENTATIVES

Mr. REID. I ask the Chair to lay before the Senate a message from the House of Representatives on S. Con. Res. 61.

The Presiding Officer (Mr. SALAZAR) laid before the Senate the message from the House of Representatives:

S. CON. RES. 61

Resolved, That the resolution from the Senate (S. Con. Res. 61) entitled "Concurrent resolution providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives", do pass with amendments:

(1) Page 1, line 2, of the Senate engrossed amendment, strike "adjourns" and insert: *recesses or adjourns*

(2) Page 1, beginning on line 6, of the Senate engrossed amendment, strike "or until the time of any reassembly pursuant to section 3 of this concurrent resolution" and insert: *or until such day and time as may be specified in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 3 of this concurrent resolution, whichever occurs first*"

Mr. REID. I ask unanimous consent that the Senate concur in the House amendment to the concurrent resolution and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING FURTHER CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2008

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.J. Res. 72.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (H.J. Res. 72) making further continuing appropriations for the fiscal year 2008, and for other purposes.

Without objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the joint resolution be read three times, passed, and the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (H.J. Res. 72) was ordered to a third reading, was read the third time, and passed.

FEDERAL ELECTION COMMISSION NOMINEES

Mr. REID. Mr. President, the Republicans have taken the very unusual step of objecting to a majority vote on their own nominee, Mr. Hans von Spakovsky. I offered them that option. The option was rejected. Mr. von Spakovsky is a very controversial nominee, but I said: Let's have a vote on him. Now, remember, we are not asking for 60 votes. We say: Have a simple majority vote. By that action, not accepting that offer, the Republicans are blocking the Senate from ensuring that the Federal Election Commission can function at perhaps the most important time—during a Presidential election year. What they have done will ensure that the FEC is unable to enforce the new ethics bill we enacted. The agency is in the midst of rulemakings on that law.

There are two conclusions I draw from the objections of the Republicans: First, even Republicans find Mr. von Spakovsky so objectionable that he would be defeated on a majority vote; and second, facing possible defeat for their own nominee, the Republicans would prefer to hold the remaining three unobjectionable nominees hostage and render the FEC unable to function in the next election.

We have offered them a majority vote. We said: We will take a position, a majority vote on all three. They said: No, now we want 60. So the FEC will be unable to function during the next election.

Both the New York Times and Washington Post recently editorialized about the absolutely critical importance of ensuring we have a functional FEC during a Presidential election that promises to bring record sums of money into our political system. Democrats agree. We are prepared to have a majority vote on each of the nominations. But this nominee has been controversial since the President recess-appointed him almost 2 years ago. That controversy stems from his well-documented work as a Justice Department lawyer in the Voting Rights Section.

The Republicans say he is a person whose work on matters that suppress minority voting, such as voter ID and the Texas redistricting, has nothing to do with his responsibility at the FEC, which we feel bordered on illegality, if not being unethical. Work on matters to suppress minority voting has everything to do with the Federal Election Commission. So I take issue with their statements that it means nothing.

The problem my colleagues and I have with him is that his prior work demonstrates that he is at least a partisan manipulator of our Federal election laws. That, it seems to me, is highly relevant to the advice-and-consent duty the Constitution puts in our care as Senators, but that is a decision each Senator in this body should be permitted to make. We are not going to be able to do that. Republican action today prevents us from making it.

Remember, a simple majority vote on their nominee, but they want 60 votes on ours.

It is important to note how we got here and the concessions that have been made on our side.

His history, not surprisingly, led to a number of Senators on our side of the aisle, Democrats—we imposed a 60-vote threshold on the nomination. We originally wanted 60 votes on this nomination. On the other side of the aisle, Republicans demanded that the Senate only consider the nomination of the remaining three noncontroversial nominees if he was confirmed by the Senate. These two positions could not be further apart. In view of that impasse, I have long suggested that the White House withdraw his name and substitute a new name of the President's choosing. Despite this, the nomination has endured.

As the days ran short in this session, my Democratic colleagues indicated to me that they would reconsider and allow a majority vote on each of the nominees. That resulted in my ability to make this offer to Republicans of a majority vote, and I thank my colleagues for their work with me in this regard. I appreciate very much that we could have a 50-vote margin on this controversial nomination and on the rest. That work should have meant that the FEC would continue to function. The Federal Election Commission will not be able to function. It should have meant that campaign finance laws would be enforced in the next election. It should have meant that the FEC would be able to complete its new binding rules as it relates to bundling, but it will not because Republicans have obstructed a vote on these nominees, including a vote on their own.

The Republicans seek confirmation even though a majority of Senators may not support that nomination. That, it seems to me, is truly extraordinary.

A lot has been said about the precedents of FEC appointments. A Republican Senator came out here yesterday and said there is precedent for this. Arguments made yesterday are that essentially FEC nominations always move as a package, always move together. But that is, of course, simply not true. It is true that FEC nominees have usually moved as pairs by unanimous consent, and that pairing of nominees is generally a rule on all boards and commissions: Here is a Republican, here is a Democrat; let's get it done. We do not need a lot of time on the floor. That is a fact, not by reason of precedent as much as by reason of necessity. Nomination pairing occurs because it gives both sides a reason to come to the table and confirm nominees.

There are also cases of FEC nominees not moving together by unanimous consent. One recent case is that of former FEC Commissioner Brad Smith. Mr. Smith was very controversial on our side of the aisle and required a rollcall vote, which he got. He succeeded in winning confirmation.

There are also cases I have known where a Republican President did not respect the Democratic selection of an FEC nominee. For example, President Reagan refused to send the Democratic selection of Tom Harris because the Republicans objected to his nomination.

These different examples do show there is no single precedent about how nominations are handled. As is so often the case of nominations, a lot depends, as it should, on the actual identity of the nominee in question. I do think, however, that as a rule the offer of a majority vote on a nominee is presumptively fair. If the nominee is so controversial that he cannot win the support of a majority of Senators, the Constitution and the rules of this body dictate the appropriate outcome for that nominee.

It is my hope that my colleagues on the other side will reconsider this position. I would hope this White House would reconsider their support for this controversial nomination. If they do not, the responsibility for a defunct FEC rests squarely on their shoulders.

DEMOCRATIC ACCOMPLISHMENTS

Mr. REID. Mr. President, we have reached the end of a long, hectic, at times contentious and frustrating but unquestionably productive first year of the 110th Congress.

We welcomed back our friend and colleague, Senator TIM JOHNSON, who has made an extraordinary recovery, and we were so happy this week to see him walk in the Senate Chamber.

We lost a friend in Craig Thomas, said hello to his successor, Dr. JOHN BARRASSO, and said goodbye to Senator TRENT LOTT last night.

We held an unusual three Congressional Gold Medal ceremonies, three of them this year. That is very unusual.

We honored the Tuskegee Airmen for showing America that valor is colorblind.

We awarded a Gold Medal to Dr. Norm Borlaugh for putting food on the tables of billions of people—not millions but billions. This scientist figured out a way to grow a lot of food very quickly.

The Dalai Lama was awarded the Gold Medal for planting seeds of peace throughout the world.

Of course, we tried to address the major issues that affect us at home and abroad. Although these efforts occasionally ended in frustration, the record will show we also made real progress on behalf of the American people in spite of the fact that yesterday the record was broken—62 filibusters in 1 year; in 1 year, they broke the 2-year record. The record previously was 61 filibusters in a 2-year period. Yesterday, it was broken in a 1-year period.

But as we return home to spend the holidays with our families and constituents, all 100 Senators can say with confidence that we have taken steps to make our country safer, stronger, and more secure—I guess after last night, with Senator LOTT's resignation, all 99 of us.

This Congress put working families first. We passed the first increase in the minimum wage in a decade to get the hardest working but least paid Americans more to make ends meet. Remember, 60 percent of the people who draw minimum wage are women, and for the majority of those women, that is the only money they get for themselves and their families.

We passed a bill to help Americans avoid foreclosures and keep their homes. According to RealtyTrac, Nevada has seen 47,000 foreclosure filings this year alone. This legislation is desperately needed.

We invested in community health centers, high-risk insurance pools, and rural hospitals to give lower income Americans a better chance for healthy lives.

We passed—and I was with the President as he signed it at the Department of Energy building today; he signed a landmark energy bill which will save consumers money on their heating bills, lower gas prices, and begin to stem the tide of global warming. For the first time in 32 years, we have increased fuel-efficiency standards—extremely important. We could have done better. I am happy we got this done. We were one vote short because we could not get another Republican, one vote short of passing legislation dealing with energy that would have been so wonderful. It would have given long-term tax incentives for our great entrepreneurs in America to invest in solar, wind, geothermal, bio. But we will be back in the next few months and try that again. I feel confident that we will pick up another vote.

We also have invested in education with funding for title 1, special education, teacher quality grants, afterschool programs, Heat Start, and student financial aid—the most significant change in higher education as it relates to keeping kids in school and letting them go to school since the GI bill of rights. On higher education, we believe that all children, regardless of the wealth of their parents, should have an opportunity to go to college.

This Congress also made our country safer.

After 3 years of inaction by the Republican-controlled Congress, we finally have implemented the recommendations of the 9/11 Commission, which helps secure our most at-risk cities. It gives our first responders the communications tools they need in an emergency and improves oversight of our intelligence and homeland security systems.

We provided funds to replace the equipment our National Guard and Reserve have lost because of the war in Iraq.

We secured permanent funds for western wildfires and other disaster relief that makes our country safer.

This Congress has supported our courageous troops with more than words but action. Despite the President's opposition, we gave every man and women in uniform an across-the-board 3.5-percent pay raise. We provided much needed funds for body armor and other protective gear to keep our troops safe during this combat that they fight in Afghanistan and Iraq.

We exposed the awful neglect at Walter Reed and other military health care centers. We passed the Wounded Warrior Act and other legislation that ensures the veterans receive the physical and mental health care they need.

A fair reading of the RECORD will show that we have not accomplished everything we had hoped. This was not for lack of effort by us. On issue after issue, a majority of the Senate expressed support for change, only to be thwarted by Republicans in the minority wedded to business as usual, the status quo.

On Iraq, a bipartisan majority of Senators consistently supported changing course. Like the American people, this majority is saddened to say that after nearly 5 years, nearly 4,000 American lives lost, more than 30,000 wounded, a third of them grievously wounded, and some say as much as $800 billion spent, there appears to be no end in sight for the Iraq war. But last night, I think we showed that even Republicans are losing support for this war. The President asked for $200 billion; they got $70 billion. So even the Republicans understood that the President should not have a blank check.

Unfortunately, the President still refused to heed the call of the American people to responsibly end the war, as Republican supporters in Congress continue to stand by him. On more than 40 separate occasions, the President's supporters denied the Senate from even voting on a change in course. Only once did they step aside and let the majority speak, and on this occasion the President wielded his veto pen and halted our efforts to begin a phased redeployment of our forces from Iraq so we can focus on those who attacked us on September 11, bin Laden and al-Qaida.

Just today, the Washington Post reports that the people of Iraq believe they would be better able to reconcile the nation without our combat presence.

A major story in the Washington Post today pronounced that the Shias and all their different sects, the Sunnis and all the different Sunni sects, and the Kurds, all agree that the invasion is the problem in Iraq today. We are an occupying force. I quote: The Iraqis believe our presence "is the primary root of the violent differences among them and see the departure of 'occupying forces' as the key to national reconciliation . . ."

This has been clear for a long time, and the President should start listening. The war will soon be starting its sixth year. Even as the war rages on, this Congress has made a difference.

Before Democrats took control of Congress, the President's Secretary of Defense was named Rumsfeld. He and the Bush White House and the Cheney White House conducted the war with total impunity. No dissent was tolerated. The patriotism of those who raised questions was attacked openly. Billions of taxpayer dollars were given to companies such as Halliburton with little or no accountability. But this year, Democrats have fought the President's recklessness in the harsh light of day. We forced the President to set benchmarks for legislative and political progress and required regular reports on whether these benchmarks were being met, which has shown that the surge has failed to reach its main objective—as set forth by the President, not us—political reconciliation. We compelled General Petraeus to testify. He has said repeatedly the war cannot be won militarily; it can only be won politically. We brought to light the Blackwater controversy and have begun to untangle the web of massive financial mismanagement in Iraq that has cost American taxpayers dearly.

Do I feel enough has been done? Of course not. Too many Republican Senators continue to fall in lockstep with the President on the war. It is frustrating for all of us who so desperately want to change course. The Iraq war has not been the only source of frustration. Bush-Cheney Republicans have set an all-time record for obstruction. They have almost made a sport of it. If my Republican colleagues had reached across the aisle to work with us more often, as we tried to do with them, they would have found us willing and eager to find more common ground.

Children's health insurance, about 15 million people have no health insurance in the country. But sadly, some of those people are little people. They are children. What we tried to do and did do on a bipartisan basis—and I appreciate my Republican colleagues for sticking with us—we passed twice a children's health initiative that the President vetoed, a bill that would give 10 million children the opportunity to go to the doctor when they are not feeling well or even maybe for a checkup. They would have a place to go if they were in an automobile accident or some injury was suffered. The President vetoed that. So what do we have now? We have 5.5 million less children who have more limited benefits than we would have given them. Instead of 10 million children with a very nice insurance policy, we have 4.5 million children with a bad insurance policy—better than nothing but not a good one.

It is my goal for the coming year to redouble our efforts of finding common ground. I am hopeful my Republican colleagues will join us. I believe this year's session will be remembered more for progress than setbacks. Yesterday Senator McCONNELL said: "We have come to a very successful conclusion of this year's Congress."

I agree and thank my Republican counterpart for those words. He and I have gone through some difficult times this year. The Senate has gone through some difficult times. Senator McCONNELL and I have criticized each other at times, never personally but on a political basis. That is how it is supposed to be. Senator McCONNELL has been at all times a gentleman. I have done my best to reciprocate.

I thank my 50 Democratic Senators I have the honor of being able to be the leader of for entrusting me with the office of majority leader. I am grateful for the opportunity to be a Senator. I am grateful for the opportunity to be the leader of these 50 wonderful men and women. I will continue to do the best I can during the next year, recognizing my failings and weaknesses, but also working on what strengths I have to the best of my ability.

I also take an opportunity to thank this staff, the people before the Presiding Officer, who do everything they can to make us look good. They work so hard. Some of us got home by midnight last night. Many of these people were here much later than that. When we get here in the morning, they are here earlier than we are. These are people who do all kinds of different work. I have been in Congress for 25 years. I don't understand all of what they do, but what they do makes our jobs meaningful and successful.

As we speak, we have plainclothes police officers here to protect us from the evil people who are trying every day to infiltrate this beautiful building and do harm to us and this building. I was a Capitol policeman, very proud of that. I carried a gun for the U.S. Capitol Police when I was going to law school. I am always trying to recognize their good work on our behalf.

Without identifying individuals by name, I am so grateful for the help I get. But I would be remiss if I did not mention two people, and that is Marty Paone, whom I depend on every day I am here—there are few hours I am here that I don't depend on him—and, of course, Lula Davis who runs this floor with an iron hand. I am not going to go through the entire staff, Trish and Tim and everybody, but I wanted to give special recognition to those two people who do so much for me on a daily basis. Then my personal staff: My chief of staff Gary Myrick, who works so hard and is separated from his family a lot more than he wants to be. That includes my entire staff, who devote long hours to me and the Senate and to our country. I am very grateful.

As I told my caucus today, these staff people are so well educated, so well trained, do so many different things. But they are interested in public service, trying to make this country a better place. That is what we are all here trying to do for our country. I wish every one a Merry Christmas and a Happy New Year.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. STABENOW. Mr. President, as we bring the session to a close, I want to spend a moment speaking about how far we have come this year. Our leader, who was speaking about accomplishments, is someone whom we should all be thanking for his leadership in bringing us to a point where we have been making changes that affect middle-class families all across America in a very positive way. There is a lot more to do. We are anxious, frustrated, pushing hard, because there is a lot more to do. But we have made a great start. We have made a downpayment on the change families are asking us to make. It has not been easy because we have seen an effort of continually trying to block change, of filibusters which are a way to drag things out, slow things down, stop things from happening. It is quite extraordinary.

In the past, the highest number of filibusters was 61 over a 2-year period. Our Republican colleagues actually beat that in 1 year, 62 different times running the clock out, slowing things down. It was extraordinary to me as a member of the Agriculture Committee—and the distinguished Senator in the chair is also a committee member as well—to see almost 3 weeks of filibustering on the farm bill, an effort to address food security and energy security and move us forward on farm policy. Fortunately, we were able to get beyond that. But we have been able to get beyond this extraordinary wall of objections over and over again because of the amazing and consistent and dedicated leadership of our leader and all of those in leadership, our committee chairs and others who have been so dogged and diligent about wanting change to happen.

I did want to particularly recognize Senator REID, who is more committed to our fight to maintain the American dream and quality of life for families and businesses and farmers and Americans all across the country than anybody I know. I thank him for that.

We have achieved tremendous gains. We have seen change happen. We have raised the minimum wage this year. We have created open doors in a real way for people to go to college—for low-income families, we raised the Pell grant twice this year—but also to make sure that middle-income students can afford to borrow at lower interest rates, cutting interest rates in half in order make it possible to go to college and have the American dream. We have passed so many different bills that address our safety and security and opportunity for families. There is so much more to do. But we are focused. As we come to the end of this year and we think about all of what is affecting families today, all the pressures that families feel, it is important to say one more time that we understand, we get it. We are working very hard because time is of the essence.

Frankly, there are things that should have been done that haven't been done. We are going to be right back at it in January.

I am proud of the fact that we have addressed one of the major concerns for families in Michigan and all across the country who face the loss of a home because of the mortgage crisis, because of predatory lending practices or other circumstances in which they find themselves in a situation of losing their home.

Last week on Friday we were able to pass FHA reform that will allow more people to get refinancing for their homes. This is an important step. I am pleased to have led the effort to make sure the law was changed so that if somebody loses their home or refinances below their mortgage value, they don't end up getting hit with another tax bill on top of losing their home. We have a lot of families right now who are coming up to Christmas. They don't have a place to put the Christmas tree. They don't have a home now, or they are worried about whether they will be able to have their home next Christmas. There are tremendous pressures that families are experiencing on all sides.

We have been able to take two steps to address that: one, to make sure that if a family finds themselves in that situation, they don't also have the insult of adding a tax bill to their economic crisis. That is great. I am very proud of that. I am proud we were able to work together with colleagues on both sides of the aisle in the House and in the Senate and the President. I commend the President for working with us on that issue. I am hopeful he will do more of that. We need him working with us on hundreds of things that will make a difference in people's lives. But I am pleased in this one area where we were able to do that.

People are feeling squeezed. As the distinguished Presiding Officer knows, people are feeling squeezed on all sides in their lives. Too many people are seeing their wages go down, if they have a job. They see their health care costs go up, their gas prices go up, their health care costs go up—all the costs—the costs of college going up.

One by one, we are addressing those issues. We are focused on making change happen, to help families working hard every day who want to make sure the American dream is there for their kids and for their grandkids, who love this country. They are people who love this country and say: Hey, what about us? Is anybody paying attention to us? The majority of Americans who are working hard every single day, following the rules, who love their family, love their faith, and want to know somebody is paying attention to their needs and their lives and their desire to have that American dream and to have the American way of life. So we understand that.

I am proud to be part of the majority that has made a commitment to address those things—whether it is bringing down the cost of college, raising wages, being able to address the costs of gas and energy; whether it is addressing food and nutrition and conservation and alternative fuels or the mortgage crisis.

The common theme for us is: Making change happen for middle-class Americans and those who love our country and want us to help them be able to keep that American dream, by having the rules be fair and having it make sense for them in this country.

TRADE ADJUSTMENT ASSISTANCE ACT

Ms. STABENOW. Mr. President, in a moment, I am going to offer a unanimous consent request to pass H.R. 4341, which is a 3-month extension of something called the Trade Adjustment Assistance Act. We call it TAA.

But first I wish to speak for a moment about this program, because when we talk about families, when we talk about middle-class families—people who love this country, who play by the rules every day, and want to know that they can take care of their kids and have a job and a home and all those things we want for our children—we have a group of people in this country who, through no fault of their own, have found themselves losing their job because of this global economy we have—something called trade, jobs being shipped offshore.

Certainly, I support trade. We all support trade. But I want to export our products, not our jobs. Back when the free trade laws were passed, NAFTA and others, there was a commitment made by the Federal Government to help those who are caught in the middle, who lost their job because of trade policy.

Their job goes away, and the Federal Government is the one passing these trade laws. So the Federal Government said: OK, we are going to help people transition to new jobs, to be able to get the help, the support they need—some help for health care in the short run and be able to go back to college, go to community college, go to trade school, whatever they want to do to be able to transition, to be able to keep their standard of living, and, again, to keep their way of life.

We are in a situation right now where the Trade Adjustment Assistance Program will expire at the end of this year, and we have been pushing very hard for a simple 3-month extension. The House sent to us a simple 3-month extension of the current law until we can revise and update the law.

Now, I have to also say, I am very pleased, as a member of the Finance Committee, to be working with our chairman, to have joined him in introducing a very important bill to improve trade adjustment assistance, to be able to expand what we can do to more adequately meet the needs of workers and families and communities and small businesses that are impacted by unfair trade situations or the loss of jobs through trade.

But, right now, we have an immediate situation, an immediate situation going on that will affect thousands—tens of thousands, hundreds of thousands—of Americans across the country if this law expires. We have been doing everything possible to be able to simply get a 3-month extension. We did that once back in September—a 3-month extension. We are asking for another 3-month extension so we can pass this broader, more up-to-date law that will help more people.

When I think about this issue, it is something that is shocking to me, to think we would even have to be struggling with our Republican colleagues about a 3-month extension. I think about Greenville, MI, on the west side of Michigan, a town of about 8,000 people, who saw their Electrolux plant—they made refrigerators—that employed 2,700 people—they did a great job; they worked in three shifts; they were making a profit—but the company decided they could make a bigger profit if they moved to Mexico.

After a lot of discussion with the State, myself, and others in the Federal Government—how could we help them be able to stay—they said: Do you know what. You can't compete with $1.57 an hour and no health benefits, no pension benefits in Mexico. So they left.

The people in Greenville, MI, have been counting on the Federal Government to keep its promise through trade adjustment assistance, to be able to help them pick themselves up and continue their lives.

This is not some theoretical debate. I know these people. I know people in communities all across Michigan who have been told: Gee, we are sorry this current race to the bottom in trade, where you go to the lowest wage around the world, is affecting you. We are sorry about this, but at least there is the thing called TAA, trade adjustment assistance, that can help you.

Well, right now this is running out. It may not be there for new people who find themselves in a situation similar to the folks in Greenville. That is outrageous. When we think about the obstruction that has gone on, on this floor over and over and over again, the 62 different filibusters, the obstructions, the objections that have gone on, you would think, a few days before Christmas, the holidays—a time of charity and good will—we could come together, that our colleagues would join with us and simply allow a current law to continue for 3 months—just 3 months. That is it; just 3 months.

Unfortunately, our Republican colleagues have held this issue hostage over a totally unrelated issue. They have wanted to tie this to a dispute regarding the FAA. Certainly, the FAA is important, but they want to tie it to a dispute there and are blocking our efforts to simply move forward on a 3-month extension of something that directly helps working people in this country—families, communities. It helps families be able to stay intact, be able to move into this new economy, new world that everybody is talking about that involves a different kind of trade policy.

Our leader has offered that we will deal with trade adjustment assistance, a 3-month extension, but also address the unrelated Republican FAA proposal on its own, that both would be dealt with but dealt with separately. For some unknown reason, that was not acceptable. There has been a desire to tie them together and to object to proceeding on this very important effort to support families and to make sure nobody falls through the cracks come January 1.

That is the least we can do in the Senate. If this program expires, unemployed men and women all around America are going to be in a position to be denied the help they need to be able to continue on with their lives. Those who are currently involved in the program will be able to continue to receive help, but I can assure you, coming from a State in great transition right now, with thousands of people falling into that situation, where they need trade adjustment help, we have people who have been waiting and waiting and waiting and will find themselves in a situation on January 1 with no help.

This is not acceptable. This is absolutely not acceptable. It does not have to happen. There is absolutely no reason for this. We have a simple House bill in front of us—no secrets; very simple. Very simple: Extend this critical program through Christmas, through New Year's. Get us into the new year so we can work out any other differences and let families be able to know we understand and we are not going to use unemployed men and women, who are unemployed through no fault of their own—the plant picks up and goes to Mexico, goes to China, goes someplace else. This is not their fault. They want to work. They are great workers. They are going to continue to find a way to work. But to hold them as pawns at this time is shameful.

So, Mr. President, I am being told there is going to be a Republican objection. I received a note to that effect. I am told there is no one here who is able to object at this time. But due to the courtesies of the Senate, I will not ask, although I am very tempted, I have to tell you—but due to the courtesies involved in the Senate, and the rules of the Senate, I will not proceed to ask for unanimous consent because, in fact, I have received a notice that the Republicans will, in fact, be objecting one more time, one more time, one more time to our ability to support and help working men and women and their families for the next 3 months.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXTENDING AIP CONTRACT AUTHORITY

Mr. REID. Mr. President, Congress is currently considering proposals to extend contract authority for the Airport Improvement Program, which is known as AIP. If lawmakers—that is us—are unable to reach an agreement and fail to pass legislation extending contract authority before Congress adjourns for the year—that will be in a few minutes—the funding for critical safety, security, and capacity projects at airports throughout the country will be delayed.

The omnibus does not contain any funding authority from the aviation trust to pay for airport grants. The short-term extension includes such funding authority for 6 months and has formula changes that allow the Department of Transportation to run the program with only half a year's funding. If the separate FAA extension isn't passed, the Department will not be able to make any grants to airports.

Lack of contract authority for the Airport Improvement Program grants would cause significant impact. Unless rectified through authorization, the program would lose a construction season for airports that have had to bid contracts early due to winter weather for work in the spring and summer.

Delaying these funds would be particularly hard on small airports that rely on this funding as the primary source of revenue for infrastructure projects and those airports in parts of the country with short construction cycles.

Since Congress has been unable to pass a multiyear Federal Aviation Administration authorization bill, airports are urging Congress to pass legislation that will extend the authority through the end of March for a total of 6 months of funding.

Extending this contract authority through the end of March would provide airports with more than $1.8 billion in AIP funds. Extending the AIP contract authority through the end of March will allow the FAA to fully fund the Letter of Intent Program, which provides funding for critical infrastructure projects at major commercial airports around the country.

It was my intention to ask unanimous consent to pass S. 2530, the Federal Aviation Administration Extension Act for 2007, which was introduced earlier. It is my understanding that there would be a Republican objection, so, sadly, I will withhold asking for that consent.

I am disappointed that this is not going to be able to go forward. There are many airports around the country, airports in Pennsylvania, and I am sure in Nevada and other parts of the country that, simply will be unable to do what they need to do for the people who are so dependent on them, especially these rural airports.

HONORING OUR ARMED FORCES

Mr. LAUTENBERG. Mr. President, another month has passed, and more American troops lost their lives overseas in Iraq and Afghanistan. It is only right that we take time in the Senate to honor them.

Since last memorializing the names of our fallen troops on November 16, the Pentagon has announced the deaths of 39 troops. They lost their lives in Iraq and in Operation Enduring Freedom, which includes Afghanistan. They will not be forgotten. Today I submit their names into the RECORD:

PFC Juctin R. P. McDaniel, of Andover, NH
SGT Austin D. Pratt, of Cadet, MO
PVT Daren A. Smith, of Helena, MT
SFC Jonathan A. Lowery, of Houlton, ME
SSG Michael J. Gabel, of Crowley, LA
CPL Joshua C. Blaney, of Matthews, NC
SGT Samuel E. Kelsey, of Troup, TX
SPC Brynn J. Naylor, of Roswell, NM
CPO Mark T. Carter, of Fallbrook, CA
SSG Gregory L. Elam, of Columbus, GA
CPL Tanner J. O'Leary, of Eagle Butte, SD
CPL Johnathan A. Lahmann, of Richmond, IN
SPC Randy W. Pickering, of Bovey, MN
SGT Eric J. Hernandez, of Waldwick, NJ
PVT Dewayne L. White, of Country Club Hills, IL
CPT Adam P. Snyder, of Fort Pierce, FL
SGT Kyle Dayton, of El Dorado Hills, CA
SGT Blair W. Emery, of Lee, ME
SPC Matthew K. Reece, of Harrison, AR
SFC John J. Tobiason, of Bloomington, MN
CPL Allen C. Roberts, of Arcola, IL
PVT Isaac T. Cortes, of Bronx, NY

SPC Benjamin J. Garrison, of Houston, TX
SSG Jonathon L. Martin, of Bellevue, OH
SPC Melvin L. Henley, Jr., of Jackson, MS
SGT Alfred G. Paredez, Jr., of Las Vegas, NV
PFC Marius L. Ferrero, of Miami, FL
CPL Jason T. Lee, of Fruitport, MI
CPL Christopher J. Nelson, of Rochester, WA
2LT Peter H. Burks, of Dallas, TX
SSG Alejandro Ayala, of Riverside, CA
SGT Steven C. Ganczewski, of Niagara Falls, NY
SGT Mason L. Lewis, of Gloucester, VA
SGT Kenneth R. Booker, of Vevay, IN
2LT Stuart F. Liles, of Hot Springs, AR
SPC Ashley Sietsema, of Melrose Park, IL
CPT David A. Boris, of PA
SPC Adrian E. Hike, of Callender, IA
SGT Derek R. Banks, of Newport News, VA

We cannot forget these brave men and women and their sacrifice. These brave souls left behind parents and children, siblings, and friends; we want them to know the country pledges to preserve the memory of our lost soldiers, who paid the ultimate price, with the dignity they deserve.

FHA MODERNIZATION ACT

Mr. SUNUNU. Mr. President, last week, I was pleased to support passage of the FHA Modernization Act, S. 2338. This legislation will update the FHA program so that it once again is better able to provide many low-income and first-time homebuyers another option as they try to secure a mortgage for a new home or to refinance an existing mortgage under more affordable terms.

As some consumers experience credit tightening in the home mortgage and other financial markets, a byproduct of issues in the subprime mortgage market, the availability of stable financing alternatives is critically important to reducing the negative effects of the current market turmoil.

While the FHA Modernization Act is not a silver bullet, it represents a responsible step the federal government can take to benefit thousands of borrowers around the country.

Additionally, in the last several days Congress passed a measure, which I cosponsored, that encourages homeowners and their lenders to work out alternative payment plans that prevent individuals from losing their homes. The Mortgage Forgiveness Debt Relief Act, H.R. 3648, will protect taxpayers from an IRS tax bill in the event they have a portion of their mortgage debt forgiven. Under current law, homeowners entering foreclosure or refinancing their mortgage at a lower loan value due to a drop in housing prices, face an unfair and unwarranted tax. The last thing someone struggling to stay in their home needs is a huge tax obligation on income that they never saw. I expect the President to sign this legislation into law in the coming days.

In addition to the legislation recently advanced by Congress, the Federal Reserve proposed a rule this week that would prohibit lenders from making so-called "no documentation" loans where a borrower's income or assets are not verified; prohibit lenders from engaging "in a pattern or practice" of lending without considering a borrower's ability to repay a loan; restrict prepayment penalties on certain loans; and require lenders to establish escrow accounts for property taxes and homeowners insurance.

The proposed rule would also restrict "yield spread premiums" that exceed the amount a consumer had agreed to in advance; prohibit coercion of an appraiser to misrepresent the value of a home; prohibit certain deceptive advertising practices; and improve certain truth-in-lending disclosures.

While I look forward, as a member of the Banking Committee, to reviewing the Fed's proposed regulations in the coming weeks, the committee should proceed cautiously as it considers more aggressive attempts to address current issues in the housing market. With the housing correction already under way and with the restricted credit availability that we are now experiencing, some of the proposals that have been floated may have the unintended consequence of exacerbating reduced credit availability at exactly the wrong time. Others may unnecessarily use taxpayer dollars to encourage unwise behavior in the future.

Any further legislation in this area needs to be thoroughly reviewed to ensure that it will have a positive effect on homeownership in this country, both now and in the future, and not simply rushed through Congress for the sake of political expediency.

One piece of legislation that the Senate Banking Committee should address as soon as possible is GSE reform. The House passed legislation earlier this year that strengthens the oversight of Fannie Mae and Freddie Mac. With the ongoing difficulties in the housing market, now more than ever it is imperative that Congress act to guard against threats to our capital markets and to protect against any possible negative consequences for taxpayers that could arise without proper oversight of these institutions. Fannie and Freddie have had a number of problems over the past several years and are so centrally important to the mortgage market that any further problems could have serious repercussions that could spread throughout our financial markets.

The GSE's regulator needs to be strengthened so that Fannie and Freddie can continue their important role in supporting the mortgage market. Any efforts to enhance their role in the mortgage market must not move forward until fundamental regulatory reform is enacted.

CONSOLIDATED APPROPRIATIONS ACT

Mr. SANDERS. Mr. President, last night I indicated my strong concerns about the omnibus appropriations bill, a bill that I expected to include all domestic spending as well as funding for the war in Iraq. Notably, I discussed my grave misgivings about funding for the President's disastrous, ongoing and ill-conceived war. I also raised my unease with last-minute additions of loan guarantees for questionable energy sources, such as the building of new nuclear power and for coal-related energy, especially coal to liquids.

Last night, I voted against an amendment to provide the President with a blank check for his war. Until even later in the evening, I thought that the war funding would be attached to the domestic spending legislation set for vote that evening. However, it was clear by the time of the domestic spending vote that the Iraq war funds were kept separate. I remain very concerned with the nuclear and coal loan guarantees that were inserted, I decided that, on balance, the domestic spending bill that would fund, among other important priorities, community health centers and health care for many Americans in need, deserved my support. I regret the insertion of the ill-conceived loan guarantees and will work with my colleagues to address them.

Mr. LIEBERMAN. Mr. President, the famous test pilot Chuck Yeager once said: "Any landing you can walk away from is a good one. But a perfect landing is one where you can fly the plane the next day."

When it comes to homeland security, the Omnibus appropriations bill which Congress approved last night is a good landing in the sense that we can all go home for the recess having improved funding for the Department of Homeland Security over the President's wholly inadequate budget request.

But it is not a perfect landing because it leaves some important initiatives stuck on the ground due to either a lack of funding or misplaced priorities.

First the good news: Overall the omnibus includes $38.7 billion for the Department of Homeland Security, DHS, for fiscal year 2008, including $2.7 billion in emergency funds for border security and other needs.

This is significant improvement over the President's $34.3 billion request, with the additional money going to help our first responders and State and local governments purchase equipment and receive the training they need to effectively respond to man-made or natural disasters; to better protect our ports and railways; to increase security on our borders and in our airports, and to confront the looming threat of terrorists attacking us at home with improvised explosive devices, or IEDs.

Specifically, the bill includes $950 million for FEMA's State Homeland Security Grant Program, SHSGP—the full level authorized in the Implementing the Recommendations of the 9/11 Commission Act of 2007, which Senator COLLINS and I authored. SHSGP grants provide critical support for prevention, planning and response efforts by State and local governments. They help fund training, exercises and equipment for our Nation's first responders and support fusion centers that allow officials to share information that can prevent terrorist attacks.

The omnibus also includes a combined $750 million for the assistance to firefighters grants and SAFER grants programs, both of which provide vital support to the nation's courageous fire fighters.

Also, the emergency management performance grants program, which supports all-hazards planning and preparedness, received an increase of $100 million over last year's level for a total of $300 million.

And a new interoperable communications grant program, included in the 911 implementation bill, will receive $50 million in funding a positive step towards what I hope will be a greater commitment to provide dedicated funding for what is still the number one priority of state and local officials.

FEMA which is in the midst of a much needed transformation prescribed in the Post Katrina Emergency Management Act, which I also co-authored with Senator COLLINS also does well in the Omnibus, receiving $724 million $189 million above its fiscal year 2007 level. This includes an additional $100 million for FEMA's core operations programs, which are critical to the agency's efforts to turn itself into a world-class response agency capable of leading our Nation in preparing for and responding to a catastrophe which it clearly was unable to do with Hurricane Katrina in 2005.

Rail and transit security grants receive $400 million, $225 million above 2007. These much needed investments will help improve security in transportation modes which have been largely neglected, relative to airline security, even though terrorists have time and again demonstrated that they are primary targets.

Port security grants are funded at $400 million as authorized by the SAFE Port Act $190 million above last year's level. The legislation also includes $13 million for the secure freight initiative and global trade exchange programs—funding which will further help close another glaring weakness in our homeland defenses.

I am a vocal proponent of comprehensive immigration reform. This includes reforms to strengthen of our borders. The omnibus moves us closer to that goal.

The bill provides $6.8 billion for Customs and Border Protection, CBP, to improve security at the borders, including funds to continue limited use of National Guard troops on the border and hire 3,000 additional border patrol agents.

The bill also provides $1.2 billion for border security fencing to complete 370 miles by the end of fiscal year 2008 and almost $15 million for additional unmanned aerial systems to patrol the border.

And the omnibus includes $475 million for the U.S. VISIT program used to track the entry and exit of foreign visitors and $36 million for a new electronic travel authorization for travelers from Visa Waiver Program countries which was authorized by the 911 implementation bill.

I am also pleased that another initiative I advocated—the development of a national strategy for use of closed circuit televisions to enhance national security—was included in the final omnibus package.

The omnibus also helps us strengthen chemical security by providing $50 million—a significant increase over the President's original request—to protect chemical facilities from terrorist attacks. We know that chemical sites pose a serious homeland security vulnerability and we must ensure that DHS can help them enact meaningful security measures as soon as possible. I am also pleased that this legislation safeguards the ability of states and localities, who are our partners in homeland security, to enact stricter chemical security standards where appropriate.

Finally, the omnibus also includes a $10-million increase for the Office of Bombing Prevention that Senator COLLINS and I added as an amendment on the floor.

We have to confront the fact that highly lethal and simple-to-make IEDs have become the preferred weapon of terrorists and the Department of Homeland Security must have adequate resources to help State and local officials defend against this likely threat.

But, as I said earlier, there are some problems with this bill and I hope we can improve upon it next year.

To begin with, this bill contains a record amount of earmarks for homeland security—$443.8 million by my count. Earmarks can be valuable, but I fear that at this kind of record level we run the risk of being forced to take money away from more important initiatives.

For instance, the pre-disaster mitigation grant program, which was not previously earmarked, now contains 96 specific earmarks totaling $51.3 million—nearly half the total appropriation for this program designed to mitigate the impact of future disasters.

Also, regrettably, the omnibus appropriations bill does not include funding for a consolidated headquarters for DHS, which is essential to establishing a unified culture at the Department.

Currently, DHS is spread throughout 70 buildings across Washington and the Capital region, making communication, coordination, and cooperation between DHS components a significant challenge.

The elimination of this funding simply prolongs an unacceptable status quo and hinders the homeland security mission, and I will work hard to restore this funding in future appropriations.

Finally, I am deeply disappointed that the omnibus bill unnecessarily delays full implementation of the Western Hemisphere travel initiative, WHTI, until June 1, 2009.

Inadequate inspection of travelers to the United States from Canada, the Caribbean, and Mexico was identified by the 9/11 Commission, the GAO, and the State Department as a critical vulnerability to our travel systems. The language hardening the implementation deadline included in the Omnibus bill ties the hands of DHS and prevents it from finalizing additional security enhancements before such date.

Again, the Omnibus appropriations bill is a good landing but not a perfect one and I hope as we begin wrestling with next year's budget we can make the appropriate fixes that will get certain needed programs off the ground.

Mr. CORNYN. Mr. President, as vice chairman of the Senate Sportsmen's Caucus, I am concerned about misguided efforts by some in Congress to ban Federal funding from flowing to international wildlife conservation organizations and programs that support regulated recreational hunting, particularly on the African continent.

The facts are clear. Twenty-three African counties currently license approximately 18,500 hunters, generating over $200 million annually in the process. Regulated recreational, sport, and trophy hunting is saving many animal species in Africa. Licensed and regulated tourist hunting boosts local economies and propagates wildlife by providing foreign governments and villagers a financial incentive to protect and conserve local wildlife populations.

In September of this year, I joined my colleagues on the leadership team of the Senate Sportsmen's Caucus in sending a letter to our conferees negotiating the Department of State and Foreign Operations funding bill with the other Chamber. We laid out the facts and noted that even the National Geographic News reported in March 2007 that "trophy hunting is of key importance to conservation in Africa by creating [financial] incentives to promote and retain wildlife as a land use over vast areas . . ."

Tourist hunting has proven to be a valuable tool to conserve wildlife and habitat and has contributed to the survival of the African elephant, white and black rhino, leopard, markhor, argali, and other species.

Trophy hunting organizations such as the Dallas Safari Club located in my State of Texas have a vested interest in promoting the welfare of wildlife and they provide countless resources that eliminate human suffering and improve livelihoods in remote areas of the world by conserving wildlife, growing local economies, and reducing poverty.

It is my hope that all Members of Congress will recognize the positive impact that conservation and hunting organizations have on the preservation of species, and that Federal partnership with these groups leverages significant private sector contribution to global wildlife conservation.

CIVILIAN RESERVE

Mr. HAGEL. Mr. President, the Senate Foreign Relations Committee has been pursuing for a number of years the establishment in the State Department of a civilian reserve to work on postconflict reconstruction. Our first meeting on this issue was in December 2003. Its need has become increasingly apparent as time has passed, and it is now urgent that we adopt the legislation authorizing the civilian reserve and providing the Department the funding and authorities it needs to get the job done.

Senator LUGAR has provided leadership in both the committee and in working with the executive branch on this issue, and Senator BIDEN and I have worked closely with him in developing the concept and pursuing its implementation. In April 2007, Senator LUGAR, joined by Senator BIDEN and myself, introduced S. 613, the Reconstruction and Stabilization Act of 2007. Senators WARNER, COLLINS, and DURBIN are also cosponsors of S. 613. We demonstrated that the legislation has overwhelming support in this body when it passed by unanimous consent in the 109th Congress. It should now be taken up again, passed in the 110th Congress, and sent to our House colleagues for their immediate consideration.

Mr. President, I ask unanimous consent to have an op-ed by Senator LUGAR and Secretary of State Condoleezza Rice that appeared in the December 17 Washington Post titled "A Civilian Partner for our Troops" printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Dec. 17, 2007]

(By Richard G. Lugar and Condoleezza Rice)

A CIVILIAN PARTNER FOR OUR TROOPS

WHY THE U.S. NEEDS A RECONSTRUCTION RESERVE

It is unusual in Washington when an idea is overwhelmingly supported by the president, a bipartisan majority of the Senate Foreign Relations Committee, the State Department, and both the civilian and military leadership of the Pentagon. But that is the case with the proposed Civilian Reserve Corps, a volunteer cadre of civilian experts who can work with our military to perform the urgent jobs of post-conflict stabilization and reconstruction.

Creating such an institution is essential for our national security, and the Senate should authorize the creation of the corps. Over the past decade and a half, the United States has learned that some of the greatest threats to our national security emerge not only from the armies and arsenals of hostile nations but also from the brittle institutions and failing economies of weak and poorly governed states.

We have learned that one of the central tasks of U.S. foreign policy for the foreseeable future will be to support responsible leaders and citizens in the developing world who are working to build effective, peaceful states and free, prosperous societies.

Responding to these challenges is a job for civilians—those who have the expertise and the experience in the rule of law, governance, agriculture, police training, economics and finance, and other critical areas. The State Department and the U.S. Agency for International Development are working heroically to meet this need.

But the truth is, no diplomatic service in the world has within its ranks all the experts or expertise needed for this kind of work. As a result, from Somalia and Haiti to Bosnia and Kosovo, and now to Afghanistan and Iraq, our government has increasingly depended on our men and women in uniform to perform civilian responsibilities.

The military has filled this void admirably, but it is a task that others can and should take up. The primary responsibility for post-conflict stabilization and reconstruction should not fall to our fighting men and women but to volunteer, civilian experts.

That is why President Bush called for the establishment of a volunteer Civilian Reserve Corps in his 2007 State of the Union address. "Such a corps would function much like our military reserve," he said. "It would ease the burden of the armed forces by allowing us to hire civilians with critical skills to serve on missions abroad when America needs them." Both the State Department and the Pentagon support this initiative.

The Senate has likewise recognized the need for a stand-alone rebuilding capacity, and last year unanimously passed legislation to create a Reconstruction and Stabilization corps within the State Department. Legislation before the Senate would take further steps to establish the operational elements necessary for this work. The bill has three parts:

First, it calls for a 250-person active-duty corps of Foreign Service professionals from State and USAID, trained with the military and ready to deploy to conflict zones.

Second, it would establish a roster of 2,000 other federal volunteers with language and technical skills to stand by as a ready reserve.

Third, it would create the Civilian Reserve Corps the president called for, a group of 500 Americans from around the country with expertise in such areas as engineering, medicine and policing, to be tapped for specific deployments. The corps could be deployed globally wherever America's interests lie, to help nations emerging from civil war, for instance, or to mitigate circumstances in failed states that endanger our security.

If Congress acts soon, the administration may be able to deploy the reconstruction corps in Iraq and Afghanistan. But future conflicts are equally important. If we are to win the war on terrorism, we cannot allow states to crumble or remain incapable of governing.

We have seen how terrorists can exploit countries afflicted by lawlessness and desperate circumstances. The United States must have the right non-military structures, personnel and resources in place when an emergency occurs. A delay in our response can mean the difference between success and failure.

Congress has already appropriated $50 million for initial funding, and an authorization to expend these funds is required. The bill is widely supported on both sides of the aisle and could be adopted quickly.

Yet this legislation is being blocked on the faulty premise that the task can be accomplished with existing personnel and organization. In our view, that does not square with either recent experience or the judgment of our generals and commander in chief.

It would be penny-wise but pound-foolish to continue to overburden our military with reconstruction duties. We urge Congress to stand up for our troops by giving them the civilian help they need.

HONORING SENATOR TRENT LOTT

Mr. CONRAD. Mr. President, I wish to take a few moments this morning to pay tribute to our colleague from Mississippi, Senator TRENT LOTT.

Senator LOTT has been at the center of every major policy debate in the Congress for more than three decades.

Senator LOTT was a fierce and effective advocate for limited government. No one who has been involved in debating budget, tax, or health policy with Senator LOTT—as I frequently did on the Finance Committee—can question his commitment to conservative principles of government.

But what made Senator LOTT effective was that he understood that others had different views, and he understood the importance and art of compromise. He was driven to produce results, and he was unrelenting in his efforts to build coalitions to pass legislation and make things better for the American people. He recognized that, in the Senate, compromise is necessary to get things done. As majority leader, he was able to find policies that could hold his caucus together and at the same time win support from the Clinton White House and moderate Democrats.

In more recent years, he has played a key behind-the-scenes role in bridging differences between the parties. No one was better at counting votes and knowing the limits of his negotiating flexibility. When TRENT LOTT told you he could produce the votes for a proffered compromise, he delivered. You could count on it.

Perhaps most importantly, Senator LOTT had an uncanny ability to persuade and cajole people to get a deal. He has a great sense of humor and a seemingly unparalleled ability to develop friendships and relationships with members of Congress on both sides of the aisle and both ends of the Capitol. He always knows who the key players are, and what will bring them to the table. These skills have produced a great record of accomplishments for Mississippi and the Nation.

Personally, I will miss his quick wit, his insights, and his friendship. As Senator LOTT prepares to leave the Senate, I wish him and his wife Tricia all the best.

Mr. COBURN. Mr. President, Senator LOTT is true gentleman: agreeable, good-humored and kind in nature. When I think of TRENT LOTT, the words consensus and congeniality come to mind. These words come to mind because TRENT has become one of the greatest mediators this body has ever seen, his ability to bring all parties on an issue to the table and when the negotiations are done, each person leaves with a smile on their face. Senator LOTT's humor and affable personality made working with him a pleasure, even when a compromise could not be found and the time for negotiating was over, nobody would leave the table feeling alienated, or hurt they left with TRENT still a friend and eager to work on the next solution.

TRENT LOTT's 34 years of service to his country as a Member of Congress will forever be remembered in chapters of our Nation's history and by his constituents of Mississippi. But the one who deserves just as much thanks and gratitude is his college sweetheart and wife Tricia. While TRENT has been dedicated to his job and country for the past 34 years, he has been devoted to his family.

Senator LOTT's congeniality could be attributed to his humble beginnings, southern upbringing, or a number of things, but no matter the reason he still remains a humble man with many friends and a man who is truly kind to others. As I have grown to know him through our work here in the Senate, I have seen that his kindness stretches beyond the walls of his duties on this floor and to all who encounter him. TRENT always has a smile on his face and extends pleasantries to everyone he passes. Here in Washington, it is easy for one to be consumed by self-importance and it is easy to forget to treat others as we wish to be treated, but he never did. While in the lobby of another office, Senator LOTT will have a candid conversation with the much overlooked staff manning the front desk or anyone in his path—he will go out of his way to make sure everyone is greeted with warm hello.

I have agreed with Senator LOTT on many issues, and I have disagreed with him on many as well, but in each scenario we always ended with a handshake and a good laugh. This institution is losing a man who could bring people together and allow bitter enemies to lay down their swords.

This is a man who will be missed by many and I wish Senator LOTT the best of luck as he retires from his years of political service.

Mr. CORKER. Mr. President, I rise today to pay tribute to a distinguished colleague from the great State of Mississippi, Senator TRENT LOTT.

As a reformer, a defender and a leader, TRENT LOTT leaves behind a legacy in the U.S. Senate, the fruits of which we will reap for years to come. In 1996, TRENT joined with colleagues to enact an historic welfare reform bill. He pushed for reform again when he supported President Bush's tax cut package early on in the administration. TRENT has never been afraid to step forward in faith toward what he knows is right.

A champion for a strong national defense, TRENT supported the President's military action in Iraq as well as increased defense spending. As a defender himself, TRENT understands the importance of a strong military and the value of rewarding those who valiantly serve this country. In 1998, he urged Congress to raise the pay for our military men and women, an act that hadn't occurred in a decade.

As the first man to serve as the whip in both the House and the Senate, TRENT could not have accomplished any of the aforementioned achievements and many others without his innate ability to lead. Leadership is not easy. The weight of good leadership is often a difficult load to bear, but TRENT LOTT upheld his roles as senator, majority leader and whip with an admirable level of dignity and integrity throughout his tenure.

As a new Senator, I have been touched by TRENT's candor, patience, unique charm, and by observing the tremendous relationship he has with his wife Tricia. Professionally, I have benefited greatly from his knowledge and experience about how to effectively make a difference in the U.S. Senate. He is a gifted negotiator, and his strong leadership will be greatly missed. For more than three decades, Senator LOTT has been a great public servant to the people of Mississippi in Congress. I extend my best wishes to TRENT and Tricia as they begin the next phase of their lives together.

• Mr. DODD. Mr. President, I rise to wish farewell to an honored colleague and a good friend: Senator TRENT LOTT. TRENT served in Congress for 34 years, and has represented the State of Mississippi in the Senate for 18; during that time, he distinguished himself as both a dedicated and effective party leader, and a symbol of bipartisan compromise. Few Senators play both roles so well.

Those who know TRENT often describe his personal charisma and his natural leadership abilities. Those abilities have been on display for decades, manifesting themselves as early as his college days at Ole Miss, where TRENT was a fraternity president, a cheerleader, and a well-known presence on campus. TRENT brought his budding political skills to Washington, where he served as a staffer on Capitol Hill before he was elected to Congress himself, in the first of a long series of wide-margin victories.

From 1973 to 1988, TRENT represented Mississippi's conservative 5th District, serving on the House Judiciary Committee during the Watergate scandal, as well as in the Republican leadership. As Republican whip, he helped build broad coalitions to pass important domestic and national security legislation.

In 1988, TRENT was elected to the Senate by eight percentage points over his opponent and never again faced a close race, winning reelection overwhelmingly in 1994, 2000, and 2006. His skill at negotiation made him a Senate natural, and his party entrusted him with its highest leadership responsibilities: majority whip in 1995; majority leader in 1996; and, in a widely remarked-upon comeback, whip again just last year.

Newt Gingrich called TRENT "the smartest legislative politician I've ever met." And though I often disagreed on the issues with TRENT, not to mention Newt, I just as often admired his acumen. I couldn't begin to list the important legislation shepherded through this body by the Senator from Mississippi: education reform, defense spending, trade legislation, the ratification of NATO expansion, the creation of the Department of Homeland Security, and much more. But even as he worked on matters of national and international import, he always had time for the people of Mississippi: he helped expand his state's highway system, brought research funding to its universities, and dedicated himself to Mississippi's economic recovery in the wake of Hurricane Katrina. Indeed, the challenged posed by that destructive storm convinced TRENT to put off retirement until this year; and I am sure that the people of his state are grateful for the time he could lend to their recovery efforts.

In his memoirs, TRENT compared leading the Senate to "herding cats." But today, at least, the members of this most difficult body have found some unanimity: We are united in our affection for TRENT LOTT and in our sadness at his departure. We will miss his legislative talent, his rich baritone, his taste in seersucker suits, and his fine head of hair. But we trust that he and his dear wife Tricia have many happy years ahead, and we wish them all the best.•

EXPLANATORY STATEMENT TO ACCOMPANY H.R. 2664

Ms. CANTWELL. Mr. President, the explanatory statement to accompany H.R. 2764, which includes the Omnibus

Appropriations Act for fiscal year 2008, inadvertently omitted the following items for which I had made a request to the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Subcommittee and for which I had submitted the appropriate letter of pecuniary interest. Those items are: Under the Cooperative State Research, Education, and Extension Service Special Research Grants account, the Pacific Northwest Small Fruit Research Center for Idaho, Oregon and Washington, operated in cooperation with Washington State University, which was awarded $329,000; under the Agriculture Research Service Salaries & Expenses account, the Potato Research Enhancement Project in Prosser, WA, co-located with the Irrigated Agriculture Research and Extension Center of Washington State University, which was awarded $288,000 and under the Animal and Plant Health Inspection Service account, the Washington Clean Plant Network which was awarded $225,000. All three of these projects are essential to the ongoing development of my home state's vital agriculture industry. I thank Chairman KOHL and Ranking Member BENNETT for their work to correct the record with respect to these three projects.

Mr. KOHL. I thank the Senator from Washington. I have reviewed her requests to our subcommittee and she is correct. The record should reflect her requests.

Mr. BENNETT. I concur with Senator KOHL, the subcommittee chairman, in this action.

TRADE ADJUSTMENT ASSISTANCE

Mr. BAUCUS. Mr. President, today, we face a major setback to the effort to advance American exports and freer international trade. Some on the other side of the aisle are threatening to kill trade adjustment assistance, or TAA.

Trade adjustment assistance provides training, health, and income benefits to trade-displaced workers. It has been integral to America's trade policy since 1962. That is when President Kennedy first created the program.

TAA has helped America's workers to improve their competitiveness. It has helped workers to retrain and retool. And it has provided Americans the security of knowing that the government will help them if trade causes a displacement.

Trade adjustment assistance has been vital to my home State of Montana. Since the last TAA reauthorization in 2002, more than 1,500 Montanans have participated in the TAA program. It has helped workers especially in the lumber industry to retrain and re-enter the workforce.

In May, one particular Montanan, Jerry Ann Ross of Eureka, testified about trade adjustment assistance before the Senate Finance Committee. Jerry's story is like that of many Montanans who have been laid off from American lumber mills.

Jerry worked at a lumber mill for 13 years. But then in 2005, she lost her job. That is when she became eligible for trade adjustment assistance. With TAA's help, Jerry entered a training program at Flathead Valley Community College. She expects to graduate this month.

With TAA's help, Jerry has updated her skills. She has made herself more competitive in the workforce as a construction superintendent and an accountant. Jerry's is one of many TAA success stories around the country.

At the Finance Committee hearing, we also learned that the current trade adjustment assistance is not perfect. It needs to be updated. We need to improve it to reflect today's globalized economy.

That is why in July, along with Senator OLYMPIA SNOWE, I introduced the Trade and Globalization Adjustment Assistance Act. Our bill would correct the flaws of today's program.

Our bill would extend TAA benefits to service workers. Service workers account for four out of five jobs in our economy. Our bill would extend TAA benefits to workers whose companies outsource to China, India, and other countries with which America does not have a free-trade agreement. Our bill would increase training funds for States. It would make sure that States have enough money to retrain workers. And our bill would increase the portion of the health care tax credit that the Government provides to ensure that trade-displaced workers have access to health care coverage while they are retraining.

The House passed similar legislation in November. But the Senate has not yet completed the job. That is why a 3-month extension of trade adjustment assistance is critical. It would keep the current program going. It would provide time for Congress to complete its work on reauthorizing the program.

Last week, the House passed a 3-month extension of the TAA program. The House bill is fully offset. It is noncontroversial. That bill should have passed easily in the Senate. But instead, some on the other side of the aisle have chosen to hold it up. Their dispute is over an unrelated issue. As a consequence, some on the other side of the aisle are close to allowing trade adjustment assistance to expire.

TAA expiration would send a horrible message to America's workers, especially those who depend on trade adjustment assistance. TAA expiration would also send a terrible message about the 2008 trade agenda. If the Senate cannot pass a 3-month extension of trade adjustment assistance, I am not sure what the Congress can do on trade next year.

Reauthorization and modernization of trade adjustment assistance is my No. 1 trade priority for 2008. It is the right thing to do. American workers deserve no less.

Unless Congress passes a robust TAA bill next year, I don't see how we can move pending trade agreements. trade adjustment assistance has to come first.

So, Mr. President, I call on my colleagues on the other side of the aisle who are holding up this modest extension of trade adjustment to think again. I call on them to allow this useful program to continue, and I call on them to step back from what could be a major setback to American exports and freer international trade.

CONSUMER PRODUCT SAFETY

Mr. PRYOR. Mr. President, I wish to speak on an issue that is extremely important to families all across the country—consumer product safety. I have spent the past year working with several of my colleagues to reform and reinvigorate the agency charged with protecting consumers from unsafe products, the Consumer Product Safety Commission, CPSC. These efforts have resulted in good progress. We have restored the Commission's ability to conduct business without a quorum, we have provided historic increases in CPSC's funding, and we have passed pool safety legislation to protect children from drain entrapment.

Earlier this fall, I introduced legislation, S. 2045, the Consumer Product Safety Commission Reform Act of 2007, to ensure the CPSC has the authority and tools they need to protect families from dangerous imported products. We have all seen enough evidence in the press and on our retailers' shelves to know that reform is needed. Senators INOUYE, DURBIN, KLOBUCHAR, BILL NELSON, BROWN, SCHUMER, MENENDEZ, CASEY, and HARKIN have all joined me in this historic effort, and their contributions to the bill have been enormous. The Senate Commerce Committee reported S. 2045 in October by voice vote. Since that time, we have been working in a bipartisan fashion to move our legislation out of the Senate and to provide these protections for the American public.

As many of you are aware, the House of Representatives is scheduled to consider their version of CPSC reform today. I applaud the House for getting involved in this very important issue and was pleased to see that many of the ideas we developed in S. 2045 were incorporated into the House bill. I believe this effort is a very important first step to reauthorize this agency and provide it with some of the tools necessary to work more diligently on behalf of the American consumer. This is a goal that I share with all cosponsors of my bill, many of my colleagues in the Senate, and my counterparts in the House. While the House bill is a good step, I believe S. 2045 contains many additional reforms critical to improving our consumer product safety laws. I also believe the Senate now stands poised to build upon the actions of the House and provide even greater assurances to the American public.

Though I would have preferred to accomplish this task this year—and we have worked very hard to make this a reality—it seems the timing of the rest of the week simply makes this task nearly impossible. I would say to my colleagues in the Senate that we are very close to achieving bipartisan compromise to allow this bill to go forward early next year. I have expressed to the majority leader my desire to continue to move forward with S. 2045, and I hope to secure time for floor consideration at the earliest possible time when Congress returns in January. Consumer product safety is too important to the American people to not give them our very best effort, and I believe the Senate needs time to consider this legislation on the Senate floor.

I would like to take a moment to highlight some areas of concern that I have with the House legislation where the Senate legislation provides greater protection, areas that I hope to improve upon when Congress returns next year. To begin, S. 2045 provides greater reauthorization levels for a longer length of time than H.R. 4040. While the House seeks to reauthorize the CPSC for three years, S. 2045 reauthorizes the CPSC for 7 years. S. 2045 provides over $526 million more in authorized funding than H.R. 4040. Our legislation takes a long term approach to reauthorize the agency, which I believe brings stability to the agency in addition to their enforcement efforts. The last time the CPSC was reauthorized was in 1990 for only a 2-year period. During the 17 years between the last authorization and now, the CPSC has withered on the vine, a victim of underfunding and understaffing. I believe the systemic problems that have surfaced over these 17 years demonstrate the need for looking forward to the future as we debate reauthorization.

The Senate bill also gives greater authority to State attorneys general to assist the CPSC in their consumer product enforcement efforts. While H.R. 4040 only provides State attorneys general with a very limited role in protecting consumers, S. 2045 ensures that these officials can act as real cops on the beat, looking out for consumers and restoring confidence in the marketplace by enforcing the provisions of the entire Consumer Product Safety Act, not limited sections.

S. 2045 also furthers the mission of the CPSC by placing more information about dangerous products in the hands of families when the dangers become known instead of allowing manufacturers to bog down the disclosure of information through lengthy court battles. S. 2045 will allow parents to make educated and cautious decisions about the products they are placing in their homes. While the House bill only seeks to clarify the existing statute in this respect, the Senate bill can actually place real and timely information in the hands of consumers. I believe such a result can only enhance the security and well-being of our fellow Americans.

One very important difference between the House and Senate version of this legislation is the standards set for testing children's toys. H.R. 4040 asks the CPSC to decide if current voluntary standards are feasible for manufacturers' testing procedures and whether they should be adopted. It is very obvious to me, as well as millions of moms, dads, and grandparents around the country that testing requirements must be elevated. S. 2045 would make these voluntary standards mandatory for testing and safety.

Furthermore, S. 2045 adds real teeth to the enforcement capabilities of the CPSC. Though I applaud the House for increasing civil penalties to which a violator may be subject to $10 million, I do not believe this level is sufficient to deter bad actors. Placing dangerous products in the hands of American consumers must not be the cost of doing business. S. 2045 increases the cap in civil penalties to $100 million and strengthens criminal penalties for those aggravated violators that seemingly show a disregard to the health and safety of consumers and the laws enacted by this body. H.R. 4040 does not remove the requirement that the CPSC notify violators of noncompliance prior to seeking criminal penalties. This may seem minor, but this provision of the Consumer Product Safety Act has hamstrung the CPSC's ability to pursue egregious violators to the point where only one such violator has been pursued. Even the President's Import Safety Working Group has recommended this change.

Last, S. 2045 provides important protections for employees who stand up for public safety by blowing the whistle on unsafe products or practices. These whistleblower protections are extremely important to catching unsafe products before they enter the stream of commerce. Employees are often on the front lines of consumer product safety, and I believe they deserve protection from retribution if they report activities they believe to be in violation of the law. H.R. 4040 does not provide whistleblower protections.

There are many other areas I could highlight where S. 2045 can provide more meaningful reform than H.R. 4040, but I believe these to be some of the most important. I would like my colleagues to know of my commitment for this body to consider and pass meaningful consumer product safety reform next year. I will continue to work tirelessly on this legislation over the holiday recess, and I will continue to work with my colleagues across the aisle to pass bipartisan legislation. I thank them for their hard work during this process and am encouraged with the progress we have made in just the past few days.

Finally, I would like to thank the cosponsors of this legislation for their leadership and persistence on consumer product safety. This has certainly been a team effort, and I look forward to continuing to work with them to resolve this matter when we return.

FEDERAL EXECUTIVE BOARDS

Mr. AKAKA. Mr. President, I wish to recognize the accomplishments and good work of the Federal Executive Boards, FEBs, across the country. FEBs bring together Federal agencies outside of the Washington, DC metropolitan area to better serve the community.

Federal Executive Boards were established in 10 major regions across the country by President John Kennedy in 1961 as a way for Federal agencies outside of Washington to communicate with each other and address local issues affecting the Federal employee community. Since then, they have grown to include 28 metropolitan areas and serve hundreds of thousands of Federal employees.

The boards are made up of senior officials from each Federal agency in a given geographic region. They are quasi-agencies that receive voluntary funding from local Federal agencies in the region. They operate with a lean structure of one or two staff members who create partnerships between the Federal, State, and local governments to achieve common goals. FEBs also offer training workshops, coordinate preparedness exercises, and disseminate information on office closures.

I am very proud to have a strong and active FEB in Honolulu that serves the Federal agencies in the Pacific.

To this extent, earlier this fall, I held a hearing on the role FEBs can play in preparing Federal communities for a pandemic influenza outbreak. Many public health experts believe that we are overdue for a pandemic outbreak, and the question is not a matter of if, but when. In this effort, I asked the Government Accountability Office to evaluate the work of FEBs in preparing their constituency for a pandemic outbreak. What I found was a lot of dedicated individuals building partnerships and developing procedures to prepare for a public health, natural, or manmade emergency. They are doing important work, but they are operating without a lot of resources.

Because of their natural role in communicating with and coordinating Federal agencies, emergency preparedness and response has become a central component to the mission and activities of FEBs. For example, the Honolulu-Pacific FEB, which serves my home State of Hawaii, is a resource for emergency response plans, pandemic influenza preparedness, and continuity of operations plans.

Similarly, the Minnesota Federal Executive Board has taken to heart the need for better coordination with State, local, and private partners in the event of a pandemic or other emergency, and it has organized a number of emergency training exercises that bring together these partners.

Unfortunately, not all FEBs have the resources or support to be so active. At the hearing earlier this fall, the representatives from the FEBs testified to the instability of their funding and the difficulty in planning events without a known budget. The Executive Directors make do with what they are given, but often that is not much.

The Office of Personnel Management oversees the FEBs and has been working with the Federal Emergency Management Agency to develop a strategic plan that would address funding, performance standards, and provide guidance to FEBs on their role in the event of an emergency. OPM is hoping to produce the plan early next year, and I anxiously await its release. The more support we can provide them, the more effective our federal agencies will be.

I would like to commend the work being done by FEBs, especially the Honolulu-Pacific FEB, and I will continue to support their efforts to build a strong Federal community.

ABSENTEE VOTING

Mr. BAYH. Mr. President, I wish to speak about the importance of counting the votes of military personnel and American citizens living abroad. These votes—defined as Uniformed and Overseas Citizens Absentee Voting Act votes, UOCAVA—are consistently neglected.

According to an Elections Assistance Commission, EAC, report issued in September, less than 17 percent of the estimated 6 million potentially eligible overseas voters sought to participate in the 2006 elections. This concerns me greatly. Further, of the 992,034 requested overseas ballots in 2006, only 333,179 were actually counted—leaving potentially more than 66 percent of overseas voters that wanted to vote in 2006 disenfranchised.

In June, the GAO released a report that urged the EAC, and other Federal agencies, to better serve our UOCAVA voters. I believe that the EAC has an opportunity to rectify this situation now.

The fiscal year 2008 Omnibus appropriations bill includes $115 million that will be distributed to the States so that they can proceed to implement the Help American Vote Act. All State and local elections officials are aware of the difficulties receiving and counting ballots from overseas military personnel and citizens living abroad. The Department of Defense, through the Federal Voting Assistance Program, continues to struggle with this problem.

The EAC report recommends that states make a great effort to ensure that obstacles to voting experienced by members of the service members and citizens living abroad—including voter registration, ballot receipt, and ballot return—should be reduced, minimized, or eliminated. To this end, several States intend to use HAVA funds to implement plans that will allow them to better serve these severely disenfranchised voters. For these reasons, I urge the EAC to clearly notify interested States that HAVA funds are available to facilitate the voting process for UOCAVA voters. I further urge the EAC to distribute 2008 HAVA funding to those States as soon as possible, so that UOCAVA voters do not remain disenfranchised for the 2008 elections.

TIM JOHNSON INPATIENT REHABILITATION PRESERVATION ACT

Mr. NELSON of Nebraska. Mr. President, I rise today to honor a dear friend and fellow Midwesterner who is close to each of us, South Dakota Senator TIM JOHNSON. After suffering a rare brain hemorrhage last year, Senator JOHNSON had a tall mountain to climb in his recovery. He worked hard and followed a rigorous rehabilitation regimen. The results are obvious. He has had an outstanding recovery—due in large part to his intense determination to get better, the support of his family and friends, and the quality rehabilitation care that he received—and continues to receive. Senator JOHNSON was able to return to the Senate earlier this year. It is a great honor to serve with Senator JOHNSON, and we are all grateful to have him back.

As many know, we recognized Senator JOHNSON's outstanding recovery by renaming S. 543, legislation aimed at preserving access to rehabilitation hospitals the "Tim Johnson Inpatient Rehabilitation Preservation Act of 2007." This legislation aimed to block implementation of a bureaucratic rule change that severely limits seniors' access to rehabilitation hospitals. Senator JOHNSON's recovery through rehabilitation treatment is an inspiration to many who have suffered from similar conditions and other brain injuries. The care that he received from his team at the National Rehabilitation Hospital was outstanding and their service was critical to his return to the Senate. I believe that it is crucial that we preserve access to similar rehabilitative care for many of America's senior citizens.

Four years ago, the Centers for Medicare & Medicaid Services promulgated a new rule that would severely limit the types of rehabilitation treatments available to Medicare patients. The rule known as the "75 percent rule" would require rehab hospitals to ensure a certain percentage of patients fall into one of 13 specific diagnoses. That percentage was set to increase to 75 percent—forcing rehab hospitals to turn away patients and limit rehab services in their community. I know firsthand how harmful this can be, as my own mother faced inadequate care before finally receiving the rehabilitation services she desperately needed.

The 75 percent rule was set to close the doors of rehabilitation hospitals and push seniors away from the care they desperately needed. As many of you know, I have been working with a number of my colleagues on an inpatient rehabilitation Medicare fix for the last several Congresses.

Yesterday, the Senate passed the Medicare, Medicaid, and SCHIP Extension Act of 2007, which included our provision to freeze the 75 percent rule compliance threshold permanently at 60 percent, ensuring rehabilitation hospitals have the flexibility to serve a variety of patients who desperately need quality rehabilitation treatment to restore their physical function and return home to their families and daily lives.

Without our Nation's rehabilitation capacity, other Americans may not have access to the same kind of care that brought my close friend back to the Senate.

I want to offer special thanks to Senator JOHNSON for lending his name to our efforts and putting a familiar face on the importance of rehabilitation care. I also want to thank Senators BAUCUS and GRASSLEY, chairman and ranking member of the Finance Committee, as well as Senators BUNNING, STABENOW, SNOWE, KERRY, SCHUMER, and each of the 60 cosponsors of the Tim Johnson Inpatient Rehabilitation Preservation Act of 2007. Their support was critical in pushing for a permanent fix to the 75 percent rule and provided those Americans who need rehabilitation treatment with a gift this holiday season—access to quality treatment and the hope for recovery.

PREVENTION THROUGH AFFORDABLE ACCESS ACT

Mr. KENNEDY. Mr. President, since January, safety net clinics that provide basic health care services to women have been in a financial crisis. This happened because a provision in the Deficit Reduction Act of 2005 has inadvertently prohibited drug companies from providing the deep discounts to them on contraceptives. All year, hundreds of family planning clinics, university health centers and other safety net clinics have been unable to provide affordable contraception to their low-income constituency. Prices have skyrocketed in some instances from $5 a pack to $50 a pack. Already some colleges, including those in my home State of Massachusetts, have had to stop offering contraceptives. This crisis affects an estimated 3 million college women, and hundreds of thousands of low-income women who are finding birth control priced out of reach.

The Prevention Through Affordable Access Act is a no-cost, technical fix that will restore nominal prices to these entities, and in turn ensure that university students and low-income women once again have access to affordable birth control. It will not cost the Federal Government a dime—but it will be invaluable to women's health.

Thirty Senators have demonstrated their support for this fix S. 2347. Congress must act now to ensure that this problem is fixed this year and a continuing crisis is averted. Women have waited long enough. I urge passage of this important bill.

COURT SECURITY IMPROVEMENT ACT

Mr. LEAHY. Mr. President, earlier this week, the Senate passed a compromise version of the Court Security Improvement Act of 2007. It took several months to negotiate the minor differences between the House and the Senate bills, simply because we were not allowed to go to conference. Then we had to work for over a month to remove a hold placed on the legislation. When it finally passed the Senate on Monday night, we expected that the House of Representatives would pass it without delay. Unfortunately, one of the compromise provisions triggered a problem that would have prevented passage in the House.

We corrected that problem late last night with an enrolling resolution that strikes the provision of section 502 that caused a budgetary problem. Fortunately, we were able to maintain the important provision of life insurance benefits for our dedicated magistrate judges.

I appreciate the work of Senators SPECTER and KYL to make sure that we were able to pass this resolution late last night and I look forward to the House of Representatives passing both the resolution and the Court Security Improvement Act without further delay.

I urge the President to sign this vital legislation, introduced 11 months ago, without delay so that we can protect the dedicated judges, and other personnel who serve as part of our Nation's justice system. The security of our Federal judges and our courthouses around the Nation is at stake.

THE TREE ACT

Mrs. LINCOLN. Mr. President, I would like to engage in a colloquy with the leadership of the Senate Finance Committee regarding the timber tax provisions that are commonly referred to as the "TREE Act." These provisions were included in the tax title of the Energy bill, which, regrettably, was deleted from the bill that the Senate passed last week. On a brighter note, they have been included in the tax title of the farm bill, which passed the Senate last week.

As a matter of tax policy, enactment of the TREE Act is extremely important. It reforms the rules that apply to both corporations and individuals who own timber, thereby improving the international competitiveness of the U.S. timber industry.

Enactment of the TREE Act also is time-sensitive. timber companies that continue to be organized as corporations are under intensifying pressure to reorganize. In that case, a corporation that owns substantial manufacturing facilities would be forced to sell some of those facilities, and to make other structural changes, in order to comply with the relevant tax rules that it would newly become subject to. This would be likely to cause disruptions in some of the affected communities, and also would make it harder for U.S. companies to compete internationally. To forestall these adverse consequences, Congress must act quickly.

Accordingly, I am pleased that the Senate has enacted the TREE Act as part of the farm bill, and I believe that it is critical for Congress to enact a new farm bill, including the TREE Act, early next year. I would like to ask the chairman and ranking members of the Finance Committee whether they share this view.

Mr. SMITH. Mr. President, I join my colleague, the senior Senator from Arkansas, in supporting the need to enact the timber tax provisions—also known as the Timber Revitalization and Economic Enhancement Act, TREE Act—in a timely manner.

This tax policy is as important to Oregon as it is to other timber-growing regions of the United States. The forest products industry is a cornerstone of Oregon's economy and culture. Oregon is home to more than 9.5 million acres of privately owned forests and more than 75,000 people earn their living working for the forest products industry. In fact, Oregon is the No. 1 producer of lumber in the United States.

While disappointed that the TREE Act was a part of the tax title removed from the version of the energy bill passed by the Senate, I am pleased the Senate was able to include the TREE Act provisions in the farm bill passed last week.

It is crucial for Congress to enact early next year the TREE Act. I will work with my colleagues to see the TREE Act enacted in early 2008. It matters to all who grow trees—companies of all sizes and small tree farmers as well.

Mr. BAUCUS. I appreciate Senators LINCOLN's and SMITH's leadership on this issue and I share their view. Although I had concerns about a somewhat similar provision that was considered in 2006, the fact that that there is now a consensus in support of the TREE Act in the U.S. forest products industry, and that modifications have been made, have led me to support the TREE Act, and to work to include it in both the tax title of the Energy bill and the tax title of the farm bill. I understand the time constraints, and pledge to work with the Senator from Arkansas and the Senator from Oregon, other interested Senators, and with the leaders of the House Ways and Means Committee to see that the TREE Act is enacted as part of the farm bill or other appropriate vehicle early in 2008.

Mr. GRASSLEY. I agree. I have supported the enactment of the TREE Act for several years, and will work to see it enacted early in 2008.

RENEWING THE ASSAULT WEAPONS BAN

Mr. LEVIN. Mr. President, the past month has been marked by several high profile, tragic shootings. Across the country, Americans have been attacked in places once thought safe, by people wielding deadly firearms. There can be little doubt that the plague of gun violence is continuing to permeate our society. At what point will we say act.

Early Sunday morning December 9, a young man entered a Christian missionary center in the Denver suburb of Arvada, carrying an assault rifle and approximately 1,000 rounds of ammunition. Shooting randomly, he gunned down two staff members in their mid-20s and wounded two others. Just over 12 hours later, the same gunman walked into a church 75 miles away in Colorado Springs and killed two sisters, 18 and 16 years-old, and wounded six others, before shooting himself.

Four days earlier, on December 5, a young man entered a busy mall in Omaha, NE, carrying an assault rifle. Spraying bullets at people at both point blank range and from the third-floor balcony, sending holiday shoppers running as dozens of shots echoed throughout the mall. Before he turned the gun on himself, the gunman had killed eight people and wounded five others, two critically.

Of course, these were only the shootings that captured national headlines. Hundreds of others fell to their deaths this past month at the hands of someone with a firearm. This month caps a year that witnessed the worst ever school shooting in the United States, when a student killed 32 classmates and staff members at Virginia Tech University. Each one of these horrific events emphasizes the need for common sense gun legislation. Together they scream out for change. As 2007 draws to a close I once again urge my colleagues to help put an end to these kind of tragedies by renewing the assault weapons ban.

"NIMROD NATION"

Mr. LEVIN. Mr. President, the Sundance Channel recently aired a documentary entitled "Nimrod Nation." This eight-part series explores the world of small-town American life through the lens of the town of Watersmeet, MI, and their local high school basketball team.

Small towns have always been an important part of our country's cultural heritage. The communities and institutions that make up small towns are an essential and enduring aspect of the political, economic and social fabric of our nation. Nearly one quarter of all Americans live in rural areas, approximately the same percentage as live in central cities.

With only 1,400 residents, Watersmeet is a rural town in Michigan's Upper Peninsula. The town is surrounded by the Ottawa National Forest and the Cisco Chain of Lakes. It is located in a region with a high concentration of Nordic descendants and Native Americans. In an area with not a single movie theater, the residents turn to, among other things, pastimes such as hunting, fishing, and cheering on their local athletic teams.

Director Brett Morgen traveled to Watersmeet in 2004 to film three commercials for an ESPN promotional campaign. There he discovered the Watersmeet Nimrods basketball team. The nickname came from the Biblical king Nimrod, a mighty hunter, fisherman and outdoorsman. The commercials highlighted the team's unusual name, and they sold close to $550,000 worth of Nimrod-brand merchandise as a result of this publicity. Mr. Morgen later returned to Watersmeet to document the Nimrods' 2005–6 basketball season while creating a series about the rural town.

"Nimrod Nation" uncovers one of the many diverse cultures we have in Michigan. The residents of Watersmeet have expressed enthusiasm about the series. It explores the making of head cheese, talks with the town's older citizens at a local cafe, and covers the community's passion for the Nimrod basketball team. These events are woven together to create a portrait of what life in the Upper Peninsula is all about.

I know my colleagues in the Senate join me in recognizing the importance of small towns to our country, as well as the congratulating residents of Watersmeet, MI, as their town is showcased in the documentary "Nimrod Nation."

TRIBUTE TO RICHARD A. LAUDERBAUGH

Mr. CARDIN. Mr. President, it is with sadness that I announce the death of Richard A. Lauderbaugh, a distinguished and admired former legislative counsel and counsel to the Senate Finance Committee, on December 3, 2007. Mr. Lauderbaugh was a recognized health policy expert with particular expertise in Medicare and Medicaid. He served with distinction on the staff of the Finance Committee under the chairmanship of Senator Lloyd Bentsen from 1989 until 1992. During this period, he was closely involved in the development of Medicare legislation that established a fee schedule for physician services and measures to prevent program fraud and abuse.

Mr. Lauderbaugh, a native of Pittsburgh, PA, moved to Washington in 1981 after earning his bachelor's degree from the University of Rochester, a law degree from the Columbia University School of Law, and a Ph.D. in history from Washington University in St. Louis. He was appointed associate counsel in the Office of the Legislative Counsel of the Senate, where his expertise in legislative drafting and his grasp of complex policy issues were invaluable.

Mr. Lauderbaugh also served 2 years as Washington counsel for the American Hospital Association, where he provided legal and policy advice on a variety of issues including health care reform and hospital payment policies under the Medicare and Medicaid Programs. In 1992, he joined Health Policy Alternatives, a Washington-based policy consulting firm specializing in Medicare and Medicaid policy and legislation, as a principal. In this position, he worked closely with a wide range of clients including health facility and professional associations, manufacturers, consumer advocacy groups, and private foundations. On a number of occasions, he worked with my staff in the preparation of a bill to ensure access to emergency medical services. His work on a variety of policy issues contributed to the introduction and passage of many health care bills in the House and the Senate.

Throughout his 26-year career, Mr. Lauderbaugh was widely recognized for his expertise in drafting Federal legislation, for his extensive knowledge of the history of Medicare and Medicaid, and his creative skill in designing public policies. More important, he was a gentleman who patiently helped the experienced or novice staffer or client navigate the complex world of health policy. His dedication to the highest professional standards and his loyalty to friends and family were hallmarks of his distinguished career.

Mr. President, I ask my colleagues to join me in expressing our deepest sympathy to Mr. Lauderbaugh's sister Paula Bradley and her husband William, of Albuquerque, NM. We are grateful for his service to the Senate and for his many contributions to public policy.

TRIBUTE TO ANTHONY FAUCI

Mr. LEAHY. Mr. President, today I would like to take a moment to recognize Dr. Anthony Facui, Director of the National Institutes of Allergy and Infectious Diseases, NIAID, for his numerous contributions in medical research and specifically his work on HIV/AIDS, avian flu and anthrax. Even in a city such as Washington, which is filled with driven and motivated people, Dr. Fauci is a cut above. As Director of NIAID, he has worked tirelessly to lead the fight against AIDS and has been instrumental in shaping our understanding of how this disease works. I am proud to have worked with Dr. Fauci and would like to take this opportunity to submit the following article recounting the remarkable work and career of Dr. Fauci for the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 28, 2007]

THE HONORED DOCTOR

(By Sue Anne Pressley Montes)

Routinely, his gray Toyota hybrid is parked from 6:30 a.m. until late at night outside Building 31 at the National Institutes of Health in Bethesda. Sometimes his colleagues leave notes on the windshield that say things like, "Go home. You're making me feel guilty."

But Anthony S. Fauci has made a career of long hours, exhaustive research and helping the public understand the health dangers stalking the planet. As director for 23 years of the National Institute of Allergy and Infectious Diseases at NIH, his milieu is the stuff that scares the daylights out of most people: bioterrorism, deadly flu epidemics, the enduring specter of AIDS.

Fauci, who is equally at home in the laboratory, at a patient's bedside, at a congressional hearing or on a Sunday morning talk show, scarcely has time to collect all the accolades that come his way. But this has been an extraordinary year. In the spring, he won the Kober Medal, one of the highest honors bestowed by the Association of American Physicians. In July, President Bush awarded him the National Medal of Science. And today, he receives one of medicine's most prestigious prizes, the $150,000 Mary Woodard Lasker public service award, as "a world-class investigator" who "has spoken eloquently on behalf of medical science," according to the Lasker Foundation.

No one deserves the honors more, his associates agree.

"Dr. Fauci is the best of his kind," said former U.S. surgeon general C. Everett Koop, 90, who has often sought Fauci's medical advice and counts himself as a friend.

For someone else, this might be heady stuff. But Tony Fauci, 66, has never strayed far from his down-to-earth Brooklyn roots or his Jesuit training, with its emphasis on service and intellectual growth. Beginning his career in the lab—viewed by many as a backwater of medicine—he soon became the chief detective probing a mystery that would encircle the world. Before AIDS even had a name, he made the "fateful decision," he said, to make it the focus of his research.

"It was a matter of destiny, I think, but by circumstance alone I had been trained in the very disciplines that encompassed this brand-new bizarre disease," he said. "This was in my mind something that was going to be historic."

He and his researchers would make breakthroughs in understanding how HIV, the human immunodeficiency virus, destroys the body's immune system. Years ago, he assumed a public role, calmly explaining the latest health scares on talk shows such as "Face the Nation." Through four presidential administrations, he has led efforts that resulted in Congress dramatically increasing funding to fight AIDS.

Today, as Fauci helps direct the president's emergency plan for AIDS relief in Africa and elsewhere, he also is leading the fight against such infectious diseases as anthrax and tuberculosis. In his $250,000-a-year position, he oversees 1,700 employees and a $4.4 billion annual budget.

"Fauci doesn't sleep," said Gregory K. Folkers, his chief of staff. "He's the hardest-working person you'll ever encounter."

The doctor's curriculum vitae supports that assertion. The bibliography alone is 86 pages, listing 1,118 articles and papers he has written or contributed to. (An example: "The Role of Monocyte/Macrophages and Cytokines in the Pathogenesis of HIV Infection," published in "Pathobiology" in 1992.) He has given more than 2,000 speeches, rehearsing with a stopwatch to whittle down his remarks. He has received 31 honorary doctoral degrees.

Vacations are seldom on the agenda. Often, his wife and three daughters accompany him to events. This summer, it was the International AIDS conference in Sydney. But he is seldom found sitting by the pool behind his Northwest Washington home. And retirement, he said firmly, is "not on the radar screen."

EXCEPTIONAL CHILD

He learned to question early.

It didn't make sense to him when the nuns at his school said that you had to go to church to get into heaven. His beloved paternal grandfather, an immigrant from Sicily, spent his Sunday mornings cooking. What about him?

"I remember going up to him one day. 'Grandpa, why don't you go to Mass?' And he said: 'Don't worry about it. For me, doing good is my Mass,'" Fauci said.

The experience made him determined to do good through his work. He was 7.

The Faucis lived in the Bensonhurst section of Brooklyn, above the family drugstore operated by his father, Stephen, a pharmacist.

Fauci's only sibling, Denise Scorce, recalls that he was a well-rounded kid who liked to play ball but only after he did his homework.

"He was very normal in every way, but you kind of knew he was special," said Scorce, 69, a retired teacher who lives in Northern Virginia. "Everything he did was perfect."

Fauci won a full scholarship to Regis High School, a Jesuit institution in Manhattan. Later, he enrolled in another Jesuit school, the College of the Holy Cross in Worcester, Mass.

"The Jesuit training is wonderful. I don't think you can do any better than that," he said. "I always quote, 'Precision of thought, economy of expression.'"

Although he had an aptitude for science, he received his 1962 bachelor's degree in Greek/pre-med. He took the minimum number of science courses required for acceptance at Cornell University Medical College.

"I was very, very heavily influenced by the classics and philosophy, which I think had an important part in my ultimate interest in global issues and public service," he said. "I was interested in broader issues." I always tried to look at things at 40,000 feet as well as down in the trenches."

ENCOUNTER WITH ACT UP

One of the most dramatic episodes during Fauci's tenure at NIH occurred in 1989, when angry ACT UP demonstrators swarmed his building, demanding to be heard.

Fauci, like many top government officials, was accused of not doing enough to fight AIDS. The tactics were attention-getting: smoke bombs, staged "die-ins," chalk bodies drawn on sidewalks.

"He was public enemy number one for a number of years," said writer and activist Larry Kramer, who led the charge. "I called him that in print. I called him very strong, hateful things. . . . But Tony was smart enough to sit down and talk with us."

Fauci read the leaflets the group distributed and others threw away. "If you put it in the context of they were human beings who were afraid of dying and afraid of getting infected and forget the theater, they really did have a point," he said.

When police officers moved to arrest the protesters, Fauci stopped them. He invited a small group to his office to talk.

"He opened the door for us and let us in, and I called him a hero for that," Kramer said in a telephone interview. "He let my people become members of his committees and boards, and he welcomed us at the table. You have to understand that he got a lot of flak for that."

It was worth it, Fauci said. "That was, I think, one of the better things that I've done."

DOCTOR AS FAMILY MAN

Christine Grady still laughs when she recalls her first meeting in 1983 with the famous Dr. Fauci. An AIDS nurse who had recently joined the NIH after working in Brazil, she was summoned to interpret for a Brazilian patient who wanted to go home.

Grady was dismayed when the patient responded to Fauci's detailed instructions on aftercare by saying in Portuguese that he intended instead to go out and have a good time. She knew Fauci tolerated no nonsense.

"He said he'll do exactly as you say" is how she translated the patient's remarks.

She thought she had been found out a couple of days later when he asked her to come by his office. Instead of firing her, as she feared, he asked her out to dinner. They were married in May 1985.

The Faucis live in a renovated 1920s home in the Wesley Heights neighborhood. Grady, 55, has a doctorate in philosophy and ethics from Georgetown, and she heads the section on human subjects research at the NIH's Department of Clinical Bioethics. Their children are also busy. Jenny, 21, is a senior at Harvard University; Megan, 18, who will attend Columbia University next fall, does community service teaching in Chicago; Allison, 15, is on the cross-country team at National Cathedral School.

"He's a goofball," said Jenny Fauci of her father. "He works hard and he does his thing, but he comes home and he's singing opera in the kitchen and dancing around."

She thinks she understands what motivates him. "Work is not really work for him," she said. "It's what he believes in."

And so Fauci will leave for the office before dawn and return home long after sunset. It reminds him of that speech he gave this summer at the AIDS conference in Sydney. "It was called 'Much Accomplished, Much Left to Do,'" he said.

TRIBUTE TO SHEILA ISHAM

Mr. WHITEHOUSE. Mr. President, I wish to pay tribute to the life and work of one of our Nation's great artists, Sheila Isham, on her 80th birthday.

Sheila was born in New York City, 80 years ago today. She grew up in Cedarhurst, just outside the city, and on an 80-acre island in the St. Lawrence River in Canada, which for years lacked both electricity and running water. She graduated from Bryn Mawr College in 1950 and married Heyward Isham, an officer in the U.S. Foreign Service, and the couple moved to Berlin. There began her path to becoming an artist.

Sheila became the first foreigner to gain admission to the Berlin Art Academy in the years following World War II. There, she studied with Hans Uhlman, a student of abstract painter Kasimir Malevich, and absorbed the works of Wassily Kandinsky.

In 1955 Heyward Isham was posted to the American embassy in Moscow, and the Ishams moved to Russia, where life became very restricted. Sheila has told of having to import several years' worth of food from outside the country, of being watched and followed constantly, and of being unable to meet with other artists or to draw freely. A 2004 profile in the St. Petersburg Times reported that "once, Isham was almost arrested by a vigilant Soviet officer who noticed that an American was drawing a building, which, according to Isham, turned out to be a center for KGB interrogations."

But Sheila continued her work. She met George Kostakis, a prominent collector of the Russian avant-garde, including works by Malevich, Kandinsky, Tatlin, Popova, Goncharova, and Larionov, and she traveled through Georgia, St. Petersburg, Yalta, Sochi, and Tblisi to sketch and meet with local artists and writers.

After a few years back in the United States, Sheila and her family traveled to Hong Kong, where she would live and work for 5 years. She taught contemporary arts at the Chinese University, exhibited her work in China and Japan, and studied with a master of classical Chinese calligraphy. "I chose calligraphy because it seemed to me to be abstract and perfect at the same time," she said.

On her return to America in 1965, Sheila began painting, exploring colors and the nexus between Eastern and Western cultures. She would later live and travel in France, Haiti, India, and finally New York, where she has made her home.

Sheila Isham's work is part of the permanent collections of some of America's most important institutions, including the Corcoran Gallery of Art, the Hirshhorn Museum, the Library of Congress, the Museum of Modern Art in New York, the Smithsonian, the National Museum for Women in the Arts, and the Philadelphia Museum of Art. She has been the subject of major one-person exhibitions at the Smithsonian, the Corcoran, and the Russian Museum, and countless gallery and traveling exhibitions, including at the Island Arts Gallery in Newport, Rhode Island.

Sheila's life has not been without periods of darkness. Susan Fisher Sterling, the chief curator of the National Museum for Women in the Arts, wrote: "In unpredictable and often dramatic ways, Sheila Isham has been challenged by forces that threatened to overwhelm her . . . yet, despite these upheavals, her spirited work prevails."

After a fire destroyed many works in her Washington, DC, studio, Sheila said: "I thought that the burnt studio looked like a painting, like a myth, something you might want to take the picture of. I had to come to terms with that. I became freer in a way."

When her daughter Sandra contracted HIV/AIDS through a blood transfusion, Sheila began work on the enormous, five-painting Victoria series, which she calls "at once a celebration and a working through the darkest period of my life." She said: "It spans all human emotions from love to terror to hope and finally triumph and joy. It is an epic poem in paint, expressed in brilliant color and strong forms." The series was exhibited for the first time in its entirety by the National Museum of Women in the Arts in 2005, 9 years after Sandra passed away.

Sheila Isham's work reflects the iconic melting pot of our Nation's history. Though she draws inspiration from places as diverse as postwar Berlin, Russia, China, Haiti, France, and New York City, her work remains clearly and vibrantly American. Her art, which resides all over the world, is itself an ambassador both for her creative vision and for her country. We are enriched by her talent and her acquaintance.

Alexander Borovsky, head curator of contemporary art at the Russian State Museum, wrote this:

> As an artist, Isham is marked by an incredible restlessness. Even the calm of an "oasis" created by her own hand . . . is only relative. She continually explores new paths and returns to the old. Few artists—including Isham, I expect—can say precisely what they are seeking. Having mastered the art of return, Sheila Isham knows to whom it is that she returns—to herself. Truly a rare gift in contemporary art.

I come to the Senate floor today to offer congratulations to Sheila on her 80th birthday. I trust this day will be an occasion for all of us to recognize her extraordinary contribution to American art, and anticipate the many achievements still to come.

TRIBUTE TO SCOTT HIGGINS

Mr. WHITEHOUSE. Mr. President, I wish to celebrate the extraordinary achievements of petty officer Scott Higgins of my State of Rhode Island, who today will be awarded the Coast Guard Commendation Medal for his efforts in the heroic rescue of the crew of the sailboat Sean Seamour II off the coast of New Jersey in May.

On May 7, Aviation Machinery Technician 2nd Class Higgins was part of a four-man Coast Guard HH–60 helicopter crew, including LCDR Nevada Smith, LT J.G. Aaron Nelson, and aviation survival technician 2nd class Drew Dazzo, deployed in response to a distress signal from the 44-foot sailing vessel Sean Seamour II. The vessel, on a recreational sailing trip from Green Coves Spring, FL, to Portugal's Azores Islands, had capsized amidst the hurricane-force winds of Subtropical Storm Andrea. The three sailors aboard were forced to evacuate to a small raft just before their ship was swallowed by the ocean.

Higgins, serving as flight mechanic, worked closely with Nelson, who piloted the helicopter, and Dazzo, the team's rescue swimmer, to execute their mission. Working quickly and expertly, Higgins lowered Dazzo over and over again into the towering waves to reach the sailboat crew. Once the first two sailors had been lifted to safety, Higgins and Nelson demonstrated what the Coast Guard's Summary of Action called "the utmost of crew coordination, teamwork, and aeronautical skill" as they hoisted Dazzo only 30 feet above the water to position him closer to the life raft and the last survivor.

As Higgins worked to raise the final survivor from the ocean, he felt the hoist cable begin to fray with the rescue basket still 100 feet below the helicopter and the rescue swimmer still in the water. Despite suffering from exhaustion and the effects of saltwater inhalation, Dazzo waited to request an emergency pickup until he could see that the last survivor was in the aircraft.

Again demonstrating extraordinary skill and teamwork in a life-or-death situation, Higgins managed to get the rescued sailor safely aboard and immediately redeploy the compromised hoist cable to retrieve Dazzo. In the midst of an intense storm, all aboard were safely returned to shore.

Higgins and the rest of his team successfully rescued the crew of the Sean Seamour II despite a punishing storm that threatened their lives and the lives of those they were sent to help. As the Coast Guard's Summary of Action stated:

> High winds, treacherous seas and extreme off-shore distances created a situation that required intense operational risk management, exacting crew coordination, and incredible skill and courage. Without the complete competence, concentration, and professionalism of every crewmember, this operation could have had a disastrous outcome. Each crewmember was essential to the life saving rescue of three mariners.

The Coast Guard Commendation Medal recognizes meritorious service resulting in unusual and outstanding achievement. The courage, bravery, and skill demonstrated by Machinery Technician Higgins in May shows that he is more than worthy of this great honor.

I offer my congratulations to petty officer Scott Higgins and to all those whom the Coast Guard recognizes today. His achievements have brought honor both to him and to his home state of Rhode Island.

ARTICLE BY RABBI MICHAEL COHEN

Mr. LEAHY. Mr. President, I would like to bring to the attention of the Senate an article by Rabbi Michael Cohen who is director of special projects at the Arava Institute for Environmental Studies. Rabbi Cohen recently submitted the article entitled "The Genesis of Diversity" to the New York Times. In this article, Rabbi Cohen eloquently reminds us that environmental and biological diversity is not simply a thought or something we simply sit back and observe. Rather we are constant participants in the act of diversity and as such it is our responsibility as human beings to protect our environment. This article serves as a reminder of the importance of preserving environmental and biological diversity during this holiday season.

Mr. President, I ask unanimous consent that Rabbi Michael M. Cohen's article entitled "The Genesis of Diversity" be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE GENESIS OF DIVERSITY

(By Rabbi Michael Cohen)

In 1968 Hanukkah and Ramadan ended on the same date. The next day was Christmas Eve. That evening, one quarter of the world's population saw, for the first time, images taken by the Apollo 8 astronauts of the earth from a lunar orbit. The earth, a beautifully colored marble ball floating across the black backdrop of the universe, also looked lonely and vulnerable. Those pictures captured the imagination of the world, triggering something in the consciousness of humanity that gave birth to the environmental movement and, two years later, the first Earth Day.

To frame that moment, a shared historic moment that would transcend all the divisions of the world, the Apollo 8 crew read from the beginning of the Bible, the first ten lines from the Book of Genesis. The opening chapters of Genesis not only include the account of the creation of the earth but over and over tell us of the importance of diversity.

All of creation is called "good," reminding us of the value of the multiplicity of the world that we live in. The text also teaches us, by describing everything that is created before humans as "good," that all things have intrinsic value in and of themselves beyond any value that we may place on them. Once humans are created, "very good" is the adjective applied by the text. An anthropocentric reading of the text would say this is because the world was created for our needs, and once we are in place we can do what we want with the world. A biocentric reading of the text says that "very good" only means that creation as described in the text was complete, and that we humans were the last piece of the biological puzzle.

This reading is supported by the reality that if humans were to disappear from the face of the earth all that had been created before us would go on quite well, actually better, without our presence. However, if a strata of the diversity of life that had been created before humans were to disappear, we, and all that had been created after it, would no longer exist. In a bit of Heavenly humor on Darwin's survival of the fittest, it is actually the smallest and least physically strong species, like the butterflies, bees, and amoebas, that hold the survival of the world in place. Unlike the other species of the planet, we have the power to commit biocide if we do not protect and preserve those smaller forms of life.

The importance of diversity is emphasized a few chapters later, in the story of Noah, where Noah is told to bring pairs of each species onto the ark so that after the flood they can replenish the earth. After the flood, God places a rainbow in the sky as a reminder to never again destroy the world. It is both a symbol and a metaphor: a single ray of light refracted through water, the basic source of all life, produces a prism of colors. As with the Creation story, we are again reminded that the foundation of diversity is that we all come from one source. On its most profound level, this understanding should give us all the awareness that we have a relationship with and are connected to the rest of humanity and creation.

Immediately following the story of Noah we read about the Tower of Babel. The whole account takes up only nine verses. The conventional reading is that its message is one against diversity; the babel of languages at the end of the story is understood as a punishment. The Israeli philosopher Yeshayahu Leibowitz presents a different reading of the text. For Leibowitz, Babel represents a fascist totalitarian state where the aims of the state are valued more than the individual. In such a society, diverse thought and expression is frowned upon. The text tells us that everyone "had the same language, and the same words."

We read in the genealogies that link the Noah and Babel stories that the "nations were divided by their lands, each one with its own language, according to their clans, by their nations." Leibowitz sees the babel of languages not as a punishment but a corrective return to how things had been and were supposed to be.

That is still our challenge today. Diversity is not a liberal value; it is the way of the world. We know that the environment outside of our human lives is healthier with greater diversity, coral reefs and rain forests being prime examples. It is also true for humanity. We are better off because of the different religions, nations, cultures, and languages that comprise the human family. The Irish Potato Famine was caused because only one variety of potato was planted. Without diverse crops, the disease spread easily on a large and deadly scale.

In one of his State of the Union addresses, former President Bill Clinton said, "This fall, at the White House, one of America's leading scientists said something we should all remember. He said all human beings, genetically, are 99.9 percent the same. So modern science affirms what ancient faith has always taught: the most important fact of life is our common humanity. Therefore, we must do more than tolerate diversity—we must honor and celebrate it."

The opening of the Bible understands diversity not as a noun but as a verb; diversity is the basic action for life as we know it on this planet. Its importance is underscored by the fact that three accounts in its opening chapters highlight diversity as a foundation of the world we live in. Such an orientation is essential for our survival as a species.

DONNA ANTHONY: IN MEMORIAM

Mr. HARKIN. Mr. President, we have a saying in my Senate office: Once a member of the Harkin family, always a member of the Harkin family. On Monday, with the passing of Donna Anthony, a longtime staffer in my Des Moines office, we lost a very valuable and dear member of our family.

It seems like just yesterday that I was presenting Donna with a pin recognizing her 20 years of service to the people of Iowa as a Senate employee. In Donna's case, that wasn't "service to the people of Iowa" in the abstract; it was service to thousands of individual Iowans whose lives she touched in very real, concrete ways.

Donna was one of those people who give bleeding-heart liberals a good name. She was always on a personal mission to save the world, or at least as many people as she could.

She was constantly taking up the cause of people who are down on their luck, whether it was a senior citizen getting stiffed by Medicare, an immigrant family who desperately needed a visa, a victim of domestic violence, you name it. Her title may have been "caseworker supervisor," but these were not just cases to her, they were people—and she took each one to heart. She put the passion in compassion.

I remember in Catholic school being taught that Saint Jude was the patron saint of lost causes. Well, I was blessed to know Saint Donna, the patron saint of people in dire need. Saint Jude intercedes with God. Saint Donna interceded with the Federal Government—which may be more challenging. She was constantly working her little miracles.

Donna certainly came through for me—again and again. I long ago lost track of the number of people thanking me for the work that Donna did. And her personal loyalty was just extraordinary. She was always looking out for my best interest and for ways to make me look good.

I remember when I was in Iowa Falls this past August, meeting with the economic development group. They had heard about the great work Donna had done for Marshalltown, and they wanted her to do the same for Iowa Falls.

In fact, what she did in Marshalltown was typical of Donna Anthony going the extra mile, going the extra 10 miles. She worked closely with the Marshalltown Chamber of Commerce when they started making their trips to Washington to lobby for assistance. She drove back and forth to Marshalltown for countless meetings and served as an all-round counselor and advocate for their projects. The Marshall County sheriff, Ted Kamanches—a prominent Republican—became a big supporter of mine because of the great work Donna did for his police force, including having a Federal drug task force placed in Marshalltown.

Twenty years ago, Donna started out in my Des Moines office as receptionist and front-desk person. She kept getting calls from people on the north side of Des Moines who wanted me to do something to stop prostitution in the area. Donna went to bat for them, and that is how she got her start in community casework and making connections with local law enforcement. She had a knack for bringing people and agencies together and helping them to get things done. This was the beginning of a long and fruitful relationship not only with neighborhood groups in Des Moines but with law enforcement officials all across Iowa.

Mr. President, there is an old expression that we make a living by what we make, but we make a life by what we give. For 20 years in my office, Donna gave her all for the people of Iowa. She touched countless lives. And she made a life to be proud of.

I can offer no higher praise for Donna—or anyone else, for that matter—than that she was a good, decent, and caring human being. I valued her friendship, her counsel, and her incredibly hard work. I think I speak for all of us in the Harkin Senate family in saying that we love Donna very much, and we are deeply grateful that she was a part of our lives.

TRIBUTE TO PATRICK G. HECK

Mr. BAUCUS. Mr. President, I want to honor Mr. Patrick G. Heck, who is retiring this month following 23 years of dedicated Federal service. Pat has served the Finance Committee and all Americans extremely well during his eight years as tax counsel for the U.S. Senate Committee on Finance, and as chief tax counsel for the past 4 years.

As a college freshman, Pat began his congressional career as a file clerk for his Congressman. Throughout his distinguished public service career, Pat's tireless dedication has earned the respect of his peers, family, and community. Pat commands the respect of both Democratic and Republican staff throughout the Senate. Pat is a graduate of the Georgetown University Law Center, with an LL.M. in taxation. He received his J.D. from the University of Toledo College of Law, and is a graduate of American University, with degrees in political science and economics.

Prior to joining the Finance Committee staff, Pat served as assistant counsel on the Select Revenue Subcommittee of the House Committee on Ways and Means. While there, Pat was responsible for leading hearings on intercompany transfer pricing, Internal Revenue Service collection and enforcement. Before that, he was an attorney with the Internal Revenue Service's Office of Chief Counsel.

I know the members of the Senate Finance Committee join me in gratitude for Pat's sage advice on tax policy matters. His efforts have helped to shape the legislative agenda for tax administration and tax reform. He cares deeply about these issues and the effect they have on hard-working Americans. With his ever-meticulous style, Pat has helped me to delve into the important issue of the "tax gap," energy tax incentives, tax cuts for individuals and small businesses, and taxpayer rights.

Pat also helped me develop the idea of extending the time period during which Americans could make tax-exempt contributions to help victims of the tsunami disaster in 2005. This change helped facilitate a floodgate of tax-exempt contributions for these victims.

Mr. President, I ask my colleagues to join me in thanking Pat Heck for his many years of outstanding service and in wishing him well for the future.

ADDITIONAL STATEMENTS

UNIVERSITY OF WISCONSIN–WHITEWATER FOOTBALL TEAM

• Mr. FEINGOLD. Mr. President, they often say that the third time is the charm, and now the University of Wisconsin–Whitewater knows why. After UW–Whitewater's football team came so close to winning the NCAA Division III National Football Championship 2 years in a row, this year they triumphed, winning the big game and becoming Division III's reigning champions. Their fantastic season marked the first Division III football championship in UW–Whitewater's history.

The hard work of the Warhawk football team culminated in a 31–21 victory over two-time defending champion Mount Union College in the Amos Alonzo Stagg Bowl on December 15, 2007, in Salem, VA. The Warhawks bolted to an early 17–0 lead and beat back the comeback attempt of Mount Union, which had come into the game having won 37 contests in a row.

I commend Coach Lance Liepold for his dedication and hard work throughout his rookie season as head coach. I also congratulate Justin Beaver on being named the championship game's Most Outstanding Player, and the winner of the Gagliardi Trophy as the best player in Division III.

The continuing success of University of Wisconsin-Whitewater football has made the people of Wisconsin, and alumni throughout the country, very proud.•

IN HONOR OF G. RAYMOND "RAY" EMPSON

• Mr. LIEBERMAN. Mr. President, it is with great respect that I recognize G. Raymond "Ray" Empson, who for the past 11 years has served as president of the national nonprofit organization, Keep America Beautiful, Inc., and has announced his well-deserved retirement effective December 31 of this year.

Keep America Beautiful, the organization that many remember as the originator of the famous "Crying Indian" public service advertisement in 1971, has been an important part of the fabric of American communities since 1953. Rooted in a nonpartisan and "hands-on" approach to improving communities and the environment, KAB forms public-private partnerships that engage everyone in improving not just the physical beauty of their hometowns, but their economic vitality and civic engagement, as well. I am proud that the state of Connecticut is home to the organization's national headquarters in Stamford.

During Ray Empson's tenure, Keep America Beautiful has grown to over 570 local affiliate organizations in communities from coast to coast. Through his leadership, and expansion of the signature event, The Great American Cleanup, KAB and its affiliates have removed millions of tons of litter from the American landscape; planted millions of trees that improve our communities; conserved our natural resources by recycling tons of raw material; improved hiking, biking and nature trails; and most importantly, educated millions of Americans of all ages in sustainable behaviors that prevent litter and reduce waste.

Given all these accomplishments, I can't help but think of Ray Empson's retirement in bittersweet terms. While I am certainly happy for him and wish him all the best, I can't help but think what a loss it will be for the country when he steps down. I am certain, however, that his commitment to the environment and his dedication to improving the quality of life in America's communities will serve as a strong example to all those who know him and have worked with him and will guide the future leadership of KAB.

Thank you G. Raymond Empson. America is a better place because of you.•

TRIBUTE TO REEDSPORT'S FAMILY RESOURCE CENTER

• Mr. SMITH. Mr. President, during this holiday season, my thoughts are with the countless nonprofit organizations in my State of Oregon that provide assistance to those in need. Ever since the days of the pioneers, when folks from miles around would gather for community "barn raisings," the spirit of neighbor helping neighbor has been an important part of the Oregon story.

I rise today to pay tribute to the Family Resource Center in the south coast community of Reedsport, which, over the past decade, has gained a reputation as one of Oregon's most innovative and successful community organizations. Jointly supported by Lower Umpqua Hospital and the Reedsport School District, the Family Resource Center resulted from a community brainstorming meeting to identify ways to help Reedsport area families better access services. A decade after that session, the Family Resource Center averages 550 contacts a month and serves as a model of how entities can work cooperatively for the betterment of the community, and how an entire community can get information and services in a nonstigmatizing environment.

Through a series of generous grants and donations, the Family Resource Center has been able to supply a tremendous number of services, including acting as an outreach office and an information clearinghouse for many government and nonprofit agencies; providing space for an alternative school and an infant care center; offering a "connections" program that matches up people in need of household furniture and appliances with those who have those items to give away; spearheading a school supply drive; providing mental health counseling and drug and alcohol evaluation; offering Red Cross babysitting courses and Oregon Child Care Basics workshops; offering victims' services, including women's support and sexual assault support groups, offering legal aid and paralegal services, and the list goes on and on.

Mr. President, the late Oregon Governor Tom McCall once said, "Heroes are not giant statues framed against a red sky. They are individuals who say, 'This is my community and it is my responsibility to make it better.'" I am confident that all those who—through their time, talents, and treasure—have helped to write the remarkable 10 year history of the Family Resource Center are true heroes because they have truly made Reedsport a better place in which to live, work, and raise a family.•

TRIBUTE TO GEORGE PARASKEVAIDES

• Ms. SNOWE. Mr. President, today I wish to honor and pay tribute to George Paraskevaides, a world-renowned titan of industry, a much-beloved humanitarian, and a most esteemed philanthropist.

Throughout his exceptional life, George Paraskevaides, in word and deed, exemplified the ageless precepts of ancient Greece: excellence, education, civic engagement, and a love for mankind. And, at every turn, George not only lived up to those ideals—he lived them out in a way that was an example and inspiration to all.

Although an Athenian by birth, George moved his family to Cyprus where he pursued his studies and obtained a formal education in architecture, and where he would form with Stelios Joannou what would become the legendary contracting and civil engineering firm of Joannou & Paraskevaides—or J&P. And today, J&P is one of the largest development companies in the world, employing more than 16,000 people and engaged in projects for airports, hotels, highways, homes, and sports arenas to name just a few. Underpinning J&P's success is its hallmark attention to quality and its reputation for completing projects on time and on budget.

Through the years, however, in true Greek fashion, George was never content with building on his own success alone, and, time and again, demonstrated a generosity of spirit that was undeniably an ennobling force worldwide. His philanthropy was legendary. To cite just a few examples, he contributed to the Children's Heart Fund Hospital in Minneapolis, the Surgical and Transplant Foundation, and the Cyprus Heart Association. He funded countless scholarships for less fortunate Cypriots and founded the Cyprus Kidney Foundation. Perhaps his most historic gesture occurred during World War II when, at the request of British Prime Minister Winston Churchill, George Paraskevaides assisted in building an airport runway for U.S. Allies to use—an act which to this day is remembered for its decisive courage and lasting impact.

It should, therefore, come as no surprise that George Paraskevaides has been recognized globally for his immeasurable concern for his fellow man. The prestigious honors include the Order of the British Empire by Queen Elizabeth II, the Saint Marcus Medal from the Vatican, the St. Paul's Medal by the Greek Orthodox Archbishop of North and South America, the American Hellenic Educational Progressive Association, AHEPA, Philanthropic Award, and many, many others too numerous to mention. For 91 years, Greece, Cyprus, and the world were all blessed by the presence and good works of George Paraskevaides, and how profoundly fitting it was that Cyprus held a State funeral in his honor earlier this month.

Cyprus President Tassos Papadopoulos characterized George best when he described him as "a model of humanism, dignity, and kindness. His name became synonymous with the ideals of philanthropy and selfless love towards our fellow man."•

TRIBUTE TO CARROLL COLLEGE

• Mr. TESTER. Mr. President, today I congratulate and honor the football players at Carroll College, in Helena, MT, who this past Saturday became the National Champions of the National Association of Intercollegiate Athletics. The Fighting Saints defeated the University of Sioux Falls 17–to–9 on a cold, rainy day in Savannah, TN.

Folks in my home State are getting used to celebrating championships this time of year. Carroll's historic victory this past Sunday marks the fifth time in 6 years that they have been crowned National Champions.

I want to extend my congratulations to coach Mike Van Diest and his entire staff, cheerleading coach Pam Jones and her squad, athletic director Bruce Parker, Carroll College president Tom Trebon, and the entire Carroll community for bringing home the national title.

But I mostly want to applaud the young men who make up this remarkable team. Years from now they may forget the early morning and late night practices. They may forget the summer training in the Montana heat and other sacrifices they have made. But they will never forget the muddy day in December of 2007 when they raised up that trophy.

As a former teacher and referee I know firsthand how important interscholastic competition can be. It takes the dedication and determination of the young men and women who make a team. It takes the support of the community and the alumni. And it takes patient and talented coaches to lead.

Mr. President, I also know how outstanding an institution Carroll is. I have always been impressed by the accomplishments of both the students and the faculty and as the father of an alumna, I will always have a special place in my heart for Carroll.•

TRIBUTE TO COLONEL JEFFERSON JOSEPH DEBLANC

• Mr. VITTER. Mr. President, I wish to acknowledge COL Jefferson Joseph DeBlanc, Sr., for his dedicated service to Louisiana and the United States of America. I would like to take some time to make a few remarks on his accomplishments.

In 1940, Colonel DeBlanc left school in order to pursue a career in the military. After joining the Marine flight program, he enlisted in the Naval Reserve where he received elimination flight training. He continued his illustrious military career in the Marines, achieving the rank of captain on June 1, 1943, and transferred to the Marine Aircraft Group 11 overseas.

In November 1944, he returned overseas for his second tour of duty. He joined the Marine Fighting Squadron 422 in the Marshall Islands and remained stationed there until May 1945, joining Squadron 212 in order to fight in the Okinawa campaign. In his two tours of duty in the Pacific at Guadalcanal and Okinawa, he shot down nine enemy aircraft. On December 6, 1946, President Truman awarded him the Nation's highest decoration for valor and bravery, the Congressional Medal of Honor "for his conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty." Colonel DeBlanc received this medal for shooting down five enemy Zeros in the Solomons. He went on to be decorated with more than 10 medals, including the Purple Heart, the Distinguished Flying Cross, and multiple Gold Stars.

Colonel DeBlanc later received a master's degree in education. He worked with the St. Martin's Parish School Board and taught physics at Mt. Carmel in New Iberia. After his retirement from the Marine Corps Reserve in 1972, he served as a member in multiple organizations, including the Veterans of Foreign Wars and Medal of Honor Society.

Colonel Jefferson Joseph DeBlanc, Sr., passed away on Thursday, November 22, 2007. Colonel DeBlanc was the last living World War II Medal of Honor recipient from Louisiana. Although he did not perceive his achievement as a fighter pilot as out of the ordinary, many Louisianans will long remember the gallantry, bravery, and valor he exhibited throughout his life.

Thus, today, I am proud to rise to honor a fellow Louisianan, Colonel Jefferson Joseph DeBlanc, Sr., and thank him for his dedicated and tireless service to our country.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United

States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:21 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bills, without amendment:

S. 1396. An act to authorize a major medical facility project to modernize inpatient wards at the Department of Veterans Affairs Medical Center in Atlanta, Georgia.

S. 1896. An act to designate the facility of the United States Postal Service located at 11 Central Street in Hillsborough, New Hampshire, as the "Officer Jeremy Todd Charron Post Office".

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3793. An act to amend title 37, United States' Code, to require the continued payment to a member of the uniformed services who dies or is retired or separated under chapter 61 of title 10, United States Code, bonuses and similar benefits that the member was entitled to before the death, retirement, or separation of the member and would be paid if the member had not died, retired, or separated, to prohibit requiring the member to repay any portion of the bonuses or similar benefits previously paid, and for other purposes.

The message further announced that in accordance with the request of the Senate, the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes, and all accompanying papers are hereby returned to the Senate.

At 3:13 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 863. An act to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds.

The message also announced that the House has passed the following bill and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1216. An act to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

H. J. Res. 72. Joint resolution making further continuing appropriations for the fiscal year 2008, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 62. Concurrent resolution to correct the enrollment of H.R. 660.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 660) to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

ENROLLED BILL SIGNED

At 3:40 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 1585. An act to authorize appropriations for fiscal year 2008 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

ENROLLED BILLS SIGNED

At 3:52 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2761. An act to extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes.

H.R. 3648. An act to amend the Internal Revenue Code of 1986 to exclude discharges of indebtedness on principle residences from gross income, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. BYRD).

At 5:46 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the bill (H.R. 3996) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

The message also announced that the resolution from the Senate (S. Con. Res. 61) providing for a conditional adjournment or recess of the Senate, and a conditional adjournment of the House of Representatives, do pass with amendments, in which it requests the concurrence of the Senate.

The message further announced that the House has passed the following bill, without amendment:

S. 2499. An act to amend titles XVIII, XIX, and XXI of the Social Security Act to extend provisions under the Medicare, Medicaid, and SCHIP programs, and for other purposes.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4040. An act to establish consumer product safety standards and other safety requirements for.children's products and to reauthorize and modernize the Consumer Product Safety Commission.

The message further announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), amended by division P of the Consolidated Appropriations Resolution, 2003 (22 U.S.C. 6901), and the order of the House of January 4, 2007, the Speaker reappoints the following members on the part of the House of Representatives to the United States-China Economic and Security Review Commission for terms to expire December 31, 2009: Ms. Carolyn Bartholomew of the District of Colombia, and Mr. Jeffrey L. Fiedler of Great Falls, Virginia.

At 6:57 p.m., a message from the House of Representatives, delivered by Mr. Hanrahan, one of its reading clerks, announced that the House agrees to the amendment of the Senate to Amendment #2 of the House to the amendment of the Senate to the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 2640) to improve the National Instant Criminal Background Check System, and for other purposes.

The message further announced that the House has passed the following bills, without amendment:

S. 1916. An act to amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes.

S. 2436. An act to amend the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4839. An act to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes.

ENROLLED BILLS SIGNED

The message further announced that the Speaker pro tempore (Mr. HOYER) has signed the following enrolled bills:

S. 2271. An act to authorize State and local governments to divest assets in companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes.

S. 2488. An act to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

H.R. 366. An act to designate the Department of Veterans Affairs Outpatient Clinic in Tulsa, Oklahoma, as the "Earnest Childers Department of Veterans Affairs Outpatient Clinic".

H.R. 3996. An act to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

ENROLLED BILLS AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, December 19, 2007, she had presented to the President of the United States the following enrolled bills and joint resolution:

S. 597. An act to amend title 39, United States Code, to extend the authority of the United States Postal Service to issue a semipostal to raise funds for breast cancer research.

S. 2174. An act to designate the facility of the United States Postal Service located at 175 South Monroe Street in Tiffin, Ohio, as the "Paul E. Gillmor Post Office Building".

S. 2484. An act to rename the National Institute of Child Health and Human Development as the Eunice Kennedy Shriver National Institute of Child Health and Human Development.

S.J. Res. 13. Joint resolution granting the consent of Congress to the International Emergency Management Assistance Memorandum of Understanding.

MEASURES REFERRED

The following joint resolution was read the first and the second times by unanimous consent, and referred as indicated:

H.J. Res. 15. Joint resolution recognizing the contributions of the Christmas tree industry to the United States economy; to the Committee on Agriculture, Nutrition, and Forestry.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 254. Concurrent resolution recognizing and celebrating the centennial of Oklahoma statehood; to the Committee on the Judiciary.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3793. To amend title 37, United States Code, to require the continued payment to a member of the uniformed services who dies or is retired or separated under chapter 61 of title 10, United States Code, bonuses and similar benefits that the member was entitled to before the death, retirement, or separation of the member and would be paid if the member had not died, retired, or separated, to prohibit requiring the member to repay any portion of the bonuses or similar benefits previously paid, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 4040. An act to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-4442. A communication from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sale and Disposal of National Forest System Timber; Timber Sale Contracts; Purchaser Elects Government Road Construction" (RIN0596-AC40) received on December 18, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4443. A communication from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sale and Disposal of National Forest System Timber; Modification of Timber Sale Contracts in Extraordinary Conditions; Noncompetitive Sale of Timber" (RIN0596-AB70) received on December 18, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4444. A communication from the Secretary of Defense, transmitting, a report on the approved retirement of General William T. Hobbins, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-4445. A communication from the Counsel for Legislation and Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Implementation of Mark-to-Market Program Revisions" (RIN2502-AH86) received on December 18, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-4446. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure (New Jersey 2007 Summer Flounder Commercial Fishery)" (RIN0648-XE00) received on December 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4447. A communication from the Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Extension of Final Temporary Rule for Interim Measures to Address Overfishing of Gulf of Mexico Red Snapper During 2007" (RIN0648-AT87) received on December 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4448. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Halibut in the Gulf of Alaska" (RIN0648-XE00) received on December 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4449. A communication from the Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement 2008 First Season Atlantic Shark Commercial Management Measures" (RIN0648-AV93) received on December 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4450. A communication from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Onshore Oil and Gas Operations; Federal and Indian Oil and Gas Leases; Onshore Oil and Gas Order Number 1, Approval of Operations" (RIN0596-AC20) received on December 18, 2007; to the Committee on Energy and Natural Resources.

EC-4451. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, two documents recently issued by the Agency related to its regulatory programs; to the Committee on Environment and Public Works.

EC-4452. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Nevada; Washoe County 8-Hour Ozone Maintenance Plan" (FRL No. 8509-2) received on December 18, 2007; to the Committee on Environment and Public Works.

EC-4453. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Glufosinate-ammonium; Pesticide Tolerance" (FRL No. 8342-3) received on December 18, 2007; to the Committee on Environment and Public Works.

EC-4454. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plan; South Dakota; Revisions to New Source Review Rules" (FRL No. 8509-4) received on December 18, 2007; to the Committee on Environment and Public Works.

EC-4455. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Area Sources: Clay Ceramics Manufacturing, Glass Manufacturing, and Secondary Nonferrous Metals Processing" ((RIN2060-AM12)(FRL No. 8508-5)) received on December 18, 2007; to the Committee on Environment and Public Works.

EC-4456. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Area Sources: Electric Arc Furnace Steelmaking Facilities" ((RIN2060-AM71)(FRL No. 8509-5)) received on December 18, 2007; to the Committee on Environment and Public Works.

EC-4457. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources" (FRL No. 8509-6) received on December 18, 2007; to the Committee on Environment and Public Works.

EC-4458. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled

"National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources" ((RIN2060-AN21)(FRL No. 8508-6)) received on December 18, 2007; to the Committee on Environment and Public Works.

EC-4459. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticide Tolerance Crop Grouping Program; Technical Amendment" ((RIN2070-AJ28)(FRL No. 8345-4)) received on December 18, 2007; to the Committee on Environment and Public Works.

EC-4460. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prevention of Significant Deterioration and Nonattainment New Source Review: Reasonable Possibility in Recordkeeping" ((RIN2060-AN88)(FRL No. 8508-4)) received on December 18 , 2007; to the Committee on Environment and Public Works.

EC-4461. A communication from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska, Subpart D; Seasonal Adjustments—Copper, Unalakleet, and Yukon Rivers" (50 CFR Part 100) received on December 18, 2007; to the Committee on Environment and Public Works.

EC-4462. A communication from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska; Kenai Peninsula Subsistence Resource Region" (RIN1018-AU92) received on December 18, 2007; to the Committee on Environment and Public Works.

EC-4463. A communication from the Secretary of the Treasury, transmitting, pursuant to law, semiannual reports from the Office of the Treasury Inspector General and the Treasury Inspector General for Tax Administration; to the Committee on Homeland Security and Governmental Affairs.

EC-4464. A communication from the Secretary of Labor, transmitting, pursuant to law, the Semiannual Report of the Pension Benefit Guaranty Corporation's Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4465. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the Semiannual Report of the Commission's Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4466. A communication from the Chairman, National Endowment for the Arts, transmitting, pursuant to law, the Semiannual Report of the Organization's Inspector General for the period of April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4467. A communication from the Acting Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Issuance of Multiple Prescriptions for Schedule II Controlled Substances" (RIN1117-AB01) received on December 18, 2007; to the Committee on the Judiciary.

EC-4468. A copy of a complaint as required by section 403(a)(2) of the Bipartisan Campaign Reform Act of 2002 relative to the case of Citizens United v. FEC; to the Committee on Rules and Administration.

EC-4469. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Applying for Free and Reduced Price Meals in the National School Lunch Program and School Breakfast Program and for Benefits in the Special Milk Program and Technical Amendments" (RIN0584-AD54) received on December 18, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4470. A communication from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Procedures for Appraising Recreation Residence Lots and for Managing Recreation Residence Uses Pursuant to the Cabin User Fee Fairness Act" (RIN0596-AB83) received on December 18, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC-4471. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of the authorization of Colonel Garrett Harencak to wear the authorized insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-4472. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Fair Credit Reporting, Subpart C—Affiliate Marketing" (RIN3133-AD00) received on December 18, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC-4473. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report on ethanol market concentration; to the Committee on Commerce, Science, and Transportation.

EC-4474. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "2008 Summer Flounder Coastwide Recreational Interim Management Measures" (RIN0648-AC99) received on December 18, 2007; to the Committee on Commerce, Science, and Transportation.

EC-4475. A communication from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Forest System Land Management Planning" (RIN0596-AC43) received on December 18, 2007; to the Committee on Energy and Natural Resources.

EC-4476. A communication from the Chairman, Federal Energy Regulatory Commission, transmitting, pursuant to law, a report relative to the Commission's competitive sourcing activities during fiscal year 2007; to the Committee on Energy and Natural Resources.

EC-4477. A communication from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—2007-2008 Subsistence Taking of Fish and Shellfish Regulations" (RIN1018-AU57) received on December 18, 2007; to the Committee on Environment and Public Works.

EC-4478. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2007-101) received on December 18, 2007; to the Committee on Finance.

EC-4479. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the compliance of several countries to freedom of emigration provisions; to the Committee on Finance.

EC-4480. A communication from the White House Liaison, Department of the Treasury, transmitting, pursuant to law, (6) reports relative to vacancies within the Department, received on December 18, 2007; to the Committee on Finance.

EC-4481. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, an annual report relative to the Benjamin A. Gilman International Scholarship Program for fiscal year 2007; to the Committee on Foreign Relations.

EC-4482. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the transfer of technical data to Israel for the manufacture of the Advanced Digital Dispensing System II Countermeasure Dispenser System; to the Committee on Foreign Relations.

EC-4483. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of technical data to Canada to support the manufacture of Decoder Assemblies; to the Committee on Foreign Relations.

EC-4484. A communication from the Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the Semiannual Report of the Corporation's Inspector General for the period from April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4485. A communication from the Administrator, U.S. Agency for International Development, transmitting, pursuant to law, the Semiannual Report of the Agency's Inspector General for the period ending September 10, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4486. A communication from the Director of Administration, National Labor Relations Board, transmitting, pursuant to law, the Board's Performance and Accountability Report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4487. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period ending September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4488. A communication from the Attorney General, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the six-month period from April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC-4489. A communication from the Administrator, Small Business Administration, transmitting, pursuant to law, the Administration's financial report for fiscal year 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4490. A communication from the Chair, Equal Employment Opportunity Commission, transmitting, pursuant to law, the Semiannual Report of the Commission's Inspector General for the period ended September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4491. A communication from the Secretary of Education, transmitting, pursuant to law, the Semiannual Report of the Department's Inspector General for the period from April 1, 2007, through September 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4492. A communication from the Director, Strategic Human Resources Policy Division, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees' Retirement System; Present Value Conversion Factors for Spouses of Deceased Separated Employees" (RIN3206–AL31) received on December 18, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4493. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–217 , "Rent Administrator Hearing Authority Temporary Amendment Act of 2007" received on December 19, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4494. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–218, "Building Hope Real Property Tax Exemption and Equitable Real Property Tax Relief Temporary Act of 2007" received on December 19, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4495. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–219 , "Health-Care Decisions for Persons with Developmental Disabilities Temporary Amendment Act of 2007" received on December 19, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4496. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–220 , "Operation Enduring Freedom and Operation Iraqi Freedom Active Duty Pay Differential Extension Temporary Amendment Act of 2007" received on December 19, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4497. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–221 , "Nuisance Property Abatement Reform and Real Property Classification Temporary Amendment Act of 2007" received on December 19, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4498. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–222 , "Bicycle Communter Commuted and Parking Expansion Act of 2007" received on December 19, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4499. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–223, "Exploratory Committee Regulation Amendment Act of 2007" received on December 19, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4500. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–224 , "Child and Family Services Grant-making Temporary Amendment Act of 2007" received on December 19, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4501. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–225 , "Prohibition of the Investment of Public Funds in Certain Companies Doing Business with the Government of Sudan Act of 2007" received on December 19, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4502. A communication from the Chairman, Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 17–226 , "Student Access to Treatment Act of 2007" received on December 19, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4503. A communication from the Chief Acquisition Officer, General Services Administration, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005–22" (FAC 2005–22) received on December 19, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–4504. A communication from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Special Uses; Managing Recreation Residences and Assessing Fees Under the Cabin User Fee Fairness Act" (RIN0596–AB83) received on December 18, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4505. A communication from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sale and Disposal of National Forest System Timber; Free Use to Individuals; Delegation of Authority" (RIN0596–AC09) received on December 18, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4506. A communication from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Land Uses; Special Uses; Recovery of Costs for Processing Special Use Applications and Monitoring Compliance with Special Use Authorizations" (RIN0596–AB36) received on December 18, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4507. A communication from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sale and Disposal of National Forest System Timber; Timber Sale Contracts; Indices to Determine Market-Related Contract Term Additions" (RIN3206–AK35) received on December 18, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–4508. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to the International Space Station's second pressurized node; to the Committee on Commerce, Science, and Transportation.

EC–4509. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to cross-border interoperability with Canada; to the Committee on Commerce, Science, and Transportation.

EC–4510. A communication from the Secretary of Energy, transmitting, pursuant to law, an annual report relative to the Navajo Electrification Demonstration Program; to the Committee on Energy and Natural Resources.

EC–4511. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualifying Relative for Purposes of Section 152(d)(1)" (Notice 2008–5) received on December 18, 2007; to the Committee on Finance.

EC–4512. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2007 Section 846 Discount Factors" (Rev. Proc. 2008–10) received on December 18, 2007; to the Committee on Finance.

EC–4513. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to Japan to manufacture Mission Data Recorders and other devices to support F–15 aircraft; to the Committee on Foreign Relations .

EC–4514. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of technical data in support of the Network System for the A400M Aircraft; to the Committee on Foreign Relations.

EC–4515. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to Mexico to support the manufacture of minor aircraft parts for various military aircraft; to the Committee on Foreign Relations.

EC–4516. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to Australia, Canada, France, Italy, and Singapore for the design of the Optus D3 Commercial Communications Satellite Program for Australia; to the Committee on Foreign Relations.

EC–4517. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to the United Arab Emirates, Italy, and France for the installation and follow-on support of the Rolling Air Frame Missile Guided Missile Launch System; to the Committee on Foreign Relations.

EC–4518. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to Israel to provide continued support for the upgrade of the USAF's T–38 training aircraft's avionics; to the Committee on Foreign Relations.

EC–4519. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of defense data to Italy for the manufacture of upper wing skins for the F–35 Joint Strike Fighter; to the Committee on Foreign Relations.

EC–4520. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles to the Philippines and South Korea necessary for the assembly of Complimentary Metal Oxide Semiconductor Application Specific Integrated Circuits; to the Committee on Foreign Relations.

EC–4521. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles in support of the manufacture of components for the AN/APG–66J Fire Control Radar System; to the Committee on Foreign Relations.

EC–4522. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the permanent transfer of three F–16 B MLU M2 Block 10 and three F–16 B MLU M2 Block 15 aircraft; to the Committee on Foreign Relations.

EC–4523. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed manufacturing license agreement for the export of defense articles to South Korea to support the developmental manufacture of the T–701K helicopter engine; to the Committee on Foreign Relations.

EC–4524. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of defense articles in support of the Sistema de Vigilancia de Amazonia Wide Area Surveillance System; to the Committee on Foreign Relations.

EC–4525. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to France, Germany, Gibraltar, Luxembourg, the Netherlands, Spain, Sweden, and the United Kingdom for the design of the New Skies Satellite Satellites Program; to the Committee on Foreign Relations.

EC–4526. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed technical assistance agreement for the export of defense articles in support of the Communication and Information System Wideband Programmable Network Radio; to the Committee on Foreign Relations.

EC–4527. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the permanent transfer of eleven Jordanian F–5 aircraft to the Government of Brazil; to the Committee on Foreign Relations.

EC–4528. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed agreement for the export of defense articles to Israel to support the manufacture of F/A–18 Leading Edge Extensions and Aft Nose Landing Gear Doors; to the Committee on Foreign Relations.

EC–4529. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, weekly reports relative to Iraq for the period of October 15, 2007, through December 15, 2007; to the Committee on Foreign Relations.

EC–4530. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulates" (RIN1400–AC42) received on December 19, 2007; to the Committee on Foreign Relations.

EC–4531. A communication from the Assistant Secretary for Administration and Management, Competitive Sourcing Official, Department of Labor, transmitting, pursuant to law, a report relative to the Department's competitive sourcing activities during fiscal year 2007; to the Committee on Health, Education, Labor, and Pensions.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–272. A resolution adopted by the Board of County Commissioners for Miami-Dade County of the State of Florida urging the Florida Legislature to allow the use of unmanned cameras at intersections with traffic signals in an effort to reduce red-light running; to the Committee on Commerce, Science, and Transportation.

POM–273. A resolution adopted by the Board of County Commissioners for Miami-Dade County of the State of Florida urging the Florida Legislature to designate NW 7th Avenue from NW 35th Street as Dr. Barbara Carey-Shuler Avenue; to the Committee on Environment and Public Works.

POM–274. A report from the City Clerk of the City of Punta Gorda in the State of Florida relative to the Minority Reporting Form for 2006; to the Committee on Health, Education, Labor, and Pensions.

POM–275. A resolution adopted by the Board of County Commissioners for Miami-Dade County of the State of Florida urging the Florida Legislature to increase the penalties and fines for dog and other animal fighting; to the Committee on the Judiciary.

POM–276. A resolution adopted by the Board of County Commissioners for Miami-Dade County of the State of Florida urging Congress to reinstate the federal assault weapons ban; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 772. A bill to amend the Federal antitrust laws to provide expanded coverage and to eliminate exemptions from such laws that are contrary to the public interest with respect to railroads (Rept. No. 110–252).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 595. A bill to amend the Emergency Planning and Community Right-to-Know Act of 1986 to strike a provision relating to modifications in reporting frequency (Rept. No. 110–253).

S. 1523. A bill to amend the Clean Air Act to reduce emissions of carbon dioxide from the Capitol power plant (Rept. No. 110–254).

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. BIDEN, from the Committee on Foreign Relations:

[Treaty Doc. 103–39 United Nations Convention on the Law of the Sea (Ex. Rept. 110–9)]

The text of the committee-recommended resolution of advice and consent to ratification is as follows:

Resolved (two-thirds of the Senators present concurring therein),

Section 1. Senate Advice and Consent Subject to Declarations and Understandings.

The Senate advises and consents to the accession to the United Nations Convention on the Law of the Sea, with annexes, adopted on December 10, 1982 (hereafter in this resolution referred to as the "Convention"), and to the ratification of the Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea, with annex, adopted on July 28, 1994 (hereafter in this resolution referred to as the "Agreement") (T. Doc. 103–39), subject to the declarations of section 2, to be made under articles 287 and 298 of the Convention, the declarations and understandings of section 3, to be made under article 310 of the Convention, and the conditions of section 4.

Section 2. Declarations Under Articles 287 and 298.

The advice and consent of the Senate under section 1 is subject to the following declarations:

(1) The Government of the United States of America declares, in accordance with article 287(1), that it chooses the following means for the settlement of disputes concerning the interpretation or application of the Convention:

(A) a special arbitral tribunal constituted in accordance with Annex VIII for the settlement of disputes concerning the interpretation or application of the articles of the Convention relating to (1) fisheries, (2) protection and preservation of the marine environment, (3) marine scientific research, and (4) navigation, including pollution from vessels and by dumping; and

(B) an arbitral tribunal constituted in accordance with Annex VII for the settlement of disputes not covered by the declaration in subparagraph (A).

(2) The Government of the United States of America declares, in accordance with article 298(1), that it does not accept any of the procedures provided for in section 2 of Part XV (including, inter alia, the Sea-Bed Disputes Chamber procedure referred to in article 287(2)) with respect to the categories of disputes set forth in subparagraphs (a), (b), and (c) of article 298(1). The United States further declares that its consent to accession to the Convention is conditioned upon the understanding that, under article 298(1)(b), each State Party has the exclusive right to determine whether its activities are or were "military activities" and that such determinations are not subject to review.

Section 3. Other Declarations and Understandings under Article 310.

The advice and consent of the Senate under section 1 is subject to the following declarations and understandings:

(1) The United States understands that nothing in the Convention, including any provisions referring to "peaceful uses" or "peaceful purposes," impairs the inherent right of individual or collective self-defense or rights during armed conflict.

(2) The United States understands, with respect to the right of innocent passage under the Convention, that—

(A) all ships, including warships, regardless of, for example, cargo, armament, means of propulsion, flag, origin, destination, or purpose, enjoy the right of innocent passage;

(B) article 19(2) contains an exhaustive list of activities that render passage non-innocent;

(C) any determination of non-innocence of passage by a ship must be made on the basis of acts it commits while in the territorial sea, and not on the basis of, for example, cargo, armament, means of propulsion, flag, origin, destination, or purpose; and

(D) the Convention does not authorize a coastal State to condition the exercise of the right of innocent passage by any ships, including warships, on the giving of prior notification to or the receipt of prior permission from the coastal State.

(3) The United States understands, concerning Parts III and IV of the Convention, that—

(A) all ships and aircraft, including warships and military aircraft, regardless of, for example, cargo, armament, means of propulsion, flag, origin, destination, or purpose, are entitled to transit passage and archipelagic sea lanes passage in their "normal mode";

(B) "normal mode" includes, inter alia—

(i) submerged transit of submarines;

(ii) overflight by military aircraft, including in military formation;

(iii) activities necessary for the security of surface warships, such as formation steaming and other force protection measures;

(iv) underway replenishment; and

(v) the launching and recovery of aircraft;

(C) the words "strait" and "straits" are not limited by geographic names or categories and include all waters not subject to Part IV that separate one part of the high seas or exclusive economic zone from another part of the high seas or exclusive economic zone or other areas referred to in article 45;

(D) the term "used for international navigation" includes all straits capable of being used for international navigation; and

(E) the right of archipelagic sea lanes passage is not dependent upon the designation by archipelagic States of specific sea lanes and/or air routes and, in the absence of such designation or if there has been only a partial designation, may be exercised through all routes normally used for international navigation.

(4) The United States understands, with respect to the exclusive economic zone, that—

(A) all States enjoy high seas freedoms of navigation and overflight and all other internationally lawful uses of the sea related to these freedoms, including, inter alia, military activities, such as anchoring, launching and landing of aircraft and other military devices, launching and recovering waterborne craft, operating military devices, intelligence collection, surveillance and reconnaissance activities, exercises, operations, and conducting military surveys; and

(B) coastal State actions pertaining to these freedoms and uses must be in accordance with the Convention.

(5) The United States understands that "marine scientific research" does not include, inter alia—

(A) prospecting and exploration of natural resources;

(B) hydrographic surveys;

(C) military activities, including military surveys;

(D) environmental monitoring and assessment pursuant to section 4 of Part XII; or

(E) activities related to submerged wrecks or objects of an archaeological and historical nature.

(6) The United States understands that any declaration or statement purporting to limit navigation, overflight, or other rights and freedoms of all States in ways not permitted by the Convention contravenes the Convention. Lack of a response by the United States to a particular declaration or statement made under the Convention shall not be interpreted as tacit acceptance by the United States of that declaration or statement.

(7) The United States understands that nothing in the Convention limits the ability of a State to prohibit or restrict imports of goods into its territory in order to, inter alia, promote or require compliance with environmental and conservation laws, norms, and objectives.

(8) The United States understands that articles 220, 228, and 230 apply only to pollution from vessels (as referred to in article 211) and not, for example, to pollution from dumping.

(9) The United States understands, with respect to articles 220 and 226, that the "clear grounds" requirement set forth in those articles is equivalent to the "reasonable suspicion" standard under United States law.

(10) The United States understands, with respect to article 228(2), that—

(A) the "proceedings" referred to in that paragraph are the same as those referred to in article 228(1), namely those proceedings in respect of any violation of applicable laws and regulations or international rules and standards relating to the prevention, reduction and control of pollution from vessels committed by a foreign vessel beyond the territorial sea of the State instituting proceedings; and

(B) fraudulent concealment from an officer of the United States of information concerning such pollution would extend the three-year period in which such proceedings may be instituted.

(11) The United States understands, with respect to article 230, that—

(A) it applies only to natural persons aboard the foreign vessels at the time of the act of pollution;

(B) the references to "monetary penalties only" exclude only imprisonment and corporal punishment;

(C) the requirement that an act of pollution be "willful" in order to impose non-monetary penalties would not constrain the imposition of such penalties for pollution caused by gross negligence;

(D) in determining what constitutes a "serious" act of pollution, a State may consider, as appropriate, the cumulative or aggregate impact on the marine environment of repeated acts of pollution over time; and

(E) among the factors relevant to the determination whether an act of pollution is "serious," a significant factor is non-compliance with a generally accepted international rule or standard.

(12) The United States understands that sections 6 and 7 of Part XII do not limit the authority of a State to impose penalties, monetary or non-monetary, for, inter alia—

(A) non-pollution offenses, such as false statements, obstruction of justice, and obstruction of government or judicial proceedings, wherever they occur; or

(B) any violation of national laws and regulations or applicable international rules and standards for the prevention, reduction and control of pollution of the marine environment that occurs while a foreign vessel is in any of its ports, rivers, harbors, or offshore terminals.

(13) The United States understands that the Convention recognizes and does not constrain the longstanding sovereign right of a State to impose and enforce conditions for the entry of foreign vessels into its ports, rivers, harbors, or offshore terminals, such as a requirement that ships exchange ballast water beyond 200 nautical miles from shore or a requirement that tank vessels carrying oil be constructed with double hulls.

(14) The United States understands, with respect to article 21(2), that measures applying to the "design, construction, equipment or manning" do not include, inter alia, measures such as traffic separation schemes, ship routing measures, speed limits, quantitative restrictions on discharge of substances, restrictions on the discharge and/or uptake of ballast water, reporting requirements, and record-keeping requirements.

(15) The United States understands that the Convention supports a coastal State's exercise of its domestic authority to regulate discharges into the marine environment resulting from industrial operations on board a foreign vessel.

(16) The United States understands that the Convention supports a coastal State's exercise of its domestic authority to regulate the introduction into the marine environment of alien or new species.

(17) The United States understands that, with respect to articles 61 and 62, a coastal State has the exclusive right to determine the allowable catch of the living resources in its exclusive economic zone, whether it has the capacity to harvest the entire allowable catch, whether any surplus exists for allocation to other States, and to establish the terms and conditions under which access may be granted. The United States further understands that such determinations are, by virtue of article 297(3)(a), not subject to binding dispute resolution under the Convention.

(18) The United States understands that article 65 of the Convention lent direct support to the establishment of the moratorium on commercial whaling, supports the creation of sanctuaries and other conservation measures, and requires States to cooperate not only with respect to large whales, but with respect to all cetaceans.

(19) The United States understands that, with respect to article 33, the term "sanitary laws and regulations" includes laws and regulations to protect human health from, inter alia, pathogens being introduced into the territorial sea.

(20) The United States understands that decisions of the Council pursuant to procedures other than those set forth in article 161(8)(d) will involve administrative, institutional, or procedural matters and will not result in substantive obligations on the United States.

(21) The United States understands that decisions of the Assembly under article 160(2)(e) to assess the contributions of members are to be taken pursuant to section 3(7) of the Annex to the Agreement and that the United States will, pursuant to section 9(3) of the Annex to the Agreement, be guaranteed a seat on the Finance Committee established by section 9(1) of the Annex to the Agreement, so long as the Authority supports itself through assessed contributions.

(22) The United States declares, pursuant to article 39 of Annex VI, that decisions of the Seabed Disputes Chamber shall be enforceable in the territory of the United States only in accordance with procedures established by implementing legislation and that such decisions shall be subject to such legal and factual review as is constitutionally required and without precedential effect in any court of the United States.

(23) The United States—

(A) understands that article 161(8)(f) applies to the Council's approval of amendments to section 4 of Annex VI;

(B) declares that, under that article, it intends to accept only a procedure that requires consensus for the adoption of amendments to section 4 of Annex VI; and

(C) in the case of an amendment to section 4 of Annex VI that is adopted contrary to this understanding, that is, by a procedure other than consensus, will consider itself bound by such an amendment only if it subsequently ratifies such amendment pursuant to the advice and consent of the Senate.

(24) The United States declares that, with the exception of articles 177–183, article 13 of Annex IV, and article 10 of Annex VI, the provisions of the Convention and the Agreement, including amendments thereto and rules, regulations, and procedures thereunder, are not self-executing.

SECTION 4. Conditions.

(a) IN GENERAL.—The advice and consent of the Senate under section 1 is subject to the following conditions:

(1) Not later than 15 days after the receipt by the Secretary of State of a written communication from the Secretary-General of the United Nations or the Secretary-General of the Authority transmitting a proposal to amend the Convention pursuant to article 312, 313, or 314, the President shall submit to the Committee on Foreign Relations of the Senate a copy of the proposed amendment.

(2) Prior to the convening of a Conference to consider amendments to the Convention proposed to be adopted pursuant to article 312 of the Convention, the President shall consult with the Committee on Foreign Relations of the Senate on the amendments to be considered at the Conference. The President shall also consult with the Committee on Foreign Relations of the Senate on any amendment proposed to be adopted pursuant to article 313 of the Convention.

(3) Not later than 15 days prior to any meeting—

(A) of the Council of the International Seabed Authority to consider an amendment to the Convention proposed to be adopted pursuant to article 314 of the Convention; or

(B) of any other body under the Convention to consider an amendment that would enter into force pursuant to article 316(5) of the Convention; the President shall consult with the Committee on Foreign Relations of the Senate on the amendment and on whether the United States should object to its adoption.

(4) All amendments to the Convention, other than amendments under article 316(5) of a technical or administrative nature, shall be submitted by the President to the Senate for its advice and consent.

(5) The United States declares that it shall take all necessary steps under the Convention to ensure that amendments under article 316(5) are adopted in conformity with the treaty clause in Article II, section 2 of the United States Constitution.

(b) INCLUSION OF CERTAIN CONDITIONS IN INSTRUMENT OF RATIFICATION.—Conditions 4 and 5 shall be included in the United States instrument of ratification to the Convention.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. LIEBERMAN for the Committee on Homeland Security and Governmental Affairs. *Robert D. Jamison, of Virginia, to be an Under Secretary of Homeland Security.

***Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.**

Mary Ann Glendon, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee—Mary Ann Glendon.

Post—Ambassador to Holy See.

Contributions, Amount, Date, and Donee:

1. Self: Mary Ann Glendon, none.

2. Spouse: Edward R. Lev, none.

3. Children and Spouses: Sarah P. Hood, daughter, none; Darren Hood, son in law, none; Elizabeth Lev, daughter, none; Katherine Lev, daughter, $300, 2003 and 2004 (Est.), Congressman Stephen Lynch D-MASS.

4. Parents: Martin Glendon, deceased; Sarah Glendon, deceased.

5. Grandparents: Theodore Pomeroy, deceased; Julia Pomeroy, deceased; Martin Glendon, deceased; Mary Ann Glendon, deceased.

6. Brothers and Spouses: Martin Glendon, brother, Cynthia Glendon, sister in law, none; none.

7. Sisters and Spouses: Julia Glendon, none.

Charles W. Larson, Jr., of Iowa, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Latvia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Charles William Larson, Jr.

Post: U.S. Ambassador to Latvia.

Contributions, Amount, Date, and Donee:

1. Charles W. Larson, Jr., $1,200, 06/27/07 John McCain 2008; $1,200, 03/31/07, John McCain 2008; $500, 11/15/06, DCI PAC; $2,000, 09/30/03, Bush-Cheney '04; $250, 05/15/03, Grassley Committee; $300, 01/13/05, 55th Presidential Inaugural Committee; $300, 01/13/05, 55th Presidential Inaugural Committee.

2. Spouse: Jennifer E. Larson, none.

3. Children: Charles W. Larson, III, none; John-Henry C. Larson, none.

4. Parents: Charles W. Larson, father, $1,000, 03/26/03, Republican Party of IA; Ellen T. Larson, mother, $500, 07/25/05, Republican Party of IA; $75, 09/30/05, Republican Party of IA; $1,000, 01/26/04, Grassley Committee; $1,000, 01/26/04, Grassley Committee; $1,000, 03/26/03, Republican Party of IA; $2,000 07/07/03, Bush-Cheney '04; $100, 09/21/03, Thompson for Congress; $2,000, 12/29/03, Grassley for Senate.

5. Grandparents: Dorothy Hagner, grandmother, none; Arthur Hagner, grandfather, deceased.

6. Brothers and Spouses: none.

7. Sisters and Spouses; Carrie L. Graham, $500, 2007 calendar, Pfizer PAC; $500, 2006 calendar, Pfizer PAC; $500, 2005 calendar, Pfizer PAC; $500, 2004 calendar, Pfizer PAC; $500, 4/13/2004, Bush-Cheney '04; $1,000, 07/07/2003, Bush-Cheney '04; $500, 2002 calendar, Pfizer PAC; $500, 2002 calendar, Pfizer PAC; Andrew F. Graham, none.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. INHOFE:

S. 11. A bill to provide liability protection to volunteer pilot nonprofit organizations that fly for public benefit and to the pilots and staff of such nonprofit organizations, and for other purposes; to the Committee on the Judiciary.

By Mr. REID (for Mr. OBAMA):

S. 2519. A bill to prohibit the awarding of a contract or grant in excess of the simplified acquisition threshold unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that the contractor or grantee has no seriously delinquent tax debts, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. JOHNSON (for himself, Mr. SMITH, and Mr. DORGAN):

S. 2520. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribal governments to transfer the credit for electricity produced from renewable resources; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. SMITH, Mr. AKAKA, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mrs. CLINTON, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mrs. MURRAY, Mr. OBAMA, Mr. SCHUMER, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 2521. A bill to provide benefits to domestic partners of Federal employees; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ROCKEFELLER (for himself, Mr. LIEBERMAN, and Mr. KERRY):

S. 2522. A bill to amend the Social Security Act to guarantee comprehensive health care coverage for all children born after 2008; to the Committee on Finance.

By Mr. KERRY (for himself, Ms. SNOWE, Mr. SANDERS, Mr. DOMENICI, Mr. SCHUMER, Ms. COLLINS, Mr. KENNEDY, and Mr. REED):

S. 2523. A bill to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REID (for Mrs. CLINTON):

S. 2524. A bill to improve the enforcement of the Davis-Bacon Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself and Mr. DURBIN):

S. 2525. A bill to prevent health care facility-acquired infections; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself, Mr. DURBIN, and Mr. KENNEDY):

S. 2526. A bill to protect health care workers and first responders, including police, fire-fighters, emergency medical personnel, and other workers at risk of workplace exposure to infectious agents and drug resistant infections, such as MRSA and pandemic influenza; to the Committee on Health, Education, Labor, and Pensions.

By Mr. FEINGOLD:

S. 2527. A bill to prohibit the obligation or expenditure of funds for the Osprey tiltrotor aircraft; to the Committee on Appropriations.

By Mr. MENENDEZ:

S. 2528. A bill to authorize guarantees for bonds and notes issued for community or economic development purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MENENDEZ (for himself and Mr. BAYH):

S. 2529. A bill to improve disclosures for charitable giving, protect charities, inform consumers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REID (for himself and Mr. BAUCUS):

S. 2530. A bill entitled the "Federal Aviation Administration Extension Act of 2007"; to the Committee on Commerce, Science, and Transportation.

By Mr. MCCONNELL (for himself and Mr. BUNNING):

S. 2531. A bill to amend the Tariff Act of 1930 to revise the antidumping duties and countervailing duties relating to the production of low-enriched uranium, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HAGEL (for himself, Mr. LUGAR, and Ms. MURKOWSKI):

S. Res. 417. A resolution expressing the sense of the Senate that the United States should expand trade opportunities with Mongolia and initiate negotiations to enter into a free trade agreement with Mongolia; to the Committee on Finance.

By Mr. BIDEN:

S. Res. 418. A resolution expressing the sense of the Senate regarding provocative and dangerous statements made by officials of the Government of the Russian Federation concerning the territorial integrity of the Republic of Georgia; to the Committee on Foreign Relations.

By Mr. REID (for Mrs. CLINTON):

S. Con. Res. 63. A concurrent resolution expressing the need for additional research into the chronic neurological condition hydrocephalus, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. Con. Res. 64. A concurrent resolution commending the Alaksa Army National Guard for its service to the State of Alaska and the citizens of the United States; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 38

At the request of Mr. DOMENICI, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 38, a bill to require the Secretary of Veterans Affairs to establish a program for the provision of readjustment and mental health services to veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom, and for other purposes.

S. 261

At the request of Ms. CANTWELL, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 329

At the request of Mr. CRAPO, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 453

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 453, a bill to prohibit deceptive practices in Federal elections.

S. 596

At the request of Mr. GREGG, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 596, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of Internet pharmacies.

S. 714

At the request of Mr. AKAKA, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 714, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 755

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 755, a bill to amend title XIX of the Social Security Act to require States to provide diabetes screening tests under the Medicaid program for adult enrollees with diabetes risk factors, to ensure that States offer a comprehensive package of benefits under that program for individuals with diabetes, and for other purposes.

S. 860

At the request of Mr. SMITH, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 860, a bill to amend title XIX of the Social Security Act to permit States the option to provide Medicaid coverage for low-income individuals infected with HIV.

S. 897

At the request of Ms. MIKULSKI, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 897, a bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers.

S. 911

At the request of Mr. REED, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 1141

At the request of Mr. BINGAMAN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1141, a bill to amend the Internal Revenue Code of 1986 to allow employees not covered by qualified retirement plans to save for retirement through automatic payroll deposit IRAs, to facilitate similar saving by the self-employed, and for other purposes.

S. 1310

At the request of Mr. SCHUMER, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1310, a bill to amend title XVIII of the Social Security Act to provide for an extension of increased payments for ground ambulance services under the Medicare program.

S. 1466

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1466, a bill to amend the Internal Revenue Code of 1986 to exclude property tax rebates and other benefits provided to volunteer firefighters, search and rescue personnel, and emergency medical responders from income and employment taxes and wage withholding.

S. 1593

At the request of Mr. BAYH, his name was added as a cosponsor of S. 1593, a bill to amend the Internal Revenue Code of 1986 to provide tax relief and protections to military personnel, and for other purposes.

S. 1661

At the request of Mr. DORGAN, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1661, a bill to communicate United States travel policies and improve marketing and other activities designed to increase travel in the United States from abroad.

S. 1771

At the request of Mr. PRYOR, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1771, a bill to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, to educate the public about pool and spa safety, and for other purposes.

S. 1981

At the request of Mr. REED, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 1981, a bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.

S. 2042

At the request of Ms. STABENOW, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2042, a bill to authorize the Secretary of Health and Human Services to conduct activities to rapidly advance treatments for spinal muscular atrophy, neuromuscular disease, and other pediatric diseases, and for other purposes.

S. 2058

At the request of Mr. LEVIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 2058, a bill to amend the Commodity Exchange Act to close the Enron loophole, prevent price manipulation and excessive speculation in the trading of energy commodities, and for other purposes.

S. 2059

At the request of Mrs. CLINTON, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 2059, a bill to amend the Family and Medical Leave Act of 1993 to clarify the eligibility requirements with respect to airline flight crews.

S. 2119

At the request of Mr. JOHNSON, the name of the Senator from New Hampshire (Mr. SUNUNU) was added as a cosponsor of S. 2119, a bill to require the Secretary of the Treasury to mint coins in commemoration of veterans who became disabled for life while serving in the Armed Forces of the United States.

S. 2209

At the request of Mr. HATCH, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2209, a bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes.

S. 2279

At the request of Mr. BIDEN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 2279, a bill to combat international violence against women and girls.

S. 2324

At the request of Mrs. MCCASKILL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 2324, a bill to amend the Inspector General Act of 1978 (5 U.S.C. App.) to enhance the Offices of the Inspectors General, to create a Council of the Inspectors General on Integrity and Efficiency, and for other purposes.

S. 2332

At the request of Mr. DORGAN, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 2332, a bill to promote transparency in the adoption of new media ownership rules by the Federal Communications Commission, and to establish an independent panel to make recommendations on how to increase the representation of women and minorities in broadcast media ownership.

S. 2425

At the request of Mrs. HUTCHISON, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2425, a bill to require the Secretary of Transportation and the Secretary of Commerce to submit reports to Congress on the commercial and passenger vehicle traffic at certain points of entry, and for other purposes.

S. 2431

At the request of Mr. BROWN, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Connecticut (Mr. DODD) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 2431, a bill to address emergency shortages in food banks.

S. 2478

At the request of Mr. SUNUNU, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 2478, a bill to designate the facility of the United States Postal Service located at 59 Colby Corner in East Hampstead, New Hampshire, as the "Captain Jonathan D. Grassbaugh Post Office".

S. 2510

At the request of Ms. LANDRIEU, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 2510, a bill to amend the Public Health Service Act to provide revised standards for quality assurance in screening and evaluation of gynecologic cytology preparations, and for other purposes.

S. RES. 389

At the request of Mr. BARRASSO, his name was added as a cosponsor of S. Res. 389, a resolution commemorating the 25th Anniversary of the United States Air Force Space Command headquartered at Peterson Air Force Base, Colorado.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. INHOFE:

S. 11. A bill to provide liability protection to volunteer pilot nonprofit organizations that fly for public benefit and to the pilots and staff of such nonprofit organizations, and for other purposes; to the Committee on the Judiciary.

Mr. INHOFE. Mr. President, as one of the Senate's commercially licensed pilots, I rise to talk about an issue near and dear to my heart—flying. As many in this Chamber know, I love flying and have flown thousands of hours, attended the well-known AirVenture aviation event in Oshkosh, Wisconsin, each year, and even recreated Wiley Post's trip around the world. I have received notable recognition for this beloved hobby.

Today, I am here to acknowledge a group of people who share my love of flying—volunteer pilots. Non-profit, charitable associations called Volunteer Pilot Organizations, VPOs, provide the resources to help these self-sacrificing men and women serve people in need.

There are approximately 40 to 50 VPO's in the United States ranging from small, local groups to large, national associations. Air Charity Network, ACN, is the Nation's largest VPO and has seven member organizations that collectively serve the entire country and perform about 90 percent of all charitable aviation missions in the U.S. ACN's volunteer pilots provide free air transportation for people in need of specialized medical treatment at distant locations due to family, community or national crises. They also step in when commercial air service is not available with middle-of-the-night organ transplant patient flights, disaster response missions evacuating special needs patients, and transport of blood or blood products in emergencies.

ACN and its more than 8,000 volunteer pilots use their own planes, pay for their own fuel, and even take time from their "day" jobs to serve people in need. These Good Samaritans will provide charitable flights for an estimated 24,000 patients this year alone and their safety record is phenomenal. In their more than 30 years of service, the pilots of ACN have flown over 250,000 missions covering over 80 million miles and have never had a fatal accident.

Following the September 11 terrorist attacks, ACN aircraft were the first to be approved to fly in disaster-response teams and supplies. Similarly, in 2005, ACN pilots flew over 2,600 missions after Hurricanes Katrina and Rita, reuniting families torn apart by the disaster and relocating them to safe housing. Their service was invaluable to the thousands of people they saved during these national crises.

Despite this goodwill, there is a loophole in the law that subjects these heroes and charitable organizations to frivolous, costly lawsuits. Currently, although volunteer pilots are required to carry liability insurance, if they have an accident, the injured party can sue for any amount of money—the sky is the limit. It would be up to a jury to decide on an amount. If that amount is higher than the liability limit on a pilot's insurance, then the pilot is at risk of losing their personal investments, home, business and other assets, potentially bringing them financial ruin.

Additionally, the cost of insurance and lack of available non-owned aircraft liability insurance for organizations since the terrorist attacks of September 11 prevents VPOs from acquiring liability protection for their organizations, boards, and staff. Without this insurance, if a volunteer pilot were to have an accident using his or her own aircraft, everyone connected to the organization could be subject to a costly lawsuit, despite the fact that none of those people were directly involved with the dispatch of the flight, the pilot's decisions, or the aircraft itself.

Exposure to this type of risk makes it difficult for these organizations to recruit and retain volunteer pilots and professional staff. It also makes referring medical professionals such as hospitals, doctors, nurses, social workers, and disaster agencies like the American Red Cross, less likely to tell patients or evacuees that charitable medical air transportation is available for fear of a liability suit against them. Instead of focusing on serving people with medical needs, these organizations are spending considerable time and resources averting a lawsuit and recruiting volunteers.

This is why today I am introducing the Volunteer Pilot Organization Protection Act of 2007, which I cosponsored in the last two Congresses, to help close this costly loophole. My bill amends the Volunteer Protection Act of 1997, VPA, which was intended to increase volunteerism in the United States, to include groups such as ACN and the American Red Cross in the list of types of organizations that are currently exempt from liability. More specifically, it will protect volunteer pilot organizations, their boards, paid staff and non-flying volunteers from liability should there be an accident. It will also provide liability protection for individual volunteer pilots over and above the liability insurance that they are currently required to carry, as well as liability protection for the referring agencies who inform their patients of charitable flight services.

Similar legislation was introduced in the Senate in the past several Congresses and passed overwhelmingly in the House in the 108th Congress by a vote of 385–12 and by voice vote in the 109th Congress. Clearly, the Volunteer Pilot Organization Protection Act has significant support. The companion version, H.R. 2191, was introduced in May by my colleague, Congresswoman THELMA DRAKE, with ten original, bipartisan cosponsors.

My bill will go a long way to help eliminate unnecessary liability risk and allow volunteer pilots and the charitable organizations for which they fly to concentrate on what they do best—save lives. Please join me in supporting the Volunteer Pilot Organization Protection Act of 2007.

By Mr. LIEBERMAN (for himself, Mr. SMITH, Mr. AKAKA, Mrs. BOXER, Mr. BROWN, Ms. CANTWELL, Mr. CARDIN, Mrs. CLINTON, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mrs. MURRAY, Mr. OBAMA, Mr. SCHUMER, Mr. WHITEHOUSE, and Mr. WYDEN):

S. 2521. A bill to provide benefits to domestic partners of Federal employees; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise to urge my colleagues to support the domestic Partnership Benefits and Obligations Act of 2007, which my good friend from the other side of the aisle, Senator SMITH, and I introduced last Congress and are introducing again today, along with 19 other cosponsors.

This legislation is another step in the process to make the Federal Government more competitive in an ever-changing business world. It would require the Government to extend employee benefit programs to the same-sex domestic partners of Federal employees. It is sound public policy and it makes excellent business sense.

Under our bill, Federal employee and the employee's domestic partner would be eligible to participate in health benefits, Family and Medical Leave, long-term care, Federal retirement benefits, and other benefits to the same extent that married employees and their spouses participate. Employees and their partners would also assume the same obligations that apply to married employees and their spouses, such as anti-nepotism rules and financial disclosure requirements.

The Federal Government is our Nation's largest employer and should lead other employers, rather than lagging behind, in the quest to provide equal and fair compensation and benefits to all employees. That thousands of Federal workers who have dedicated their careers to public service and who live in committed relationships with same-sex domestic partners receive fewer protections for their families than those married employees is patently unfair and, frankly, makes no economic sense.

Just ask the leaders of more than half of the Fortune 500 companies who already extend employee benefit programs to their employees' domestic partners. The fact is that most of America's major corporations now offer health benefits to employees' domestic partners, up from 25 percent in 2000. Overall, more than 9,700 private-sector companies provide available benefits to employees' domestic partners, as do several hundred State and local governments and colleges and universities.

General Electric, Chevron, Boeing, Texas Instruments, IBM, Raytheon, BP, Hospital Corporation of America, Lockheed Martin, Duke Energy Corp., and AT&T are among the major employers that have recognized the economic benefit of providing for domestic partners. The governments of 13 States—including, I might add, my home State of Connecticut—and about 145 local jurisdictions across the land, as well as multiple educational institutions, have joined the trend. They aren't all doing this just because it is the right thing to do. They are also doing it because it is good business policy.

Non-federal employers have told surveyors that they extend benefits to domestic partners to boost recruitment and retain quality employees—as well as to be fair. The Federal Government needs to compete against the private sector companies to recruit and retain the "best and the brightest," to safeguard the Nation by serving in essential areas such as homeland security, national defense, and environmental protection and to help make sure that American taxpayers get their money's worth. The Government will always be at a definite disadvantage in competing for and retaining highly qualified personnel if it cannot match the domestic-partner benefits programs provided by leading non-federal employers.

Furthermore, coverage of domestic partners adds very little to the total cost of providing employee benefits. Based on the experience of private companies and State and local governments, the Congressional Budget Office has estimated that offering benefits to the same-sex domestic partners of Federal employees would increase the cost of those programs by less than ½ of 1 percent.

Our former ambassador to Romania and Dean of the Foreign Service Institute recently felt obliged to quit the Foreign Service because the State Department does not offer the kind of domestic partnership benefits that this bill would provide. Let me read a line from his farewell speech. He said, ". . . I have felt compelled to choose between obligations to my partner—who is my family—and service to my country. That anyone should have to make that choice is a stain on the Secretary's leadership and a shame for this institution and our country."

Those are powerful and poignant words, and it is a tragedy that a loyal and talented public servant—who described the Foreign Service as the career he was "born for . . . what I was always meant to do"—felt he had to leave the Service because his Federal employee benefits would not enable him to adequately care for the needs of his family.

I call upon my colleagues to express their support for this important legislation. It is time for the Federal Government to catch up to the private sector, not just to set an example but so that it can compete for the most qualified employees and ensure that all of our public servants receive fair and equitable treatment. It makes good economic and policy senses. It is the right thing to do.

Mr. President, I ask unanimous consent that the text of the bill and a bill summary be printed in the RECORD.

S. 2521

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Domestic Partnership Benefits and Obligations Act of 2007".

SEC. 2. BENEFITS TO DOMESTIC PARTNERS OF FEDERAL EMPLOYEES.

(a) IN GENERAL.—An employee who has a domestic partner and the domestic partner of the employee shall be entitled to benefits available to, and shall be subject to obligations imposed upon, a married employee and the spouse of the employee.

(b) CERTIFICATION OF ELIGIBILITY.—In order to obtain benefits and assume obligations under this Act, an employee shall file an affidavit of eligibility for benefits and obligations with the Office of Personnel Management identifying the domestic partner of the employee and certifying that the employee and the domestic partner of the employee—

(1) are each other's sole domestic partner and intend to remain so indefinitely;

(2) have a common residence, and intend to continue the arrangement;

(3) are at least 18 years of age and mentally competent to consent to contract;

(4) share responsibility for a significant measure of each other's common welfare and financial obligations;

(5) are not married to or domestic partners with anyone else;

(6) are same sex domestic partners, and not related in a way that, if the 2 were of opposite sex, would prohibit legal marriage in the State in which they reside; and

(7) understand that willful falsification of information within the affidavit may lead to disciplinary action and the recovery of the cost of benefits received related to such falsification and may constitute a criminal violation.

(c) DISSOLUTION OF PARTNERSHIP.—

(1) IN GENERAL.—An employee or domestic partner of an employee who obtains benefits under this Act shall file a statement of dissolution of the domestic partnership with the Office of Personnel Management not later than 30 days after the death of the employee or the domestic partner or the date of dissolution of the domestic partnership.

(2) DEATH OF EMPLOYEE.—In a case in which an employee dies, the domestic partner of the employee at the time of death shall receive under this Act such benefits as would be received by the widow or widower of an employee.

(3) OTHER DISSOLUTION OF PARTNERSHIP.—

(A) IN GENERAL.—In a case in which a domestic partnership dissolves by a method other than death of the employee or domestic partner of the employee, any benefits received by the domestic partner as a result of this Act shall terminate.

(B) EXCEPTION.—In a case in which a domestic partnership dissolves by a method other than death of the employee or domestic partner of the employee, the former domestic partner of the employee shall be entitled to benefits available to, and shall be subject to obligations imposed upon, a former spouse.

(d) STEPCHILDREN.—For purposes of affording benefits under this Act, any natural or adopted child of a domestic partner of an employee shall be deemed a stepchild of the employee.

(e) CONFIDENTIALITY.—Any information submitted to the Office of Personnel Management under subsection (b) shall be used solely for the purpose of certifying an individual's eligibility for benefits under subsection (a).

(f) REGULATIONS AND ORDERS.—

(1) OFFICE OF PERSONNEL MANAGEMENT.—Not later than 6 months after the date of enactment of this Act, the Office of Personnel Management shall promulgate regulations to implement section 2 (b) and (c).

(2) OTHER EXECUTIVE BRANCH REGULATIONS.—Not later than 6 months after the date of enactment of this Act, the President or designees of the President shall promulgate regulations to implement this Act with respect to benefits and obligations administered by agencies or other entities of the executive branch.

(3) OTHER REGULATIONS AND ORDERS.—Not later than 6 months after the date of enactment of this Act, each agency or other entity or official not within the executive branch that administers a program providing benefits or imposing obligations shall promulgate regulations or orders to implement this Act with respect to the program.

(4) PROCEDURE.—Regulations and orders required under this subsection shall be promulgated after notice to interested persons and an opportunity for comment.

(g) DEFINITIONS.—In this Act:

(1) BENEFITS.—The term "benefits" means—

(A) health insurance and enhanced dental and vision benefits, as provided under chapters 89, 89A, and 89B of title 5, United States Code;

(B) retirement and disability benefits and plans, as provided under—

(i) chapters 83 and 84 of title 5, United States Code;

(ii) chapter 8 of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.); and

(iii) the Central Intelligence Agency Retirement Act of 1964 for Certain Employees (50 U.S.C. chapter 38);

(C) family, medical, and emergency leave, as provided under—

(i) subchapters III, IV, and V of chapter 63 of title 5, United States Code;

(ii) the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), insofar as that Act applies to the Government Accountability Office and the Library of Congress;

(iii) section 202 of the Congressional Accountability Act of 1995 (2 U.S.C. 1312); and

(iv) section 412 of title 3, United States Code;

(D) Federal group life insurance, as provided under chapter 87 of title 5, United States Code;

(E) long-term care insurance, as provided under chapter 90 of title 5, United States Code;

(F) compensation for work injuries, as provided under chapter 81 of title 5, United States Code;

(G) benefits for disability, death, or captivity, as provided under—

(i) sections 5569 and 5570 of title 5, United States Code;

(ii) section 413 of the Foreign Service Act of 1980 (22 U.S.C. 3973);

(iii) part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796 et seq.), insofar as that part applies to any employee; and

(H) travel, transportation, and related payments and benefits, as provided under—

(i) chapter 57 of title 5, United States Code;

(ii) chapter 9 of the Foreign Service Act of 1980 (22 U.S.C. 4081 et seq.); and

(iii) section 1599b of title 10, United States Code; and

(I) any other benefit similar to a benefit described under subparagraphs (A) through (H) provided by or on behalf of the United States to any employee.

(2) DOMESTIC PARTNER.—The term "domestic partner" means an adult unmarried person living with another adult unmarried person of the same sex in a committed, intimate relationship.

(3) EMPLOYEE.—The term "employee"—

(A) means an officer or employee of the United States or of any department, agency, or other entity of the United States, including the President of the United States, the Vice President of the United States, a Member of Congress, or a Federal judge; and

(B) shall not include a member of the uniformed services.

(4) OBLIGATIONS.—The term "obligations" means any duties or responsibilities with respect to Federal employment that would be incurred by a married employee or by the spouse of an employee.

(5) UNIFORMED SERVICES.—The term "uniformed services" has the meaning given under section 2101(3) of title 5, United States Code.

SEC. 3. EFFECTIVE DATE.

This Act including the amendments made by this Act shall—

(1) with respect to the provision of benefits and obligations, take effect 6 months after the date of enactment of this Act; and

(2) apply to any individual who is employed as an employee on or after the date of enactment of this Act.

DOMESTIC PARTNERSHIP BENEFITS AND OBLIGATIONS ACT OF 2007

SUMMARY

Under the Domestic Partnership Benefits and Obligations Act of 2007, federal employees who have same-sex domestic partners will be entitled to the same employment benefits that are available to married federal employees and their spouses. Federal employees and their domestic partners will also be subject to the same employment-related obligations that are imposed on married employees and their spouses.

In order to obtain benefits and assume obligations, an employee must file an affidavit of eligibility with the Office of Personnel Management (OPM). The employee must certify that the employee and the employee's same-sex domestic partner have a common residence, share responsibility for each other's welfare and financial responsibilities, are not related by blood, and are living together in a committed intimate relationship. They must also certify that, as each other's sole domestic partner, they intend to remain so indefinitely. If a domestic partnership dissolves, whether by death of the domestic partner or otherwise, the employee must file a statement of dissolution with OPM within 30 days.

Employees and their domestic partners will have the same benefits as married employees and their spouses under—

Employee health benefits.

Retirement and disability plans.

Family, medical, and emergency leave.

Group life insurance.

Long-term care insurance.

Compensation for work injuries.

Death, disability, and similar benefits.

Relocation, travel, and related expenses.

For purposes of these benefits, any natural or adopted child of the domestic partner will be treated as a stepchild of the employee.

The employee and the employee's domestic partner will also become subject to the same duties and responsibilities with respect to federal employment that apply to a married employee and the employee's spouse. These will include, for example, anti-nepotism rules and financial disclosure requirements.

The Act will apply with respect to those federal employees who are employed on the date of enactment or who become employed on or after that date.

Mr. SMITH. Mr. President, I am very pleased to join my colleague, Senator LIEBERMAN, today to introduce legislation that will entitle Federal employees with same-sex domestic partners to the same employment benefits that are available to married Federal employees and their spouses and families. Under the Domestic Partnership Benefits and Obligations Act of 2007, employees and their domestic partners would have similar access to employee health benefits, retirement, and disability plans, family medical and emergency leave, group life and long-term care insurance, compensation for work injuries, death and disability benefits, and relocation and travel expenses.

More and more American corporations, as well as State and local governments, are offering domestic partner benefits. Approximately half of Fortune 500 companies now offer health benefits to employees' domestic partners. That is up from 25 percent in 2000. In all, more than 9,700 private companies as well as several hundred State and local government and universities and colleges offer these benefits.

Private and governmental employers are offering domestic partner benefits for a variety of reasons. Chief among these reasons are recruitment and retention of employees. To be competitive, companies want to attract and retain the best and the brightest in the workforce regardless of their family status. Offering work-life benefits has been an important tool to retain valuable employees. In addition, more employers providing domestic partner benefits may result in a more stable workforce. If an employee's domestic partner has access to preventative health care, the employee is less likely to take prolonged absences from the job to care for their partner.

While all these reasons are meritorious, we introduced this legislation as a matter of equality. It is just the right thing to do. The Federal Government should lead by example and that should start with equal treatment of all employees.

Recently, a top State Department employee and former Ambassador to Romania, Michael Guest, announced his decision to leave Government service. At his retirement ceremony, Ambassador Guest stated, "Most departing ambassadors use these events to talk about their successes . . . But I want to talk about my single failure, the failure that in fact is causing me to leave the career that I love." The failure which Mike spoke of was his inability to convince the Federal Government to extend employee benefits to same-sex couples. Because the Federal Government does not offer domestic partner benefits, Ambassador Guest explained that he "felt compelled to choose between obligations to my partner—who is my family—and service to my country."

This legislation will help to ensure that no other Federal employee, like Ambassador Guest, will be faced with a similar dilemma—that is, a choice between one's family or service to their country.

Mr. LEAHY. Mr. President, I am proud to cosponsor the Domestic Partnership Benefits and Obligations Act of 2007, being introduced today by Senators LIEBERMAN and SMITH. I cosponsored this legislation in the last Congress and I am pleased to do so again.

This important legislation would provide domestic partners of Federal employees the same protections and benefits afforded to spouses of Federal employees. These benefits, available for both same and opposite-sex domestic partners of Federal employees, would include participation in applicable retirement programs, compensation for work injuries and insurance benefits, including life, Family and Medical Leave and health insurance.

Equal pay for equal work is a cornerstone of our country's bedrock principles, and so too should equal access to important benefits. Insurance benefits, work incentives and retirement options comprise a significant portion of all employee compensation. By not offering domestic partnership benefits to its employees, the Federal government is unfairly withholding these valuable options from dedicated employees across the country.

The idea that benefits should be extended to same sex couples has become increasingly prevalent in America's largest and most successful companies, state and local governments, and in educational institutions. Over half of all Fortune 500 companies provide domestic partner benefits to their employees, up from just 25 percent in 2000. Offering domestic partnership benefits to Federal employees would improve the quality of its workforce, demonstrate its commitment to fairness and equality for all Americans, and bring the Government in line with some of the Nation's largest employers.

Providing benefits to domestic partners of Federal employees is long overdue. It is the right thing to do, it is the sensible step to take in the interest of having a fair and consistent policy, and I hope that the Senate will act quickly on this important legislation.

Mr. ROCKEFELLER (for himself, Mr. LIEBERMAN, and Mr. KERRY):

S. 2522. A bill to amend the Social Security Act to guarantee comprehensive health care coverage for all children born after 2008; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, I rise today to introduce an important piece of legislation, the MediKids Health Insurance Act of 2007. This legislation will provide health insurance for every child in the U.S. by 2014, regardless of family income. My longtime friend from California, Congressman STARK, introduced companion legislation earlier this year in the House. He has worked tirelessly to improve access to health care for all Americans, and I am pleased to join him once again to advocate on behalf of America's children.

This past year, the majority in Congress made it clear that improving health care access for children was a priority. I proudly worked with my colleagues in a truly bipartisan fashion to reauthorize and expand the Children's Health Insurance Program, CHIP, to meet the serious health care needs of children in a very cost-effective manner. This legislation, which had the support of Democrats and Republicans in both chambers of Congress, would have maintained health insurance coverage for the over 6 million children currently enrolled and expanded health insurance coverage to an additional 4 million uninsured children. Unfortunately, the President, in vetoing this legislation not once, but twice, has shown the nation that providing health insurance to children is simply not a priority. I am outraged by the President's decision to veto this legislation multiple times, but I remain committed to making health insurance a reality for all children.

Congressman STARK and I have introduced our MediKids legislation in each of the last four Congresses because we know how vital health insurance is to a child. Children with untreated illnesses are more likely to miss school, leaving them at a disadvantage both in their health and education. Also, parents with sick children must miss work to care for them. These factors make it less likely uninsured children will move out of poverty and present significant barriers to becoming productive members of society. We can have a positive impact on our children's lives today, as well as tomorrow, by guaranteeing health insurance coverage for all. Children are inexpensive to insure, but the rewards for providing them with health care during their early education and development years are invaluable.

Despite the well-documented benefits of providing health insurance coverage for children, according to the Kaiser Family Foundation, there are still over 9 million uninsured children in America. We can and must do better. Our children are our future. No child in this country should ever be without access to health care. This is why I am proud to reintroduce the MediKids Health Insurance Act.

This legislation is a clear investment in our future—our children. Every child would be automatically enrolled at birth into a new, comprehensive federal safety net health insurance program beginning in 2009. The benefits would be tailored to meet the needs of children and would be similar to those currently avable to chldren through the Medicaid Early and Periodic Screening, Diagnosis, and Treatment, EPSDT, program. Families below 150 percent of poverty would pay no premiums or copayments, while those between 150 and 300 percent of poverty would pay graduated premiums up to 5 percent of income and a graduated refundable tax credit for cost sharing. Families above 300 percent of poverty would pay a small premium equivalent to ¼ of the average annual cost per child. There would be no cost sharing for preventive or well-child visits for any child.

MediKids children would remain enrolled in the program throughout childhood. When families move to another state, Medikids would be available until parents enroll their children in a new insurance program. Between jobs or during family crises, Medikids would offer extra security and ensure continuous health coverage to our Nation's children. During the critical period when a family climbs out of poverty and out of the eligibility range for means-tested assistance programs, MediKids would fill in the gaps as parents move into jobs that provide reliable health insurance coverage. Our program rests on the premise that whenever other sources of health insurance fail, MediKids would stand ready to cover the health needs of our next generation. Ultimately, every child in America would grow up with consistent, continuous health insurance coverage.

Like Medicare, MediKids would be independently financed, would cover benefits taylored to the needs of its target population, and would have the goal of achieving nearly 100 percent health insurance coverage for the children of this country just as Medicare has done for our Nation's seniors and individuals with disabilities throughout its more than 40-year history. When Congress created Medicare in 1965, seniors were more likely to be living in poverty than any other age group. Most were unable to afford needed medical services and unable to find health insurance in the market even if they could afford it. Today, it is our Nation's children who shoulder that burden of poverty.

Children in America are nearly twice as vulnerable to poverty as adults. It is time we make a significant investment in the future of America by guaranteeing all children the health coverage they need to get a healthy start in life.

Congress cannot rest on the success we achieved by expanding Medicaid and passing the Children's Health Insurance Program. Although each was a remarkable step toward reducing the ranks of the uninsured, particularly uninsured children, we still have a long way to go, as is evidenced by the millions of children who are still uninsured.

It's long past time to rekindle the discussion about how to provide health insurance for all Americans. Americans have told us loud and clear that they want leadership in solving the health insurance crisis. The bill I am introducing today—the MediKids Health Insurance Act of 2007—is a comprehensive approach toward eliminating the irrational and tragic lack of health insurance for so many children in our country. I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2522

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; FINDINGS.

(a) SHORT TITLE.—This Act may be cited as the "MediKids Health Insurance Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; findings.
Sec. 2. Benefits for all children born after 2008.

"TITLE XXII—MEDIKIDS PROGRAM

"Sec. 2201. Eligibility.
"Sec. 2202. Benefits.
"Sec. 2203. Premiums.
"Sec. 2204. MediKids Trust Fund.
"Sec. 2205. Oversight and accountability.
"Sec. 2206. Inclusion of care coordination services.
"Sec. 2207. Administration and miscellaneous.
Sec. 3. MediKids premium.
Sec. 4. Refundable credit for certain cost-sharing expenses under MediKids program.
Sec. 5. Report on long-term revenues.

(c) FINDINGS.—Congress finds the following:

(1) More than 9 million American children are uninsured.

(2) Children who are uninsured receive less medical care and less preventive care and have a poorer level of health, which result in lifetime costs to themselves and to the entire American economy.

(3) Although SCHIP and Medicaid are successfully extending a health coverage safety net to a growing portion of the vulnerable low-income population of uninsured children, they alone cannot achieve 100 percent health insurance coverage for our nation's children due to inevitable gaps during outreach and enrollment, fluctuations in eligibility, variations in access to private insurance at all income levels, and variations in States' ability to provide required matching funds.

(4) As all segments of society continue to become more transient, with many changes in employment over the working lifetime of parents, the need for a reliable safety net of health insurance which follows children across State lines, already a major problem for the children of migrant and seasonal farmworkers, will become a major concern for all families in the United States.

(5) The medicare program has successfully evolved over the years to provide a stable, universal source of health insurance for the nation's disabled and those over age 65, and provides a tested model for designing a program to reach out to America's children.

(6) The problem of insuring 100 percent of all American children could be gradually solved by automatically enrolling all children born after December 31, 2008, in a program modeled after Medicare (and to be known as "MediKids"), and allowing those children to be transferred into other equivalent or better insurance programs, including either private insurance, SCHIP, or Medicaid, if they are eligible to do so, but maintaining the child's default enrollment in MediKids for any times when the child's access to other sources of insurance is lost.

(7) A family's freedom of choice to use other insurers to cover children would not be interfered with in any way, and children eligible for SCHIP and Medicaid would continue to be enrolled in those programs, but the underlying safety net of MediKids would always be available to cover any gaps in insurance due to changes in medical condition, employment, income, or marital status, or other changes affecting a child's access to alternate forms of insurance.

(8) The MediKids program can be administered without impacting the finances or status of the existing Medicare program.

(9) The MediKids benefit package can be tailored to the special needs of children and updated over time.

(10) The financing of the program can be administered without difficulty by a yearly payment of affordable premiums through a family's tax filing (or adjustment of a family's earned income tax credit).

(11) The cost of the program will gradually rise as the number of children using MediKids as the insurer of last resort increases, and a future Congress always can accelerate or slow down the enrollment process as desired, while the societal costs for emergency room usage, lost productivity and work days, and poor health status for the next generation of Americans will decline.

(12) Over time 100 percent of American children will always have basic health insurance, and we can therefore expect a healthier, more equitable, and more productive society.

SEC. 2. BENEFITS FOR ALL CHILDREN BORN AFTER 2008.

(a) In General.—The Social Security Act is amended by adding at the end the following new title:

"TITLE XXII—MEDIKIDS PROGRAM

"SEC. 2201. ELIGIBILITY.

"(a) Eligibility of Individuals Born After December 31, 2008; All Children Under 23 Years of Age in Fifth Year.—An individual who meets the following requirements with respect to a month is eligible to enroll under this title with respect to such month:

"(1) Age.—

"(A) First year.—As of the first day of the first year in which this title is effective, the individual has not attained 6 years of age.

"(B) Second year.—As of the first day of the second year in which this title is effective, the individual has not attained 11 years of age.

"(C) Third year.—As of the first day of the third year in which this title is effective, the individual has not attained 16 years of age.

"(D) Fourth year.—As of the first day of the fourth year in which this title is effective, the individual has not attained 21 years of age.

"(E) Fifth and subsequent years.—As of the first day of the fifth year in which this title is effective and each subsequent year, the individual has not attained 23 years of age.

"(2) Citizenship.—The individual is a citizen or national of the United States or is permanently residing in the United States under color of law.

"(b) Enrollment Process.—An individual may enroll in the program established under this title only in such manner and form as may be prescribed by regulations, and only during an enrollment period prescribed by the Secretary consistent with the provisions of this section. Such regulations shall provide a process under which—

"(1) individuals who are born in the United States after December 31, 2008, are deemed to be enrolled at the time of birth and a parent or guardian of such an individual is permitted to pre-enroll in the month prior to the expected month of birth;

"(2) individuals who are born outside the United States after such date and who become eligible to enroll by virtue of immigration into (or an adjustment of immigration status in) the United States are deemed enrolled at the time of entry or adjustment of status;

"(3) eligible individuals may otherwise be enrolled at such other times and manner as the Secretary shall specify, including the use of outstationed eligibility sites as described in section 1902(a)(55)(A) and the use of presumptive eligibility provisions like those described in section 1920A; and

"(4) at the time of automatic enrollment of a child, the Secretary provides for issuance to a parent or custodian of the individual a card evidencing coverage under this title and for a description of such coverage.

The provisions of section 1837(h) apply with respect to enrollment under this title in the same manner as they apply to enrollment under part B of title XVIII. An individual who is enrolled under this title is not eligible to be enrolled under an MA or MA-PD plan under part C of title XVIII.

"(c) Date Coverage Begins.—

"(1) In general.—The period during which an individual is entitled to benefits under this title shall begin as follows, but in no case earlier than January 1, 2009:

"(A) In the case of an individual who is enrolled under paragraph (1) or (2) of subsection (b), the date of birth or date of obtaining appropriate citizenship or immigration status, as the case may be.

"(B) In the case of another individual who enrolls (including pre-enrolls) before the month in which the individual satisfies eligibility for enrollment under subsection (a), the first day of such month of eligibility.

"(C) In the case of another individual who enrolls during or after the month in which the individual first satisfies eligibility for enrollment under such subsection, the first day of the following month.

"(2) Authority to provide for partial months of coverage.—Under regulations, the Secretary may, in the Secretary's discretion, provide for coverage periods that include portions of a month in order to avoid lapses of coverage.

"(3) Limitation on payments.—No payments may be made under this title with respect to the expenses of an individual enrolled under this title unless such expenses were incurred by such individual during a period which, with respect to the individual, is a coverage period under this section.

"(d) Expiration of Eligibility.—An individual's coverage period under this section shall continue until the individual's enrollment has been terminated because the individual no longer meets the requirements of subsection (a) (whether because of age or change in immigration status).

"(e) Entitlement to MediKids Benefits for Enrolled Individuals.—An individual enrolled under this title is entitled to the benefits described in section 2202.

"(f) Low-Income Information.—

"(1) Inquiry of income.—At the time of enrollment of a child under this title, the Secretary shall make an inquiry as to whether the family income (as determined for purposes of section 1905(p)) of the family that includes the child is within any of the following income ranges:

"(A) Up to 150 percent of poverty.—The income of the family does not exceed 150 percent of the poverty line for a family of the size involved.

"(B) Between 150 and 200 percent of poverty.—The income of the family exceeds 150 percent, but does not exceed 200 percent, of such poverty line.

"(C) Between 200 and 300 percent of poverty.—The income of the family exceeds 200 percent, but does not exceed 300 percent, of such poverty line.

"(2) Coding.—If the family income is within a range described in paragraph (1), the Secretary shall encode in the identification card issued in connection with eligibility under this title a code indicating the range applicable to the family of the child involved.

"(3) Provider verification through electronic system.—The Secretary also shall provide for an electronic system through which providers may verify which income range described in paragraph (1), if any, is applicable to the family of the child involved.

"(g) Construction.—Nothing in this title shall be construed as requiring (or preventing) an individual who is enrolled under this title from seeking medical assistance under a State medicaid plan under title XIX or child health assistance under a State child health plan under title XXI.

"SEC. 2202. BENEFITS.

"(a) Secretarial Specification of Benefit Package.—

"(1) In general.—The Secretary shall specify the benefits to be made available under this title consistent with the provisions of this section and in a manner designed to meet the health needs of enrollees.

"(2) Updating.—The Secretary shall update the specification of benefits over time to ensure the inclusion of age-appropriate benefits to reflect the enrollee population.

"(3) Annual updating.—The Secretary shall establish procedures for the annual review and updating of such benefits to account for changes in medical practice, new information from medical research, and other relevant developments in health science.

"(4) Input.—The Secretary shall seek the input of the pediatric community in specifying and updating such benefits.

"(5) Limitation on updating.—In no case shall updating of benefits under this subsection result in a failure to provide benefits required under subsection (b).

"(b) Inclusion of Certain Benefits.—

"(1) Medicare core benefits.—Such benefits shall include (to the extent consistent with other provisions of this section) at least the same benefits (including coverage, access, availability, duration, and beneficiary rights) that are available under parts A and B of title XVIII.

"(2) All required medicaid benefits.—Such benefits shall also include all items and services for which medical assistance is required to be provided under section 1902(a)(10)(A) to individuals described in such section, including early and periodic screening, diagnostic services, and treatment services.

"(3) Inclusion of prescription drugs.—Such benefits also shall include (as specified by the Secretary) benefits for prescription drugs and biologicals which are not less than the benefits for such drugs and biologicals under the standard option for the service benefit plan described in section 8903(1) of title 5, United States Code, offered during 2007.

"(4) Cost-sharing.—

"(A) In general.—Subject to subparagraph (B), such benefits also shall include the cost-sharing (in the form of deductibles, coinsurance, and copayments) which is substantially similar to such cost-sharing under the health benefits coverage in any of the four largest health benefits plans (determined by enrollment) offered under chapter 89 of title 5, United States Code, and including an out-of-pocket limit for catastrophic expenditures for covered benefits, except that no cost-sharing shall be imposed with respect to early and periodic screening and diagnostic services included under paragraph (2).

"(B) Reduced cost-sharing for low income children.—Such benefits shall provide that—

"(i) there shall be no cost-sharing for children in families the income of which is within the range described in section 2201(f)(1)(A);

"(ii) the cost-sharing otherwise applicable shall be reduced by 75 percent for children in families the income of which is within the range described in section 2201(f)(1)(B); or

"(iii) the cost-sharing otherwise applicable shall be reduced by 50 percent for children in families the income of which is within the range described in section 2201(f)(1)(C).

"(C) Catastrophic limit on cost-sharing.—For a refundable credit for cost-sharing in the case of cost-sharing in excess of a percentage of the individual's adjusted gross income, see section 36 of the Internal Revenue Code of 1986.

"(c) Payment Schedule.—The Secretary, with the assistance of the Medicare Payment Advisory Commission, shall develop and implement a payment schedule for benefits covered under this title. To the extent feasible, such payment schedule shall be consistent with comparable payment schedules and reimbursement methodologies applied under parts A and B of title XVIII.

"(d) INPUT.—The Secretary shall specify such benefits and payment schedules only after obtaining input from appropriate child health providers and experts.

"(e) ENROLLMENT IN HEALTH PLANS.—The Secretary shall provide for the offering of benefits under this title through enrollment in a health benefit plan that meets the same (or similar) requirements as the requirements that apply to Medicare Advantage plans under part C of title XVIII (other than any such requirements that relate to part D of such title). In the case of individuals enrolled under this title in such a plan, the payment rate shall be based on payment rates provided for under section 1853(c) in effect before the date of the enactment of the Medicare Prescription Drug, Modernization, and Improvement Act of 2003 (Public Law 108–173), except that such payment rates shall be adjusted in an appropriate manner to reflect differences between the population served under this title and the population under title XVIII.

"SEC. 2203. PREMIUMS.

"(a) AMOUNT OF MONTHLY PREMIUMS.—

"(1) IN GENERAL.—The Secretary shall, during September of each year (beginning with 2008), establish a monthly MediKids premium for the following year. Subject to paragraph (2), the monthly MediKids premium for a year is equal to 1/12 of the annual premium rate computed under subsection (b).

"(2) ELIMINATION OF MONTHLY PREMIUM FOR DEMONSTRATION OF EQUIVALENT COVERAGE (INCLUDING COVERAGE UNDER LOW-INCOME PROGRAMS).—The amount of the monthly premium imposed under this section for an individual for a month shall be zero in the case of an individual who demonstrates to the satisfaction of the Secretary that the individual has basic health insurance coverage for that month. For purposes of the previous sentence enrollment in a medicaid plan under title XIX, a State child health insurance plan under title XXI, or under the medicare program under title XVIII is deemed to constitute basic health insurance coverage described in such sentence.

"(b) ANNUAL PREMIUM.—

"(1) NATIONAL PER CAPITA AVERAGE.—The Secretary shall estimate the average, annual per capita amount that would be payable under this title with respect to individuals residing in the United States who meet the requirement of section 2201(a)(1) as if all such individuals were eligible for (and enrolled) under this title during the entire year (and assuming that section 1862(b)(2)(A)(i) did not apply).

"(2) ANNUAL PREMIUM.—Subject to subsection (d), the annual premium under this subsection for months in a year is equal to 25 percent of the average, annual per capita amount estimated under paragraph (1) for the year.

"(c) PAYMENT OF MONTHLY PREMIUM.—

"(1) PERIOD OF PAYMENT.—In the case of an individual who participates in the program established by this title, subject to subsection (d), the monthly premium shall be payable for the period commencing with the first month of the individual's coverage period and ending with the month in which the individual's coverage under this title terminates.

"(2) COLLECTION THROUGH TAX RETURN.—For provisions providing for the payment of monthly premiums under this subsection, see section 59B of the Internal Revenue Code of 1986.

"(3) PROTECTIONS AGAINST FRAUD AND ABUSE.—The Secretary shall develop, in coordination with States and other health insurance issuers, administrative systems to ensure that claims which are submitted to more than one payor are coordinated and duplicate payments are not made.

"(d) REDUCTION IN PREMIUM FOR CERTAIN LOW-INCOME FAMILIES.—For provisions reducing the premium under this section for certain low-income families, see section 59B(d) of the Internal Revenue Code of 1986.

"SEC. 2204. MEDIKIDS TRUST FUND.

"(a) ESTABLISHMENT OF TRUST FUND.—

"(1) IN GENERAL.—There is hereby created on the books of the Treasury of the United States a trust fund to be known as the 'MediKids Trust Fund' (in this section referred to as the 'Trust Fund'). The Trust Fund shall consist of such gifts and bequests as may be made as provided in section 201(i)(1) and such amounts as may be deposited in, or appropriated to, such fund as provided in this title.

"(2) PREMIUMS.—Premiums collected under section 59B of the Internal Revenue Code of 1986 shall be periodically transferred to the Trust Fund.

"(3) TRANSITIONAL FUNDING BEFORE RECEIPT OF PREMIUMS.—In order to provide for funds in the Trust Fund to cover expenditures from the fund in advance of receipt of premiums under section 2203, there are transferred to the Trust Fund from the general fund of the United States Treasury such amounts as may be necessary.

"(b) INCORPORATION OF PROVISIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), subsection (b) (other than the last sentence) and subsections (c) through (i) of section 1841 shall apply with respect to the Trust Fund and this title in the same manner as they apply with respect to the Federal Supplementary Medical Insurance Trust Fund and part B, respectively.

"(2) MISCELLANEOUS REFERENCES.—In applying provisions of section 1841 under paragraph (1)—

"(A) any reference in such section to 'this part' is construed to refer to title XXII;

"(B) any reference in section 1841(h) to section 1840(d) and in section 1841(i) to sections 1840(b)(1) and 1842(g) are deemed references to comparable authority exercised under this title;

"(C) payments may be made under section 1841(g) to the Trust Funds under sections 1817 and 1841 as reimbursement to such funds for payments they made for benefits provided under this title; and

"(D) the Board of Trustees of the MediKids Trust Fund shall be the same as the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund.

"SEC. 2205. OVERSIGHT AND ACCOUNTABILITY.

"(a) PERIODIC GAO REPORTS.—The Comptroller General of the United States shall periodically submit to Congress reports on the operation of the program under this title, including on the financing of coverage provided under this title.

"(b) PERIODIC MEDPAC REPORTS.—The Medicare Payment Advisory Commission shall periodically report to Congress concerning the program under this title.

"SEC. 2206. INCLUSION OF CARE COORDINATION SERVICES.

"(a) IN GENERAL.—

"(1) PROGRAM AUTHORITY.—The Secretary, beginning in 2009, may implement a care coordination services program in accordance with the provisions of this section under which, in appropriate circumstances, eligible individuals under section 2201 may elect to have health care services covered under this title managed and coordinated by a designated care coordinator.

"(2) ADMINISTRATION BY CONTRACT.—The Secretary may administer the program under this section through a contract with an appropriate program administrator.

"(3) COVERAGE.—Care coordination services furnished in accordance with this section shall be treated under this title as if they were included in the definition of medical and other health services under section 1861(s) and benefits shall be available under this title with respect to such services without the application of any deductible or coinsurance.

"(b) ELIGIBILITY CRITERIA; IDENTIFICATION AND NOTIFICATION OF ELIGIBLE INDIVIDUALS.—

"(1) INDIVIDUAL ELIGIBILITY CRITERIA.—The Secretary shall specify criteria to be used in making a determination as to whether an individual may appropriately be enrolled in the care coordination services program under this section, which shall include at least a finding by the Secretary that for cohorts of individuals with characteristics identified by the Secretary, professional management and coordination of care can reasonably be expected to improve processes or outcomes of health care and to reduce aggregate costs to the programs under this title.

"(2) PROCEDURES TO FACILITATE ENROLLMENT.—The Secretary shall develop and implement procedures designed to facilitate enrollment of eligible individuals in the program under this section.

"(c) ENROLLMENT OF INDIVIDUALS.—

"(1) SECRETARY'S DETERMINATION OF ELIGIBILITY.—The Secretary shall determine the eligibility for services under this section of individuals who are enrolled in the program under this section and who make application for such services in such form and manner as the Secretary may prescribe.

"(2) ENROLLMENT PERIOD.—

"(A) EFFECTIVE DATE AND DURATION.—Enrollment of an individual in the program under this section shall be effective as of the first day of the month following the month in which the Secretary approves the individual's application under paragraph (1), shall remain in effect for one month (or such longer period as the Secretary may specify), and shall be automatically renewed for additional periods, unless terminated in accordance with such procedures as the Secretary shall establish by regulation. Such procedures shall permit an individual to disenroll for cause at any time and without cause at re-enrollment intervals.

"(B) LIMITATION ON REENROLLMENT.—The Secretary may establish limits on an individual's eligibility to reenroll in the program under this section if the individual has disenrolled from the program more than once during a specified time period.

"(d) PROGRAM.—The care coordination services program under this section shall include the following elements:

"(1) BASIC CARE COORDINATION SERVICES.—

"(A) IN GENERAL.—Subject to the cost-effectiveness criteria specified in subsection (b)(1), except as otherwise provided in this section, enrolled individuals shall receive services described in section 1905(t)(1) and may receive additional items and services as described in subparagraph (B).

"(B) ADDITIONAL BENEFITS.—The Secretary may specify additional benefits for which payment would not otherwise be made under this title that may be available to individuals enrolled in the program under this section (subject to an assessment by the care coordinator of an individual's circumstance and need for such benefits) in order to encourage enrollment in, or to improve the effectiveness of, such program.

"(2) CARE COORDINATION REQUIREMENT.—Notwithstanding any other provision of this title, the Secretary may provide that an individual enrolled in the program under this section may be entitled to payment under this title for any specified health care items or services only if the items or services have been furnished by the care coordinator, or coordinated through the care coordination services program. Under such provision, the Secretary shall prescribe exceptions for emergency medical services as described in section 1852(d)(3), and other exceptions determined by the Secretary for the delivery of timely and needed care.

"(e) CARE COORDINATORS.—

"(1) CONDITIONS OF PARTICIPATION.—In order to be qualified to furnish care coordination services under this section, an individual or entity shall—

"(A) be a health care professional or entity (which may include physicians, physician group practices, or other health care professionals or entities the Secretary may find appropriate) meeting such conditions as the Secretary may specify;

"(B) have entered into a care coordination agreement; and

"(C) meet such criteria as the Secretary may establish (which may include experience in the provision of care coordination or primary care physician's services).

"(2) AGREEMENT TERM; PAYMENT.—

"(A) DURATION AND RENEWAL.—A care coordination agreement under this subsection shall be for one year and may be renewed if the Secretary is satisfied that the care coordinator continues to meet the conditions of participation specified in paragraph (1).

"(B) PAYMENT FOR SERVICES.—The Secretary may negotiate or otherwise establish payment terms and rates for services described in subsection (d)(1).

"(C) LIABILITY.—Care coordinators shall be subject to liability for actual health damages which may be suffered by recipients as a result of the care coordinator's decisions, failure or delay in making decisions, or other actions as a care coordinator.

"(D) TERMS.—In addition to such other terms as the Secretary may require, an agreement under this section shall include the terms specified in subparagraphs (A) through (C) of section 1905(t)(3).

"SEC. 2207. ADMINISTRATION AND MISCELLANEOUS.

"(a) IN GENERAL.—Except as otherwise provided in this title—

"(1) the Secretary shall enter into appropriate contracts with providers of services, other health care providers, carriers, and fiscal intermediaries, taking into account the types of contracts used under title XVIII with respect to such entities, to administer the program under this title;

"(2) beneficiary protections for individuals enrolled under this title shall not be less than the beneficiary protections (including limits on balance billing) provided medicare beneficiaries under title XVIII;

"(3) benefits described in section 2202 that are payable under this title to such individuals shall be paid in a manner specified by the Secretary (taking into account, and based to the greatest extent practicable upon, the manner in which they are provided under title XVIII); and

"(4) provider participation agreements under title XVIII shall apply to enrollees and benefits under this title in the same manner as they apply to enrollees and benefits under title XVIII.

"(b) COORDINATION WITH MEDICAID AND SCHIP.—Notwithstanding any other provision of law, individuals entitled to benefits for items and services under this title who also qualify for benefits under title XIX or XXI or any other Federally funded health care program that provides basic health insurance coverage described in section 2203(a)(2) may continue to qualify and obtain benefits under such other title or program, and in such case such an individual shall elect either—

"(1) such other title or program to be primary payor to benefits under this title, in which case no benefits shall be payable under this title and the monthly premium under section 2203 shall be zero; or

"(2) benefits under this title shall be primary payor to benefits provided under such title or program, in which case the Secretary shall enter into agreements with States as may be appropriate to provide that, in the case of such individuals, the benefits under titles XIX and XXI or such other program (including reduction of cost-sharing) are provided on a 'wrap-around' basis to the benefits under this title.".

(b) CONFORMING AMENDMENTS TO SOCIAL SECURITY ACT PROVISIONS.—

(1) Section 201(i)(1) of the Social Security Act (42 U.S.C. 401(i)(1)) is amended by striking "or the Federal Supplementary Medical Insurance Trust Fund" and inserting "the Federal Supplementary Medical Insurance Trust Fund, and the MediKids Trust Fund".

(2) Section 201(g)(1)(A) of such Act (42 U.S.C. 401(g)(1)(A)) is amended by striking "and the Federal Supplementary Medical Insurance Trust Fund established by title XVIII" and inserting ", the Federal Supplementary Medical Insurance Trust Fund, and the MediKids Trust Fund established by title XVIII".

(c) MAINTENANCE OF MEDICAID ELIGIBILITY AND BENEFITS FOR CHILDREN.—

(1) IN GENERAL.—In order for a State to continue to be eligible for payments under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a))—

(A) the State may not reduce standards of eligibility, or benefits, provided under its State medicaid plan under title XIX of the Social Security Act or under its State child health plan under title XXI of such Act for individuals under 23 years of age below such standards of eligibility, and benefits, in effect on the date of the enactment of this Act; and

(B) the State shall demonstrate to the satisfaction of the Secretary of Health and Human Services that any savings in State expenditures under title XIX or XXI of the Social Security Act that results from children enrolling under title XXII of such Act shall be used in a manner that improves services to beneficiaries under title XIX of such Act, such as through expansion of eligibility, improved nurse and nurse aide staffing and improved inspections of nursing facilities, and coverage of additional services.

(2) MEDIKIDS AS PRIMARY PAYOR.—In applying title XIX of the Social Security Act, the MediKids program under title XXII of such Act shall be treated as a primary payor in cases in which the election described in section 2207(b)(2) of such Act, as added by subsection (a), has been made.

(d) EXPANSION OF MEDPAC MEMBERSHIP TO 19.—

(1) IN GENERAL.—Section 1805(c) of the Social Security Act (42 U.S.C. 1395b-6(c)) is amended—

(A) in paragraph (1), by striking "17" and inserting "19"; and

(B) in paragraph (2)(B), by inserting "experts in children's health," after "other health professionals,".

(2) INITIAL TERMS OF ADDITIONAL MEMBERS.—

(A) IN GENERAL.—For purposes of staggering the initial terms of members of the Medicare Payment Advisory Commission under section 1805(c)(3) of the Social Security Act (42 U.S.C. 1395b-6(c)(3)), the initial terms of the 2 additional members of the Commission provided for by the amendment under subsection (a)(1) are as follows:

(i) One member shall be appointed for 1 year.

(ii) One member shall be appointed for 2 years.

(B) COMMENCEMENT OF TERMS.—Such terms shall begin on January 1, 2008.

(3) DUTIES.—Section 1805(b)(1)(A) of such Act (42 U.S.C. 1395b-6(b)(1)(A)) is amended by inserting before the semicolon at the end the following: "and payment policies under title XXII".

SEC. 3. MEDIKIDS PREMIUM.

(a) GENERAL RULE.—Subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to determination of tax liability) is amended by adding at the end the following new part:

"PART VIII—MEDIKIDS PREMIUM

"Sec. 59B. MediKids premium.

"SEC. 59B. MEDIKIDS PREMIUM.

"(a) IMPOSITION OF TAX.—In the case of a taxpayer to whom this section applies, there is hereby imposed (in addition to any other tax imposed by this subtitle) a MediKids premium for the taxable year.

"(b) INDIVIDUALS SUBJECT TO PREMIUM.—

"(1) IN GENERAL.—This section shall apply to a taxpayer if a MediKid is a dependent of the taxpayer for the taxable year.

"(2) MEDIKID.—For purposes of this section, the term 'MediKid' means any individual enrolled in the MediKids program under title XXII of the Social Security Act.

"(c) AMOUNT OF PREMIUM.—For purposes of this section, the MediKids premium for a taxable year is the sum of the monthly premiums (for months in the taxable year) determined under section 2203 of the Social Security Act with respect to each MediKid who is a dependent of the taxpayer for the taxable year.

"(d) EXCEPTIONS BASED ON ADJUSTED GROSS INCOME.—

"(1) EXEMPTION FOR VERY LOW-INCOME TAXPAYERS.—

"(A) IN GENERAL.—No premium shall be imposed by this section on any taxpayer having an adjusted gross income not in excess of the exemption amount.

"(B) EXEMPTION AMOUNT.—For purposes of this paragraph, the exemption amount is—

"(i) $20,535 in the case of a taxpayer having 1 MediKid,

"(ii) $25,755 in the case of a taxpayer having 2 MediKids,

"(iii) $30,975 in the case of a taxpayer having 3 MediKids, and

"(iv) $35,195 in the case of a taxpayer having 4 or more MediKids.

"(C) PHASEOUT OF EXEMPTION.—In the case of a taxpayer having an adjusted gross income which exceeds the exemption amount but does not exceed twice the exemption amount, the premium shall be the amount which bears the same ratio to the premium which would (but for this subparagraph) apply to the taxpayer as such excess bears to the exemption amount.

"(D) INFLATION ADJUSTMENT OF EXEMPTION AMOUNTS.—In the case of any taxable year beginning in a calendar year after 2009, each dollar amount contained in subparagraph (C) shall be increased by an amount equal to the product of—

"(i) such dollar amount, and

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2008' for 'calendar year 1992' in subparagraph (B) thereof.

If any increase determined under the preceding sentence is not a multiple of $50, such increase shall be rounded to the nearest multiple of $50.

"(2) PREMIUM LIMITED TO 5 PERCENT OF ADJUSTED GROSS INCOME.—In no event shall any taxpayer be required to pay a premium under this section in excess of an amount equal to 5 percent of the taxpayer's adjusted gross income.

"(e) COORDINATION WITH OTHER PROVISIONS.—

"(1) NOT TREATED AS MEDICAL EXPENSE.—For purposes of this chapter, any premium paid under this section shall not be treated as expense for medical care.

"(2) NOT TREATED AS TAX FOR CERTAIN PURPOSES.—The premium paid under this section shall not be treated as a tax imposed by this chapter for purposes of determining—

"(A) the amount of any credit allowable under this chapter, or

"(B) the amount of the minimum tax imposed by section 55.

"(3) TREATMENT UNDER SUBTITLE F.—For purposes of subtitle F, the premium paid under this section shall be treated as if it were a tax imposed by section 1.".

(b) TECHNICAL AMENDMENTS.—

(1) Subsection (a) of section 6012 of such Code is amended by inserting after paragraph (9) the following new paragraph:

"(10) Every individual liable for a premium under section 59B.".

(2) The table of parts for subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

"PART VIII. MEDIKIDS PREMIUM".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months beginning after December 2008, in taxable years ending after such date.

SEC. 4. REFUNDABLE CREDIT FOR CERTAIN COST-SHARING EXPENSES UNDER MEDIKIDS PROGRAM.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

"SEC. 36. CATASTROPHIC LIMIT ON COST-SHARING EXPENSES UNDER MEDIKIDS PROGRAM.

"(a) IN GENERAL.—In the case of a taxpayer who has a MediKid (as defined in section 59B) at any time during the taxable year, there shall be allowed as a credit against the tax imposed by this subtitle an amount equal to the excess of—

"(1) the amount paid by the taxpayer during the taxable year as cost-sharing under section 2202(b)(4) of the Social Security Act, over

"(2) 5 percent of the taxpayer's adjusted gross income for the taxable year.".

(b) COORDINATION WITH OTHER PROVISIONS.—The excess described in subsection (a) shall not be taken into account in computing the amount allowable to the taxpayer as a deduction under section 162(l) or 213(a).

(c) TECHNICAL AMENDMENTS.—

(1) The table of sections for subpart C of part IV of subchapter A of chapter 1 of such Code is amended by redesignating the item relating to section 36 as an item relating to section 37 and by inserting before such item the following new item:

"Sec. 36. Catastrophic limit on cost-sharing expenses under MediKids program.".

(2) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting ", 36," after "section 35".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2008.

SEC. 5. REPORT ON LONG-TERM REVENUES.

Within one year after the date of the enactment of this Act, the Secretary of the Treasury shall propose a gradual schedule of progressive tax changes to fund the program under title XXII of the Social Security Act, as the number of enrollees grows in the outyears.

By Mr. KERRY (for himself, Ms. SNOWE, Mr. SANDERS, Mr. DOMENICI, Mr. SCHUMER, Ms. COLLINS, Mr. KENNEDY, and Mr. REED):

S. 2523. A bill to establish the National Affordable Housing Trust Fund in the Treasury of the United States to provide for the construction, rehabilitation, and preservation of decent, safe, and affordable housing for low-income families; to the Committee on Banking, Housing, and Urban Affairs.

Mr. KERRY. Mr. President, while we are facing new difficulties in the mortgage and subprime markets, we cannot forget the ongoing and deepening crisis that affordable rental housing presents for our Nation. Long-term changes in the housing market have dramatically limited the availability of affordable rental housing across the country and have severely increased the cost of rental housing that remains. As a result, more and more families are forced to pay more than 50 percent of their income for housing. In 2005, a record 37.3 million households paid more than 30 percent of their income on housing costs, according to the Nation's Housing 2007 Report from the Joint Center for Housing Studies at Harvard University. Approximately 17 million families paid more than half of their incomes on housing costs. This is unacceptable. Our Nation must act to ease this rental housing crisis by producing more affordable housing options.

We can no longer ignore the lack of affordable housing and the impact it is having on families and children around the country. I believe it is time for our Nation to take a new path—one that insures that all Americans, especially our poorest children, have the opportunity to live in decent and safe housing.

Housing construction is a critical part of our economy. Unfortunately, just yesterday the Commerce Department reported that construction of new homes dropped by 5.5 percent last month, the lowest level since April 1991. The overall construction decline left home building 24.2 percent below the level of activity a year ago. Residential construction has seen the largest share of job losses, more than 192,000 since March 2006.

The question is, what do we do today to face—and to finance—this mounting challenge?

In September 2000, I wrote and introduced the original National Affordable Housing Trust Fund legislation. Today, along with Senator SNOWE, I am again proposing to address the severe shortage of affordable housing by introducing legislation that will establish a National Affordable Housing Trust Fund and begin a rental housing production program.

The Affordable Housing Trust Fund that is established in this legislation would create a production program that will ensure 1.5 million new rental units are built over the next 10 years for extremely low-income families and working families. The goal is to create long-term affordable, mixed-income developments in areas with the greatest opportunities for low-income families. Sixty percent of Trust Fund assistance will be awarded to participating local jurisdictions. Forty percent of Trust Fund assistance will be awarded to States, Indian Tribes and insular areas. A proportionate amount of funds to the States must go to rural areas. If the total amount available for the Trust Fund is less than $2 billion, then there is a $750,000 minimum funding threshold for local jurisdictions.

All funding from the Trust Fund must be used for low-income families, defined as those families with incomes below 80 percent of the State or local median income. However, if the funding for the trust fund is less than $2 billion for any year, then the income ceiling is reduced to 60 percent of local median income.

The funding from the Trust Fund can be used for construction, rehabilitation, acquisition, preservation incentives, and operating assistance to ease the affordable housing crisis. Funds can also be used for downpayment and closing cost assistance by first time homebuyers.

The Trust Fund will be funded through amounts transferred from the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation under Title XIII of the Housing and Community Development Act of 1992. It will also be funded through any amounts appropriated under the authorization in the Expanding American Homeownership Act of 2007, relating to the use of FHA savings for an affordable housing grant program. Finally, the Trust Fund will be funded through any amounts as are or may be appropriated, transferred or credited to such fund under any other provisions of law.

The National Affordable Housing Trust Fund bill is cosponsored by a bipartisan group of Senators. Earlier this year, the House of Representatives passed legislation, introduced by House Financial Services Chairman BARNEY FRANK, to establish a National Affordable Housing Trust Fund by a 264-148 vote. It has been endorsed by more than 5,700 community organizations led by the National Low-Income Housing Coalition and including the National Association of Realtors, the National Association of Home Builders, Children's Defense Fund, U.S. Conference of Mayors, National Coalition for the Homeless, and others. I am pleased that Senator REED, within the Government Sponsored Enterprise Mission Improvement Act, included legislative language within the Affordable Housing Block Grant section to provide grants to an Affordable Housing Trust Fund.

Enacting the National Affordable Housing Trust Fund will help reverse the recent declines in housing jobs, starts, permits and construction in every State. It will help small businesses across the Nation continue to produce the jobs that are critical to our economic security today and in the future.

During this time of rising rents, increased housing costs, and the loss of affordable housing units, it is incomprehensible that we are not doing more to increase the amount of housing assistance available to working families. The need for affordable housing is severe. Many working families have been unable to keep up with the increase in housing costs. In 2005, one in seven households was considered to be "severely housing cost burdened."

For too many low-income families and their children, the cost of privately owned rental housing is simply out of reach. Today, working families in this country increasingly find themselves unable to afford housing. According to the National Low-Income Housing Coalition, in Massachusetts, the fair market rent for a two-bedroom apartment is almost $1,200 per month. In order to afford this apartment without paying more than 30 percent of income on housing, a household must earn over $47,000 per year. This means teachers, janitors, social workers, police officers and other full-time workers are having trouble affording even a modest two-bedroom apartment.

The cost of rental housing keeps going up. According to the Consumer Price Index, CPI, contract rents began to rise above the rate of inflation in 1997 and have continued every year since. Rental costs have outpaced renter income gains for households across the board. Low wage workers have been hardest hit by the increase in the cost of rental housing.

Because of the lack of affordable housing, too many families are forced to live in substandard living conditions putting their children at risk. Children living in substandard housing are more likely to experience violence, hunger, lead poisoning and to suffer from infectious diseases such as asthma. They are more likely to have difficulties learning and more likely to fall behind in school. Our Nation's children depend upon access to affordable rental housing.

At the same time the cost of rental housing has been increasing, there has been a significant decrease in the number of affordable rental housing units. According to Real Capital Analytics, the number of rentals in larger multifamily properties converted to for-sale units jumped from just a few thousand in 2003 to 235,000 in 2005. New construction of multifamily buildings intended for rental use dipped from 262,000 units in 2003 to 184,000 in 2006. Simultaneously, the number of renter households increased by 1.2 million. The decline in affordable rental units has already forced many working families eligible for Section 8 vouchers in Boston to live outside the city because there are no available rental housing units that accept vouchers.

The loss of affordable housing has exacerbated the housing crisis in this country, and the Federal Government must take action. We need to enact the National Affordable Housing Trust Fund to jumpstart the production of affordable housing in the U.S.

Decent housing, along with neighborhood and living environment, play enormous roles in shaping young lives. Federal housing assistance over the past generation has helped millions of low-income children across the Nation and has helped in developing stable home environments. However, changes in the housing market clearly show that we need to take additional steps to both produce and maintain affordable housing units. Otherwise, many more children and their families will live in substandard housing or will become homeless. These children are less likely to do well in school and less likely to be productive citizens. They deserve our best efforts and require our help.

I ask all Senators to support the National Affordable Housing Trust Fund Act.

By Mr. FEINGOLD:

S. 2527. A bill to prohibit the obligation or expenditure of funds for the Osprey tiltrotor aircraft; to the Committee on Appropriations.

Mr. FEINGOLD. Mr. President, today I am introducing legislation to rescind funds appropriated for the procurement of the V-22 and CV-22 Osprey. This aircraft has been the subject of significant controversy because of safety, technical, and cost problems. In 1991, then-Secretary DICK CHENEY tried to cancel the program altogether. I have long advocated for more extensive testing of the aircraft to evaluate design defects that render the Osprey unstable and technical problems that have already cost the lives of 30 servicemembers. New problems were discovered as recently as June 2007.

I appreciate that the military is in need of additional helicopters, particularly as a result of the high operational tempo in Iraq and Afghanistan. Given the fact that the Osprey costs significantly more than other aircraft that can meet the same need, I believe we should shift to a safer, more economic program.

This bill would rescind funds appropriated for the program through 2008. That includes $2.8 billion in previously appropriated but unobligated funds and $2.9 billion in funds appropriated for fiscal year 08. The Defense Department estimates it will spend an additional $28.6 billion to purchase a total of 458 Osprey through 2018. Ending this troubled program could produce savings of over $34.3 billion.

By Mr. MENENDEZ:

S. 2528. A bill to authorize guarantees for bonds and notes issued for community or economic development purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. MENENDEZ. Mr. President, I rise today to introduce the Full Faith & Credit in Our Communities Act of 2007. Strong communities form the bedrock of a successful economy and ultimately, a healthy society. For communities to be strong and families to prosper, there must be economic opportunity. Economic opportunity, in turn, depends on access to capital. Unfortunately, many communities across our Nation lack this fundamental tool for financial prosperity and self-sufficiency.

We must provide economic opportunity not only today, but also lay the groundwork so that future generations can thrive and prosper, and we must do it in a way that fosters real and permanent change rather than short-term solutions. We cannot simply rely on short-term band aids that serve to only mask the vast inequalities in income and unacceptable levels of poverty that plague our Nation. We must invest in our Nation's future. We must close the wealth gaps that are growing wider each day in this country by investing in our citizens and closing the opportunity gap. We must invest in entrepreneurship, ownership, and economic growth—but we must do so in a fiscally responsible manner.

Federal resources are scarce. We must focus our efforts and invest in successful programs that give us the biggest bang for our buck. CDFIs have a history of prudently using scarce public funds to leverage additional private funding to finance emerging domestic markets. They are able to lend successfully in these markets in part because CDFIs build their borrowers' capacity by combining their financing with technical assistance such as homeownership counseling, entrepreneurial training, and financial literacy education. CDFIs finance small businesses, homeownership, affordable rental housing, childcare facilities, charter schools, and other needed development resources. About 1,000 CDFIs operating in the U.S. manage more than $25 billion in assets, providing much-needed financial services to low-income communities across the U.S.

Unfortunately, CDFIs have limited access to capital due to the relatively small size of, and lack of awareness about, their projects. This results in a hesitancy of Wall Street to invest in CDFIs, forcing them to rely largely on commercial banks which usually only offer short-term loans with high interest rates. Every dollar wasted on interest payments is another dollar lost to communities, making these additional costs a clear impediment to community development efforts.

This legislation would increase the length and decrease the cost of capital available to CDFIs by providing them access to the enormous financial power of Wall Street. It would accomplish this by allowing the Treasury Department to guarantee up to $1 billion per year in bonds issued by qualified CDFIs. These bonds would be sold on Wall Street with the proceeds going to CDFIs to finance a myriad of community and economic development projects such as job-training centers and health care clinics. Unlike many legislative proposals that often result in winners and losers, this legislation is a win-win for everyone involved. CDFIs will have access to much-needed, low-cost capital. Communities will benefit from an infusion of investments in community and economic development projects. And investors will have an opportunity to make sound, long-term investments.

Perhaps the best part of this legislation is that it should not end up costing the American taxpayer a single dollar. Since these bonds will be issued by CDFIs, they will be the ones responsible for honoring the bonds when they reach maturity. Considering the fact that CDFIs have very low loan default rates that are often below mainstream bank averages, the risk of insolvency is very low. To further mitigate this risk, CDFIs will be required to create a loan loss reserve fund, similar in nature, but much smaller in scope, to the FDIC.

In addition to providing low-cost capital to underserved communities, this legislation would require CDFIs to pay a portion of their savings to a subaccount of the Treasury Department's CDFI Fund. These funds will be used to provide technical and financial assistance grants to non-profits for community and economic development purposes. CDFIs can apply for these grants through a competitive application process with the requirement to match, dollar for dollar, Federal funds with private investment. According to the Treasury Department, for every Federal dollar of investment, CDFIs leverage $19 in non-federal funds. CDFIs use the "seed capital" from the Federal Government to attract private-sector capital, ensuring continued community investment well beyond the initial Federal funding.

A community isn't complete without places to shop and work, without affordable housing, without the prosperity that thriving businesses represent. My Full Faith & Credit in Our Communities Act will help CDFIs develop retail and commercial facilities, train and place neighborhood residents in jobs, and provide affordable housing across the country. This bill is essential for our people and communities most in need. Beyond the obvious tangible benefits, the Full Faith & Credit in Our Communities Act will provide our Nation's distressed communities with something all but lost in many: HOPE. Hope for a better future, a safe community, flourishing businesses, and a more prosperous future for generations to come.

In closing, I urge my colleagues to support the Full Faith & Credit in Our Communities Act to ensure that every American has access to the American Dream. With this bill, we can not only change lives and communities today, but for generations to come.

By Mr. REID (for himself and Mr. BAUCUS):

S. 2530. A bill entitled the "Federal Aviation Administration Extension Act of 2007"; to the Committee on Commerce, Science, and Transportation.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 2530

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Aviation Administration Extension Act of 2007".

SEC. 2. EXTENSION OF AIRPORT IMPROVEMENT PROGRAM AND OTHER EXPIRING AUTHORITY.

(a) Authorization of Appropriations.—

(1) In general.—Section 48103 of title 49, United States Code, is amended—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by inserting after paragraph (4) the following:

"(5) $1,837,500,000 for the 6-month period beginning October 1, 2007.".

(2) Obligation of amounts.—Sums made available pursuant to the amendment made by paragraph (1) may be obligated at any time through September 30, 2008, and shall remain available until expended.

(3) Program implementation.—For purposes of calculating funding apportionments and meeting other requirements under sections 47114, 47115, 47116, and 47117 of title 49, United States Code, for the 6-month period beginning October 1, 2007, the Administrator of the Federal Aviation Administration shall—

(A) first calculate funding apportionments on an annualized basis as if the total amount available under section 48103 of such title for fiscal year 2008 were 3,675,000,000; and

(B) then reduce by 50 percent—

(i) all funding apportionments calculated under subparagraph (A); and

(ii) amounts available pursuant to sections 47117(b) and 47117(f)(2) of such title.

(b) Project Grant Authority.—Section 47104(c) of such title is amended by striking "September 30, 2007, and inserting "March 31, 2008,".

(c) Government Share of Certain AIP Costs.—Section 161 of Public Law 108–176 (49 U.S.C. 47109 note) is amended by striking "in each of fiscal years 2004 through 2007" and inserting "in fiscal year 2008 before April 1, 2008".

(d) Adjustment Authority.—Section 409(d) of Public Law 108–176 (49 U.S.C. 40101 note) is amended by striking "2007." and inserting "2008.".

By Mr. McCONNELL (for himself and Mr. BUNNING):

S. 2531. A bill to amend the Tariff Act of 1930 to revise the antidumping duties and countervailing duties relating to the production of low-enriched uranium, and for other purposes; to the Committee on Finance.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be placed in the Record, as follows:

S. 2531

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRODUCTION OF LOW-ENRICHED URANIUM.

(a) Antidumping Duty.—Section 731 of the Tariff Act of 1930 (19 U.S.C. 1673) is amended in the last sentence—

(1) by inserting "(a)" after "includes"; and

(2) by inserting before the period at the end the following: ", and (b) any contract or transaction for the production of low-enriched uranium".

(b) Countervailing Duty.—Section 771 of that Act (19 U.S.C. 1677) is amended in paragraph (5) by adding at the end the following:

"(G) Purchase of goods.—For purposes of subparagraphs (D)(iv) and (E)(iv) of this paragraph (5), the phrases 'purchasing goods' and 'goods are purchased' include a contract or transaction involving payment for the production of low-enriched uranium.".

(c) Application to Pending Proceedings.—The amendments made by this section apply in all pending or resumed antidumping and countervailing duty proceedings, including investigations, and in all appeals that have not become final and conclusive as of the date of enactment of this Act.

(d) Application to NAFTA Countries.—Pursuant to Article 1902 of the North American Free Trade Agreement and section 408 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3438), the amendments made by this section shall apply with respect to goods from NAFTA countries.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 417—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD EXPAND TRADE OPPORTUNITIES WITH MONGOLIA AND INITIATE NEGOTIATIONS TO ENTER INTO A FREE TRADE AGREEMENT WITH MONGOLIA

Mr. HAGEL (for himself, Mr. LUGAR, and Ms. MURKOWSKI) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 417

Whereas Mongolia declared an end to a 1-party Communist state in 1990 and embarked on democratic and free market reforms;

Whereas the free market reforms include adopting democratic electoral processes, enacting further political reform measures, privatizing state enterprises, lifting price controls, and improving fiscal discipline;

Whereas, since 1990, Mongolia has made progress to strengthen democratic governing institutions and protect individual rights;

Whereas the Department of State found in its 2006 Country Reports on Human Rights that Mongolia generally respects the human rights of its citizens, although concerns remain, including the treatment of prisoners, freedom of the press and information, due process, and trafficking in persons;

Whereas the Department of State found in its 2006 International Religious Freedom report that Mongolia generally respects freedom of religion, although some concerns remain;

Whereas Mongolia has been a member of the World Trade Organization since 1997, and a member of the International Monetary Fund, the World Bank, and the Asian Development Bank since 1991;

Whereas, in 1999, the United States extended permanent nondiscriminatory treatment (normal trade relations treatment) to the products of Mongolia;

Whereas Mongolia has provided strong and consistent support to the United States in the global war on terror, including support for United States military forces and, since May 2003, contributed peace keepers to Operation Iraqi Freedom, artillery trainers to Operation Enduring Freedom, and personnel to the United Nations peace-keeping operations in Kosovo and Sierra Leone;

Whereas the United States and Mongolia signed a bilateral Trade and Investment Framework Agreement in 2004;

Whereas Mongolia has expressed steadfast commitment to greater economic reforms, including a commitment to encourage and expand the role of the private sector, increase transparency, strengthen the rule of law, combat corruption, and comply with international standards for labor and intellectual property rights protection;

Whereas bilateral trade between the United States and Mongolia in 2005 was valued at more than $165,000,000;

Whereas, in November 2005, President George W. Bush became the first President of the United States to visit Mongolia, and on November 21, 2005, President Bush and President Enkhbayar issued a joint statement declaring that the 2 countries are committed to defining guiding principles and expanding the framework of the comprehensive partnership between the United States and Mongolia;

Whereas, on October 18, 2007, the Senate agreed to Senate Resolution 352, expressing the sense of the Senate regarding the 20th anniversary of the United States-Mongolia relations, and encouraged continued economic cooperation with Mongolia;

Whereas, on October 22, 2007, the United States and Mongolia signed a Millennium Challenge Corporation Compact Agreement;

Whereas, during the October 2007 visit of President Enkhbayar to Washington, D.C., the United States and Mongolia signed a Declaration of Principles for closer cooperation between the 2 countries, reiterating a commitment to expansion of development and long term cooperation in political, economic, trade, investment, educational, cultural, arts, scientific and technological, environmental, health, defense, security, humanitarian, and other fields; and

Whereas the United States and Mongolia would benefit from expanding and diversifying trade opportunities by reducing tariff and nontariff barriers to trade: Now, therefore, be it

Resolved, That it is the sense of the Senate that the United States should continue to work with Mongolia to expand bilateral trade opportunities and initiate negotiations to enter into a free trade agreement with Mongolia.

SENATE RESOLUTION 418—EXPRESSING THE SENSE OF THE SENATE REGARDING PROVOCATIVE AND DANGEROUS STATEMENTS MADE BY OFFICIALS OF THE GOVERNMENT OF THE RUSSIAN FEDERATION CONCERNING THE TERRITORIAL INTEGRITY OF THE REPUBLIC OF GEORGIA

Mr. BIDEN submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 418

Whereas, since 1993, the territorial integrity of the Republic of Georgia has been reaffirmed by the international community, international law, and 32 United Nations Security Council Resolutions;

Whereas the Republic of Georgia has pursued the peaceful resolution of territorial conflicts in the regions of Abkhazia and South Ossetia since the end of hostilities in 1993;

Whereas, by stating that the Russian Federation should diplomatically recognize Abkhazia and South Ossetia as independent states, certain officials of the Government of the Russian Federation have undermined the peace and security of those regions and the Republic of Georgia as a whole; and

Whereas the statements of those officials are incompatible with the role of the Russian Federation as one of the world's leading powers and are inconsistent with the commitments of the Russian Federation to international peacekeeping: Now, therefore, be it

Resolved, That the Senate—

(1) condemns recent statements by officials of the Government of the Russian Federation that the Russian Federation should recognize the regions of Abkhazia and South Ossetia as states independent of the Republic of Georgia as a violation of the sovereignty of the Republic of Georgia and the commitments of the Russian Federation to international peacekeeping;

(2) calls upon the Government of the Russian Federation to disavow these statements;

(3) affirms that the restoration of the territorial integrity of the Republic of Georgia is in the interest of all who seek peace and stability in the region; and

(4) urges all parties to the conflicts in the Republic of Georgia and governments around the world to eschew rhetoric that escalates tensions and undermines efforts to negotiate a settlement to the conflicts.

SENATE CONCURRENT RESOLUTION 63—EXPRESSING THE SENSE OF THE CONGRESS REGARDING THE NEED FOR ADDITIONAL RESEARCH INTO THE CHRONIC NEUROLOGICAL CONDITION HYDROCEPHALUS, AND FOR OTHER PURPOSES

Mr. REID (for Mrs. CLINTON) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 63

Whereas hydrocephalus is a serious neurological condition, characterized by the abnormal buildup of cerebrospinal fluids in the ventricles of the brain;

Whereas there is no known cure for hydrocephalus;

Whereas hydrocephalus affects an estimated 1,000,000 Americans;

Whereas 1 or 2 in every 1,000 babies are born with hydrocephalus;

Whereas over 375,000 older Americans have hydrocephalus, which often goes undetected or is misdiagnosed as dementia, Alzheimer's disease, or Parkinson's disease;

Whereas, with appropriate diagnosis and treatment, people with hydrocephalus are able to live full and productive lives;

Whereas the standard treatment for hydrocephalus was developed in 1952, and carries multiple risks including shunt failure, infection, and overdrainage;

Whereas there are fewer than 10 centers in the United States specializing in the treatment of adults with normal pressure hydrocephalus;

Whereas, each year, the people of the United States spend in excess of $1,000,000,000 to treat hydrocephalus;

Whereas a September 2005 conference sponsored by 7 institutes of the National Institutes of Health—"Hydrocephalus: Myths, New Facts, Clear Directions"—resulted in efforts to initiate new, collaborative research and treatment efforts; and

Whereas the Hydrocephalus Association is one of the Nation's oldest and largest patient and research advocacy and support networks for individuals suffering from hydrocephalus: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) Congress commends the Director of the National Institutes of Health for working with leading scientists and researchers to organize the first-ever National Institutes of Health conference on hydrocephalus; and

(2) it is the sense of Congress that—

(A) the Director of the National Institutes of Health should continue the current collaboration with respect to hydrocephalus among the National Eye Institute, the National Human Genome Research Institute, the National Institute of Biomedical Imaging and Bioengineering, the National Institute of Child Health and Human Development, the National Institute of Neurological Disorders and Stroke, the National Institute on Aging, and the Office of Rare Diseases;

(B) further research into the epidemiology, pathophysiology, disease burden, and improved treatment of hydrocephalus should be conducted or supported; and

(C) public awareness and professional education regarding hydrocephalus should increase through partnerships between the Federal Government and patient advocacy organizations.

SENATE CONCURRENT RESOLUTION 64—COMMENDING THE ALASKA ARMY NATIONAL GUARD FOR ITS SERVICE TO THE STATE OF ALASKA AND THE CITIZENS OF THE UNITED STATES

Mr. STEVENS (for himself and Ms. MURKOWSKI) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 64

Whereas the 3rd Battalion, 297th Infantry of the Alaska Army National Guard deployment of almost 600 Alaskans was the largest deployment of the Alaska National Guard since World War II;

Whereas the Alaskans of the 3rd Battalion, 297th Infantry came from 80 different communities across Alaska;

Whereas the 3rd Battalion, 297th Infantry included 75 soldiers from New York, Mississippi, Illinois, Georgia and Puerto Rico;

Whereas the 586 soldiers of the 3rd Battalion, 297th Infantry were mobilized in July of 2006 and deployed to Camp Shelby, Mississippi;

Whereas the 3rd Battalion, 297th Infantry was deployed to Camp Navstar and Camp Buehring in Northern Kuwait;

Whereas the 3rd Battalion, 297th Infantry courageously performed route and perimeter security missions, mounted combat patrols and inspections and searches of vehicles going into Iraq from Kuwait, among other assignments;

Whereas the 3rd Battalion, 297th Infantry, over the course of 15 months in Kuwait and Iraq, inspected and searched over 30,000 semi-trucks;

Whereas the 3rd Battalion, 297th Infantry designed all force protection plans in northern Kuwait;

Whereas the families of the members of the 3rd Battalion, 297th Infantry have provided unwavering support while waiting patiently for their loved ones to return;

Whereas the employers of members and family members of the 3rd Battalion, 297th Infantry have displayed patriotism over profit, by keeping positions saved for the returning soldiers and supporting the families during the difficult days of this long deployment, and these employers are great corporate citizens through their support of members of the Armed Forces and their family members;

Whereas the 3rd Battalion, 297th Infantry has performed admirably and courageously; gaining the gratitude and respect of Alaskans and all Americans; and

Whereas members of the 3rd Battalion, 297th Infantry received 7 Bronze Stars, 23 Meritorious Service Medals, 142 Army Commendations and more than 200 Army Achievement Medals for their outstanding service: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the 3rd Battalion, 297th Infantry of the Alaska Army National Guard upon its completion of deployment and brave service to the Commonwealth of Alaska and the citizens of the United States; and

(2) directs the Clerk of the House of Representatives to transmit a copy of this resolution to the Adjutant General of the Alaska National Guard for appropriate display.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3884. Mr. REID (for Ms. CANTWELL (for herself and Ms. SNOWE)) proposed an amendment to the bill S. 924, to strengthen the United States Coast Guard's Integrated Deepwater Program.

SA 3885. Mr. REID (for Mr. KERRY) proposed an amendment to the bill S. 1784, to amend the Small Business Act to improve programs for veterans, and for other purposes.

SA 3886. Mr. REID (for Mr. COBURN) proposed an amendment to amendment SA 3885 proposed by Mr. REID (for Mr. KERRY) to the bill S. 1784, supra.

SA 3887. Mr. SCHUMER (for Mr. LEAHY (for himself and Mr. SCHUMER)) proposed an amendment to the bill H.R. 2640, to improve the National Instant Criminal Background Check System, and for other purposes.

SA 3888. Mr. SCHUMER (for Mr. BIDEN (for himself and Mr. MCCONNELL)) proposed an amendment to the bill H.R. 3890, of 2003 to impose import sanctions on Burmese gemstones, expand the number of individuals against whom the visa ban is applicable, expand the blocking of assets and other prohibited activities, and for other purposes.

SA 3889. Mr. SCHUMER (for Mr. BIDEN (for himself and Mr. MCCONNELL)) proposed an amendment to the bill H.R. 3890, supra.

SA 3890. Mr. REID (for Mr. BAUCUS) proposed an amendment to the bill H.R. 3997, to amend the Internal Revenue Code of 1986 to provide tax relief and protections for military personnel, and for other purposes.

SA 3891. Mr. REID (for Mr. KENNEDY (for himself, Mr. BAUCUS, Mr. GRASSLEY, and Mr. ENZI)) proposed an amendment to the bill S. 1974, to make technical corrections related to the Pension Protection Act of 2006.

SA 3892. Mr. REID (for Mr. LAUTENBERG) proposed an amendment to the bill H.R. 3432, to establish the Commission on the Abolition of the Transatlantic Slave Trade.

TEXT OF AMENDMENTS

SA 3884. Mr. REID (for Ms. CANTWELL (for herself and Ms. SNOWE)) proposed an amendment to the bill S. 924, to strengthen the United States Coast Guard's Integrated Deepwater Program; as follows:

On page 15, strike the matter between lines 15 and 16 and insert the following:

Sec. 1. Short title; table of contents.
Sec. 2. Procurement structure.
Sec. 3. Alternatives Analysis.
Sec. 4. Certification.
Sec. 5. Contract requirements.
Sec. 6. Improvements in Coast Guard management.
Sec. 7. Department of Defense Consultation.
Sec. 8. Procurement and report requirements.
Sec. 9. GAO review and recommendations.
Sec. 10. Inspector General review of Deepwater program.
Sec. 11. Definitions.

On page 16, line 2, insert "more than 90 days" after "Program".

On page 16, line 9, strike "Act." and insert "Act, unless otherwise excepted in accordance with the Competition in Contracting Act of 1984 and the Federal Acquisition Regulations."

On page 16, line 17, insert "that is 90 days after the date" after "date".

On page 16, line 20, insert "after the date that is 90 days after the date of enactment of this Act of, or in support" after "procurements".

On page 16, strike line 21, and insert the following:

"(i) the HC–130J aircraft, the HH–65 aircraft, and the C4ISR system, and

On page 16, line 24, insert "the date that is 90 days after" after "as of".

On page 17, line 3, strike "procurement" and insert "procurement, or in support,".

On page 17, line 6, strike "analysis of alternatives" and insert "alternatives analysis".

On page 17, strike lines 8 and 9 and insert the following:

(i) the procurement is in accordance with the Competition in Contracting Act of 1984 and the Federal Acquisition Regulations;

On page 17, line 22, strike "Coast Guard" and insert "Commandant".

On page 17, line 22, insert "subparagraph (B) or (C) of" after "under".

On page 17, line 23, strike "it" and insert "the Coast Guard".

On page 17, beginning in line 24, strike "transmit a report to" and insert "notify in writing".

On page 18, beginning in line 2, strike "notifying the Committees".

On page 18, beginning in line 3, strike "explaining the" and insert "shall provide a detailed".

On page 18, line 12, strike "entity" and insert "subcontractor".

On page 18, line 23, strike "justifications of FAR 6.3 are met." and insert "procurement was awarded in a manner consistent with the Competition in Contracting Act of 1984 and the Federal Acquisition Regulations.".

On page 18, after line 23, insert the following:

(d) RULE OF CONSTRUCTION.—The limitation in subsection (b)(1)(A) on the quantity and specific type of assets to which subsection (b) applies shall not be construed to apply to the modification of the number or type of any subsystems or other components of a vessel or aircraft described in subsection (b)(1)(B) or (C).

On page 19, strike line 1 and insert the following:

SEC. 3. ALTERNATIVES ANALYSIS.

On page 19, line 5, strike "FAR" and insert "Federal Acquisition Regulations".

On page 19, line 6 insert "of a major asset" after "procurement".

On page 19, line 7, insert "after the date of enactment of this Act" after "Program".

On page 19, line 8, strike "analysis of alternatives" and insert "alternatives analysis".

On page 19, beginning in line 12, strike "analysis of alternatives" and insert "alternatives analysis".

On page 19, line 14, strike "an appropriate" and insert "a qualified".

On page 20, line 1, strike "analysis of alternatives" and insert "alternatives analysis".

On page 20, line 15, strike "and".

On page 20, line 17, strike "costs." and insert "costs; and"

On page 20 between lines 17 and 18, insert the following:

(7) a business case of viable alternatives.

On page 20, line 19, strike "analysis of alternatives" and insert "alternatives analysis".

On page 20, line 22, strike "analysis of alternatives" and insert "alternatives analysis".

On page 21, between lines 2 and 3, insert the following:

(e) EXPERIMENTAL, TECHNICALLY IMMATURE SYSTEMS.—

(1) IN GENERAL.—No procurement of an experimental or technically immature major asset may be awarded under the Integrated Deepwater Program until an alternatives analysis has been conducted for such asset. The alternatives analysis shall include the same components as those set forth in subsection (c). In addition, the alternatives analysis shall also include—

(A) an examination of likely research and development costs and the levels of uncertainty associated with such estimated costs;

(B) an examination of likely production and deployment costs and the levels of uncertainty associated with such estimated costs;

(C) an examination of likely operating and support costs and the levels of uncertainty associated with such estimated costs;

(D) if they are likely to be significant, an examination of likely disposal costs and the levels of uncertainty associated with such estimated costs;

(E) an analysis of the risks to production cost, schedule, and life-cycle cost resulting from the experimental, technically immature nature of the systems under consideration; and

(F) such additional measures the Commandant determines to be necessary for appropriate evaluation of the asset.

(2) REPORT.—As soon as possible after an alternatives analysis pursuant to this subsection has been completed, the Commandant shall transmit a report that provides a detailed summary of the findings of the analysis, a plan for the procurements addressed in the analysis, and the schedule and costs for delivery of such procurements to the Senate Committee on Commerce, Justice, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

On page 22, line 7, strike "deliver" and insert "delivery".

On page 22, line 21, strike "Guard—" and insert "Guard after the date of enactment of this Act—".

On page 23, beginning in line 2, strike "and any subsequent Government Accountability Office recommendations relevant to the contract terms issued before March 1, 2007,".

On page 23, between lines 7 and 8, insert the following:

(2) addresses any subsequent Government Accountability Office recommendations that are issued at least 30 days prior to the execution of the contract, delivery order or task order when such recommendations are relevant to the contract terms;".

On page 23, line 8, strike "(2)" and insert "(3)".

Beginning with line 13 on page 23, strike through line 9 on page 24 and insert the following:

(4) does not include—

(A) provisions that commit the Coast Guard without express written approval by the Coast Guard; or

(B) any provision allowing for equitable adjustment that differs from the Federal Acquisition Regulations;

(5) meets the requirements of the Coast Guard Major Systems Acquisition COMDTINST Manual 5000.10(series); and

(6) for any contract, contract modification, or award term extending the existing Integrated Deepwater Program contract term—

(A) is reviewed by, and addresses recommendations made by, the Under Secretary of Defense for Acquisition, Technology, and Logistics through the Defense Acquisition University in its Quick Look Study dated February 5, 2007; and

(B) does not include any minimum requirements for the purchase of a given or determinable number of specific assets.

On page 26, between lines 5 and 6, insert the following:

SEC. 7. DEPARTMENT OF DEFENSE CONSULTATION.

(a) IN GENERAL.—The Coast Guard shall make arrangements as appropriate with the Department of Defense for support in contracting and management of procurements under the Integrated Deepwater Program. The Coast Guard shall also seek opportunities to leverage off of Department of Defense contracts, and contracts of other appropriate agencies, to obtain the best possible price for Integrated Deepwater Program assets. No later than one year after the date of enactment of this Act, the Commandant of the Coast Guard shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on agreements and other arrangements concluded pursuant to this subsection.

(b) ASSESSMENT.—Within 180 days after the date of enactment of this Act, the Comptroller General shall transmit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure that—

(1) contains an assessment of current Coast Guard acquisition and management capabilities to manage procurements under or in support of the Integrated Deepwater Program;

(2) includes recommendations as to how the Coast Guard can improve its acquisition management, either through internal reforms or by seeking acquisition expertise from the Department of Defense; and

(3) addresses specifically the question of whether the Coast Guard can better leverage Department of Defense or other agencies' contracts that would meet the needs of the Integrated Deepwater Program in order to obtain the best possible price.

Beginning with line 6 on page 26, strike through line 18 on page 27, and insert the following:

SEC. 8. PROCUREMENT AND REPORT REQUIREMENTS.

(a) PROCUREMENT SCHEDULES.—

(1) BUDGET JUSTIFICATION DOCUMENTS.—Each calendar year, not later than 45 days after the President submits the budget to Congress under section 1105 of title 31, United States Code, the Commandant shall submit to Congress budget justification documents regarding development and procurement schedules for each asset of the Integrated Deepwater Program for which any funds for procurement are requested in that budget.

(2) REQUIRED DOCUMENTS.—The budget justification documents required to be submitted under paragraph (1) for each asset for which funds for procurement are requested in the budget include—

(A) the development schedule for each asset and asset class, including estimated annual costs until development is completed;

(B) the procurement schedule for each asset and asset class, including estimated annual costs and units to be procured until procurement is completed;

(C) any variances in schedule or cost from the schedule and costs described in the plan submitted under section 3(d); and

(D) a projection of the remaining operational lifespan of each legacy asset and projected costs for sustaining such assets.

(b) QUARTERLY STATUS UPDATE.—The Commandant shall provide an update on the status of the Integrated Deepwater Program to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure at the beginning of the first full fiscal year quarter after the date of enactment of this Act, and at the beginning of each subsequent fiscal year quarter.

(c) REPORTING ON COST OVERRUNS AND DELAYS.—

(1) REPORT REQUIRED.—The Commandant shall submit a report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure as soon as possible, but not later than 30 days after the Deepwater Program Executive Officer becomes aware of—

(A) a likely cost overrun greater than 10 percent of the program acquisition unit cost, the procurement unit cost, or the life cycle cost of an individual asset or a class of assets under the Integrated Deepwater Program; or

(B) a likely delay of more than 6 months in the delivery schedule for any individual asset or class of assets under the Integrated Deepwater Program.

(2) REQUIRED CONTENT.—The report shall include—

(A) a detailed explanation for the variance or delay;

(B) the current program acquisition unit cost and the complete history of changes to that cost from the schedule and costs described in the plan submitted under section 3(d);

(C) the current procurement unit cost and the complete history of changes to that cost from the schedule and costs described in the plan submitted under section 3(d); and

(D) a full life-cycle cost analysis for each asset or class of assets for which a report is being submitted under paragraph (1).

(3) SUBSTANTIAL VARIANCES IN COSTS OR SCHEDULE.—If a likely cost overrun is greater than 20 percent or a likely delay is greater than 12 months from the schedule and costs described in the plan submitted under section 3(d) or, if the plan has been revised, from the schedule and costs described in the revised plan, the Commandant shall include in the report required under paragraph (1) a written certification, with a supporting explanation, that—

(A) the asset or asset class is essential to the accomplishment of Coast Guard missions;

(B) there are no alternatives to such asset or asset class which will provide equal or greater capability in a more cost-effective and timely manner;

(C) the new estimates of the program acquisition unit cost or procurement unit cost are reasonable; and

(D) the management structure for the acquisition program is adequate to manage and control program acquisition unit cost or procurement unit cost.

(4) CERTIFIED ASSETS AND ASSET CLASSES.—If the Commandant certifies an asset or asset class under paragraph (3), the requirements of this subsection shall be based on the new estimates of cost and schedule contained in that certification.

(5) DEFINITIONS.—In this subsection:

(A) LIFE-CYCLE COST.—The term "life-cycle cost" means all costs for development, procurement, construction, and operations and support for a particular asset, without regard to funding source or management control.

(B) PROCUREMENT UNIT COST.—The term "procurement unit cost" means the amount equal to the total of all funds programmed to be available for obligation for procurement of a given asset class divided by the number of assets to be procured.

(C) PROGRAM ACQUISITION UNIT COST.—The term "program acquisition unit cost" means the amount equal to the total cost for development, procurement, and construction for each class of assets divided by the total number of assets in each class.

On page 28, between lines 20 and 21, insert the following:

(e) REPORT ON C4ISR.—Not later than 90 days after the date of enactment of this Act, the Commandant shall submit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report on the manner in which the Coast Guard is resolving the problems and responding to the recommendations contained in the August 2006 Department of Homeland Security Inspector General Report entitled *Improvements Needed in the Coast Guard's Acquisition and Implementation of Deepwater Information Technology Systems*.

(f) AMENDMENT OF 2006 ACT.—Section 408(a) of the Coast Guard and Maritime Transportation Act of 2006 is amended—

(1) by striking paragraphs (1) and (3); and

(2) by redesignating paragraphs (2) and (4) through (8) as paragraphs (1) through (6), respectively.

On page 28, line 21, strike "**SEC. 8.**" and insert "**SEC. 9.**".

On page 28, beginning in line 23, strike "no later than June 1, 2007".

On page 29, beginning in line 4, strike "issued before March 1, 2007,".

On page 29, beginning in line 16, strike "Act. The Commandant shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure on the Coast Guard's progress in implementing such recommendations." and insert "Act, and implement subsequent recommendations to the maximum extent practicable as they arise.".

On page 30, line 9, strike "**SEC. 9.**" and insert "**SEC. 10.**".

On page 31, line 8, strike "**SEC. 10.**" and insert "**SEC. 11.**".

SA 3885. Mr. REID (for Mr. KERRY) proposed an amendment to the bill S. 1784, to amend the Small Business Act to improve programs for veterans, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of Contents.
Sec. 3. Definitions.
TITLE I—VETERANS BUSINESS DEVELOPMENT
Sec. 101. Increased funding for the Office of Veterans Business Development.
Sec. 102. Interagency task force.
Sec. 103. Permanent extension of SBA Advisory Committee on Veterans Business Affairs.
Sec. 104. Office of Veterans Business Development.
Sec. 105. Increasing the number of outreach centers.
See. 106. Independent study on gaps in availability of outreach centers.
TITLE II—NATIONAL RESERVIST ENTERPRISE TRANSITION AND SUSTAINABILITY
Sec. 201. Short title.
Sec. 202. Purpose.
Sec. 203. National Guard and Reserve business assistance.
Sec. 204. Veterans Assistance and Services program.
TITLE III—RESERVIST PROGRAMS
Sec. 301. Reservist programs.
Sec. 302. Reservist loans.
Sec. 303. Noncollateralized loans.
Sec. 304. Loan priority.
Sec. 305. Relief from time limitations for veteran-owned small businesses.
Sec. 306. Service-disabled veterans.
Sec. 307. Study on options for promoting positive working relations between employers and their Reserve Component employees.
Sec. 308. Increased Veteran Participation Program.

SEC. 3. DEFINITIONS.

In this Act—

(1) the term "activated" means receiving an order placing a Reservist on active duty;

(2) the term "active duty" has the meaning given that term in section 101 of title 10, United States Code;

(3) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(4) the term "Reservist" means a member of a reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code;

(5) the term "Service Corps of Retired Executives" means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(6) the terms "service-disabled veteran" and "small business concern" have the meaning as in section 3 of the Small Business Act (15 U.S.C. 632);

(7) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648); and

(8) the term "women's business center" means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

TITLE I—VETERANS BUSINESS DEVELOPMENT

SEC. 101. INCREASED FUNDING FOR THE OFFICE OF VETERANS BUSINESS DEVELOPMENT.

(a) IN GENERAL.—There are authorized to be appropriated to the Office of Veterans Business Development of the Administration, to remain available until expended—

(1) $2,100,000 for fiscal year 2008; and

(2) $2,300,000 for fiscal year 2009.

(b) FUNDING OFFSET.—Amounts necessary to carry out subsection (a) shall be offset and made available through the reduction of the authorization of funding under section 20(e)(1)(B)(iv) of the Small Business Act (15 U.S.C. 631 note).

(c) SENSE OF CONGRESS.—It is the sense of Congress that any amounts provided pursuant to this section that are in excess of amounts provided to the Administration for the Office of Veterans Business Development in fiscal year 2007, should be used to support Veterans Business Outreach Centers.

SEC. 102. INTERAGENCY TASK FORCE.

Section 32 of the Small Business Act (15 U.S.C. 657b) is amended—

(1) by redesignating subsection (c) as (f); and

(2) by inserting after subsection (b) the following:

"(c) INTERAGENCY TASK FORCE.—

"(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this subsection, the President shall establish an interagency task force to coordinate the efforts of Federal agencies necessary to increase capital and business development opportunities for, and increase the award of Federal contracting and subcontracting opportunities to, small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans (in this section referred to as the 'task force').

"(2) MEMBERSHIP.—The members of the task force shall include—

"(A) the Administrator, who shall serve as chairperson of the task force;

"(B) a senior level representative from—

"(i) the Department of Veterans Affairs;

"(ii) the Department of Defense;

"(iii) the Administration (in addition to the Administrator);

"(iv) the Department of Labor;

"(v) ' the Department of the Treasury;

"(vi) the General Services Administration; and

"(vii) the Office of Management and Budget; and

"(C) 4 representatives from a veterans service organization or military organization or association, selected by the President.

"(3) DUTIES.—The task force shall coordinate administrative and regulatory activities and develop proposals relating to

"(A) increasing capital access and capacity of small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through loans, surety bonding, and franchising;

"(B) increasing access to Federal con tracting and subcontracting for small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through expanded mentor-protégé assistance and matching such small business concerns with contracting opportunities;

"(C) increasing the integrity of certifications of status as a small business concern owned and controlled by service-disabled veterans or a small business concern owned and controlled by veterans;

"(D) reducing paperwork and administrative burdens on veterans in accessing business development and entrepreneurship opportunities;

"(E) increasing and improving training and counseling services provided to small business concerns owned and controlled by veterans; and

"(F) making other improvements relating to the support for veterans business development by the Federal Government.

"(4) REPORTING.—The task force shall submit an annual report regarding its activities and proposals to—

"(A) the Committee on Small Business and Entrepreneurship and the Committee on Veterans' Affairs of the Senate; and

"(B) the Committee on Small Business and the Committee on Veterans' Affairs of the House of Representatives.".

SEC. 103. PERMANENT EXTENSION OF SBA ADVISORY COMMITTEE ON VETERANS BUSINESS AFFAIRS.

(a) ASSUMPTION OF DUTIES.—Section 33 of the Small Business Act (15 U.S.C. 657c) is amended

(1) by striping subsection (h); and

(2) by redesignating subsections (1) through (k) as subsections (h) through (j), respectively.

(b) PERMANENT EXTENSION OF AUTHORITY.—Section 203 of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking subsection (h).

SEC. 104. OFFICE OF VETERANS BUSINESS DEVELOPMENT.

Section 32 of the Small Business Act (15 U.S.C. 657b) is amended by inserting after subsection (c) (as added by section 102) the following:

"(d) PARTICIPATION IN TAP WORKSHOPS.—

"(1) In general.—The Associate Administrator shall increase veteran outreach by ensuring that Veteran Business Outreach Centers regularly participate, on a nationwide basis, in the workshops of the Transition Assistance Program of the Department of Labor.

"(2) PRESENTATIONS.—In carrying out paragraph (1), a Veteran Business Outreach Center may provide grants to entities located in Transition Assistance Program locations to make presentations on the opportunities available from the Administration for recently separating or separated veterans. Each presentation under this paragraph shall include, at a mininiuin, a description of the entrepreneurial and business training resources available from the Administration.

"(3) WRITTEN MATERIALS.—The Associate Administrator shall—

"(A) create written materials that provide comprehensive information on self-employment and veterans entrepreneurship, including information on resources available from the Administration on such topics; and

"(B) make the materials created under subparagraph (A) available to the Secretary of Labor for inclusion in the Transition Assistance Program manual.

"(4) REPORTS.—The Associate Administrator shall submit to Congress progress reports on the implementation of this subsection.

"(e) WOMEN VETERANS BUSINESS TRAINING RESOURCE PROGRAM.—

"(1) IN GENERAL.—The Associate Administrator shall establish a Women Veterans Business Training Resource Program.

"(2) ACTIVITIES.—The Associate Administrator shall—

"(A) compile information on resources available to women veterans for business training, including resources for—

"(i) vocational and technical education;

"(ii) general business skills, such as marketing and accounting; and

"(iii) business assistance programs targeted to women veterans; and

"(B) disseminate the information compiled under subparagraph (A) through Veteran Business Outreach Centers and women's business centers.".

SEC. 105. INCREASING THE NUMBER OF OUTREACH CENTERS.

(a) IN GENERAL.—The Administrator shall use the authority in section 8(b)(17) of the Small Business Act (15 U.S.C. 637(b)(17)) to ensure that the number of Veterans Business Outreach Centers throughout the United States increases—

(1) subject to subsection (b), by at least 2, for each of fiscal years 2008 and 2009; and

(2) by the number that the Administrator considers appropriate, based on need, for each fiscal year thereafter.

(b) LIMITATION.—Subsection (a)(1) shall apply in a fiscal year if, for that fiscal year, the amount made available for the Office of Veterans Business Development is more than the amount made available for the Office of Veterans Business Development for fiscal year 2007.

SEC. 106. INDEPENDENT STUDY ON GAPS IN AVAILABILITY OF OUTREACH CENTERS.

The Administrator shall sponsor an independent study on gaps in the availability of Veterans Business Outreach Centers across the United States, to inform decisions on funding and on the allocation and coordination of resources. Not later than 6 months after the date of enactment of this Act, the Administrator shall submit to Congress a report on the results of the study.

TITLE II—NATIONAL RESERVIST ENTERPRISE TRANSITION AND SUSTAINABILITY

SEC. 201. SHORT TITLE.

This title may be cited as the "National Reservist Enterprise Transition and Sustainability Act of 2007".

SEC. 202. PURPOSE.

The purpose of this title is to establish a program to—

(1) provide managerial, financial, planning, development, technical, and regulatory assistance to small business concerns owned and operated by Reservists;

(2) provide managerial, financial, planning, development, technical, and regulatory assistance to the temporary heads of small business concerns owned and operated by Reservists;

(3) create a partnership between the Small Business Administration, the Department of Defense, and the Department of Veterans Affairs to assist small business concerns owned and operated by Reservists;

(4) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers receiving funding from the National Veterans Business Development Corporation, and any other veterans small business assistance program which receives Federal funding, to expand the access of small business concerns owned and operated by Reservists to programs providing business management, development, financial, procurement, technical, regulatory, and marketing assistance;

(5) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers receiving funding from the National Veterans Business Development Corporation, and any other veterans small business assistance program which receives Federal funding, to quickly respond to an activation of Reservists that own and operate small business concerns; and

(6) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers receiving funding from the National Veterans Business Development Corporation, and any other veterans small business assistance program which receives Federal funding, to assist Reservists that own and operate small business concerns in preparing for future military activations.

SEC. 203. NATIONAL GUARD AND RESERVE BUSINESS ASSISTANCE.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 37 (15 U.S.C. 631 note) as section 38; and

(2) by inserting after section 36 the following:

"SEC. 37. RESERVIST ENTERPRISE TRANSITION AND SUSTAINABILITY.

"(a) IN GENERAL.—The Administrator shall establish a program to provide business planning assistance to small business concerns owned and operated by Reservists.

"(b) DEFINITIONS.—In this section—

"(1) the terms 'activated' and 'activation' mean having received an order placing a Reservists on active duty, as defined by section 101(1) of title 10, United States Code;

"(2) the term 'Administrator' means the Administrator of the Small Business Administration, acting through the Associate Administrator for Small Business Development Centers;

"(3) the term 'Association' means the association established under section 21(a)(3)(A);

"(4) the term 'eligible applicant' means—

"(A) a small business development center that is accredited under section 21(k);

"(B) a women's business center;

"(C) a Veterans Business Outreach Center that receives funds from the Office of Veterans Business Development;

"(D) an information and assistance center receiving funding from the National Veterans Business Development Corporation under section 33; or

"(E) any other veterans small business assistance program which receives Federal funding;

"(5) the term 'enterprise transition and sustainability assistance' means assistance provided by an eligible applicant to a small business concern owned and operated by a Reservist, who has been activated or is likely to be activated in the next 12 months, to develop and implement a business strategy for the period while the owner is on active duty and 6 months after the date of the return of the owner;

"(6) the term 'Reservist' means any person who is—

"(A) a member of a reserve component of the Armed Forces, as defined by section 10101 of title 10, United States Code; and

"(B) on active status, as defined by section 101(d)(4) of title 10, United States Code;

"(7) the term 'small business development center' means a small business development center as described in section 21 of the Small Business Act (15 U.S.C. 648);

"(8) the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam; and

"(9) the term 'women's business center' means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

"(c) AUTHORITY.—The Administrator may award grants, in accordance with the regulations developed under subsection (e), to eligible applicants to assist small business concerns owned and operated by Reservists by—

"(1) providing management, development, financing, procurement, technical, regulatory, and marketing assistance;

"(2) providing access to information and resources, including Federal and State business assistance programs;

"(3) distributing contact information provided by the Department of Defense regarding activated Reservists to corresponding State directors;

"(4) offering free, one-on-one, in-depth counseling regarding management, development, financing, procurement, regulations, and marketing;

"(5) assisting in developing a long-term plan for possible future activation; and

"(6) providing enterprise transition and sustainability assistance.

"(d) OTHER FEDERAL DEPARTMENTS AND AGENCIES.—The Administrator shall make available informational materials relating to veteran business assistance practices developed by eligible entities using grants under this section to other Federal departments and agencies for use in programs operated by such departments and agencies.

"(e) RULEMAKING.—

"(1) IN GENERAL.—The Administrator, in consultation with the Association and after notice and an opportunity for comment, shall promulgate regulations to carry out this section.

"(2) DEADLINE.—The Administrator shall promulgate final regulations not later than 180 days of the date of enactment of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007.

"(3) CONTENTS.—The regulations developed by the Administrator under this subsection shall establish—

"(A) procedures for identifying, in consultation with the Secretary of Defense, States that have had a recent activation of Reservists;

"(B) priorities for the types of assistance to be provided under the program authorized by this section;

"(C) standards relating to educational, technical, and support services to be provided by a grantee;

"(D) standards relating to any national service delivery and support function to be provided by a grantee;

"(E) standards relating to any work plan that the Administrator may require a grantee to develop; and

"(F) standards relating to the educational, technical, and professional competency of any expert or other assistance provider to whom a small business concern may be referred for assistance by a grantee.

"(f) APPLICATION.—

"(1) IN GENERAL.—Each eligible applicant desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

"(2) CONTENTS.—Each application submitted under paragraph (1) shall describe

"(A) the activities for which the applicant seeks assistance under this section; and

"(B) how the applicant plans to allocate funds within its network.

"(g) AWARD OF GRANTS.—

"(1) DEADLINE.—The Administrator shall award grants not later than 60 days after the promulgation of final rules and regulations under subsection (e).

"(2) AMOUNT.—Each eligible applicant awarded a grant under this section shall receive a grant in an amount not greater than $300,000 per fiscal year.

"(h) REPORT.—

"(1) IN GENERAL.—The Comptroller General of the United States shall—

"(A) initiate an evaluation of the program not later than 30 months after the disbursement of the first grant under this section; and

"(B) submit a report not later than 6 months after the initiation of the evaluation under paragraph (1) to—

"(i) the Administrator;

"(ii) the Committee on Small Business and Entrepreneurship of the Senate; and

"(iii) the Committee on Small Business of the House of Representitives.

"(2) CONTENTS.—The report under paragraph (1) shall—

"(A) address the results of the evaluation conducted under paragraph (1); and

"(B) recommend changes to law, if any, that it believes would be necessary or advisable to achieve the goals of this section.

"(i) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

"(A) $5,000,000 for the first fiscal year beginning after the date of enactment of the Military Reservist and Veteran Small Business Reauthorization and Opportunity Act of 2007; and

"(B) $5,000,000 for the fiscal year following the fiscal year described in subparagraph (A).

"(2) FUNDING OFFSET.—Amounts necessary to carry out this section shall be offset and made available through the reduction of the authorization of fielding under section 20(e)(1)(B)(iv) of the Small Business Act (15 U.S.C. 631 note).".

SEC. 204. VETERANS ASSISTANCE AND SERVICES PROGRAM.

Section 21 of the Small Business Act (15 U.S.C. 648) is amended by adding at the end the following:

"(n) VETERANS ASSISTANCE AND SERVICES PROGRAM.—

"(1) IN GENERAL.—A small business development center may apply for a grant under this subsection to carry out a veterans assistance and services program.

"(2) ELEMENTS OF PROGRAM.—Under a program carried out with a grant under this subsection, a small business development center shall—

"(A) create a marketing campaign to promote awareness and education of the services of the center that are available to veterans, and to target the campaign toward veterans, servicedisabled veterans, military units, Federal agencies, and veterans organizations;

"(B) use technology-assisted online counseling and distance learning technology to overcome the impediments to entrepreneurship faced by veterans and members of the Armed Forces; and

"(C) increase coordination among organizations that assist veterans, including by establishing virtual integration of service providers and offerings for a one-stop point of contact for veterans who are entrepreneurs or owners of small business concerns.

"(3) AMOUNT OF GRANTS.—A grant under this subsection shall be for not less than $75,000 and not more than $250,000.

"(4) FUNDING.—Subject to amounts approved in advance in appropriations Acts, the Administration may make grants or enter into cooperative agreements to carry out the provisions of this subsection.".

TITLE III—RESERVIST PROGRAMS

SEC. 301. RESERVIST PROGRAMS.

(a) APPLICATION PERIOD.—Section 7(b)(3)(C) of the Small Business Act (15 U.S.C. 636(b)(3)(C)) is amended—

(1) by striking "90 days" and inserting "1 year"; and

(2) by adding at the end the following: "The Administrator may, when appropriate (as determined by the Administrator), waive the ending date specified in the preceding sentence and establish a later ending date.".

(b) PRE-CONSIDERATION PROCESS.—

(1) DEFINITION.—In this subsection, the term "eligible Reservist" means a Reservist who—

(A) has not been ordered to active duty;

(B) expects to be ordered to active duty during a period of military conflict; and

(C) can reasonably demonstrate that the small business concern for which that Reservist is a key employee will suffer economic injury in the absence of that Reservist.

(2) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a preconsideration process, under which the Administrator—

(A) may collect all relevant materials necessary for processing a loan to a small business concern under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) before an eligible Reservist employed by that small business concern is activated; and

(B) shall distribute funds for any loan approved under subparagraph (A) if that eligible Reservist is activated.

(C) OUTREACH AND TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Veterans Affairs and the Secretary of Defense, shall develop a comprehensive outreach and technical assistance program (in this subsection referred to as the "program") to—

(A) market the loans available under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) to Reservists, and family members of Reservists, that are on active duty and that are not on active duty; and

(B) provide technical assistance to a small business concern applying for a loan under that section.

(2) COMPONENTS.—The program shall

(A) incorporate appropriate websites maintained by the Administration, the Department of Veterans Affairs, and the Department of Defense; and

(B) require that information on the program is made available to small business concerns directly through

(i) the district offices and resource partners of the Administration, including small business development centers, women's business centers, and the Service Corps of Retired Executives; and

(ii) other Federal agencies, including the Department of Veterans Affairs and the Department of Defense.

(3) REPORT.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter until the date that is 30 months after such date of enactment, the Administrator shall submit to Congress a report on the status of the program.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include—

(i) for the 6-month period ending on the date of that report—

(I) the number of loans approved under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3));

(II) the number of loans disbursed under that section; and

(III) the total amount disbursed under that section; and

(ii) recommendations, if any, to make the program more effective in serving small business concerns that employ Reservists.

SEC. 302. RESERVIST LOANS.

(a) IN GENERAL.—Section 7(b)(3)(E) of the Small Business Act (15 U.S.C. 636(b)(3)(E)) is amended by striking "$1,500,000" each place such term appears and inserting "$2,000,000".

(b) LOAN INFORMATION.—

(1) IN GENERAL.—The Administrator and the Secretary of Defense shall develop a

joint website and printed materials providing information regarding any program for small business concerns that is available to veterans or Reservists.

(2) MARKETING.—The Administrator is authorized—

(A) to advertise and promote the program under section 7(b)(3) of the Small Business Act jointly with the Secretary of Defense and veterans' service organizations; and

(B) to advertise and promote participation by lenders in such program jointly with trade associations for banks or other lending institutions.

SEC. 303. NONCOLLATERALIZED LOANS.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) is amended by adding at the end the following:

"(G)(i) Notwithstanding any other provision of law, the Administrator may make a loan under this paragraph of not more than $50,000 without collateral.

"(ii) The Administrator may defer payment of principal and interest on a loan described in clause (i) during the longer of—

"(I) the 1-year period beginning on the date of the initial disbursement of the loan; and

"(II) the period during which the relevant essential employee is on active duty.".

SEC. 304. LOAN PRIORITY.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)), as amended by this Act, is amended by adding at the end the following:

"(H) The Administrator shall give priority to any application for a loan under this paragraph and shall process and make a determination regarding such applications prior to processing or making a determination on other loan applications under this subsection, on a rolling basis.".

SEC. 305. RELIEF FROM TIME LIMITATIONS FOR VETERAN-OWNED SMALL BUSINESSES.

Section 3(q) of the Small Business Act (15 U.S.C. 632(q)) is amended by adding at the end the following:

"(5) RELIEF FROM TIME LIMITATIONS.—

"(A) IN GENERAL.—Any time limitation on any qualification, certification, or period of participation imposed under this Act on any program that is available to small business concerns shall be extended for a small business concern that—

"(i) is owned and controlled by—

"(I) a veteran who was called or ordered to active duty under a provision of law specified in section 101(a)(13)(B) of title 10, United States Code, on or after September 11, 2001; or

"(II) a service-disabled veteran who became such a veteran due to an injury or illness incurred or aggravated in the active military, naval, or air service during a period of active duty pursuant to a call or order to active duty under a provision of law referred to in subclause (I) on or after September 11, 2001; and

"(ii) was subject to the time limitation during such period of active duty.

"(B) DURATION.—Upon submission of proper documentation to the Administrator, the extension of a time limitation under subparagraph (A) shall be equal to the period of time that such veteran who owned or controlled such a concern was on active duty as described in that subparagraph.

"(C) EXCEPTION FOR PROGRAMS SUBJECT TO FEDERAL CREDIT REFORM ACT OF 1990.—The provisions of subparagraphs (A) and (B) shall not apply to any programs subject to the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).".

SEC. 306. SERVICE-DISABLED VETERANS.

Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report describing

(1) the types of assistance needed by service-disabled veterans who wish to become entrepreneurs; and

(2) any resources that would assist such service-disabled veterans.

SEC. 307. STUDY ON OPTIONS FOR PROMOTING POSITIVE WORKING RELATIONS BETWEEN EMPLOYERS AND THEIR RESERVE COMPONENT EMPLOYEES.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study on options for promoting positive working relations between employers and Reserve component employees of such employers, including assessing options for improving the time in which employers of Reservists are notified of the call or order of such members to active duty other than for training.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the study conducted under subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall—

(A) provide a quantitative and qualitative assessment of—

(i) what measures, if any, are being taken to inform Reservists of the obligations and responsibilities of such members to their employers;

(ii) how effective such measures have been; and whether there are additional measures that could be taken to promote positive working relations between Reservists and their employers, including any steps that could be taken to ensure that employers are timely notified of a call to active duty; and

(B) assess whether there has been a reduction in the hiring of Reservists by business concerns because of—

(i) any increase in the use of Reservists after September 11, 2001; or

(ii) any change in any policy of the Department of Defense relating to Reservists after September 11, 2001.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services and the Committee on Small Business and Entrepreneurship of the Senate; and

(2) the Committee on Armed Services and the Committee on Small Business of the House of Representatives.

SEC. 308. INCREASED VETERAN PARTICIPATION PROGRAM.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(32) INCREASED VETERAN PARTICIPATION PROGRAM.—

"(A) DEFINITIONS.—In this paragraph—

"(i) the term 'cost' has the meaning given that term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a);

"(ii) the term 'pilot program' means the pilot program established under subparagraph (B); and

"(iii) the term 'veteran participation loan' means a loan made under this subsection to a small business concern owned and controlled by veterans of the Armed Forces or members of the reserve components of the Armed Forces.

"(B) ESTABLISHMENT.—The Administrator shall establish and carry out a pilot program under which the Administrator shall reduce the fees for veteran participation loans.

"(C) DURATION.—The pilot program shall terminate at the end of the second full fiscal year after the date that the Administrator establishes the pilot program.

"(D) MAXIMUM PARTICIPATION.—A veteran participation loan shall include the maximum participation levels by the Administrator permitted for loans made under this subsection.

"(E) FEES.—

"(i) IN GENERAL.—The fee on a veteran participation loan shall be equal to 50 percent of the fee otherwise applicable to that loan under paragraph (18).

"(ii) WAIVER.—The Administrator may waive clause (i) for a fiscal year if—

(I) for the fiscal year before that fiscal year, the annual estimated rate of default of veteran participation loans exceeds that of loans made under this subsection that are not veteran participation loans;

"(II) the cost to the Administration of making loans under this subsection is greater than zero and such cost is directly attributable to the cost of making veteran participation loans; and

"(III) no additional sources of revenue authority are available to reduce the cost of making loans under this subsection to zero.

"(iii) EFFECT OF WAIVER.—If the Administrator waives the reduction of fees under clause (ii), the Administrator

"(I) shall not assess or collect fees in an amount greater than necessary to ensure that the cost of the program under this subsection is not greater than zero; and

"(II) shall reinstate the fee reductions under clause (i) when the conditions in clause (ii) no longer apply.

"(iv) NO INCREASE OF FEES.—The Administrator shall not increase the fees under paragraph (18) on loans made under this subsection that are not veteran participation loans as a direct result of the pilot program.

"(F) GAO REPORT.—

"(i) IN GENERAL.—Not later than 1 year after the date that the pilot program terminates, the Comptroller General of the United States shall submit to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report on the pilot program.

"(ii) CONTENTS.—The report submitted under clause (i) shall include—

"(I) the number of veteran participation loans for which fees were reduced under the pilot program;

"(II) a description of the impact of the pilot program on the program under this subsection;

"(III) an evaluation of the efficacy and potential fraud and abuse of the pilot program; and

"(IV) recommendations for improving the pilot program.".

SA 3886. Mr. REID (for Mr. COBURN) proposed an amendment to amendment SA 3885 proposed by Mr. REID (for Mr. KERRY) to the bill S. 1784, to amend the Small Business Act to improve programs for veterans, and for other purposes; as follows:

On page 4, line 25, strike "increase" and all that follows through "opportunities to" on page 5, line 2, and insert "improve capital and business development opportunities for, and ensure achievement of the pre-established Federal contracting goals for".

On page 5, line 10, after the semicolon, add "and".

On page 5, line 22, strike "; and" and insert a period.

On page 5, strike lines 23 through 25.

On page 6, strike line 1 and all that follows through page 7, line 16, and insert the following:

"(3) DUTIES.—The task force shall—

"(A) consult regularly with veterans service organizations and military organizations in performing the duties of the task force; and

"(B) coordinate administrative and regulatory activities and develop proposals relating to—

"(i) improving capital access and capacity of small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through loans, surety bonding, and franchising;

"(ii) ensuring achievement of the pre-established Federal contracting goals for small business concerns owned and controlled by service-disabled veterans and small business concerns owned and controlled by veterans through expanded mentor-protégé assistance and matching such small business concerns with contracting opportunities;

"(iii) increasing the integrity of certifications of status as a small business concern owned and controlled by service-disabled veterans or a small business concern owned and controlled by veterans;

"(iv) reducing paperwork and administrative burdens on veterans in accessing business development and entrepreneurship opportunities;

"(v) increasing and improving training and counseling services provided to small business concerns owned and controlled by veterans; and

"(vi) making other improvements relating to the support for veterans business development by the Federal Government.

On page 9, strike line 13 and all that follows through page 10, line 8, and insert the following:

"(e) WOMEN VETERANS BUSINESS TRAINING.—The Associate Administrator shall—

"(1) compile information on existing resources available to women veterans for business training, including resources for—

"(A) vocational and technical education;

"(B) general business skills, such as marketing and accounting; and

"(C) business assistance programs targeted to women veterans; and

"(2) disseminate the information compiled under paragraph (1) through Veteran Business Outreach Centers and women's business centers.".

On page 11, strike line 10 and all that follows through page 20, line 23, and insert the following:

SEC. 201. VETERANS ASSISTANCE AND SERVICES PROGRAM.

On page 22, between lines 10 and 11, insert the following:

SEC. 202. DISASTER LOANS.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) is amended—

(1) in subparagraph (E), by striking "unless" and all that follows and inserting a period; and

(2) by inserting after subparagraph (I), the following:

"(J) There shall be reasonable assurance that a loan recipient under this paragraph can repay the loan of personal or business cash flow.".

On page 22, line 21, strike "waive" and all that follows through "date" on line 23 and insert "extend the ending date specified in the preceding sentence by not more than 1 year".

On page 24, line 4, strike "shall" and insert "may".

On page 32, between lines 9 and 10, insert the following:

(d) ADDITIONAL STUDY.—Not later than 180 days after the date of enactment of this Act, the Office of Advocacy of the Administration shall submit to Congress a report describing—

(1) the barriers in place arising from Federal regulations for veterans who wish to become entrepreneurs;

(2) the barriers in place arising from the tax code for veterans who wish to become entrepreneurs; and

(3) any recommendations for how best to eliminate those barriers to better assist current or prospective veteran small business owners.

SA 3887. Mr. SCHUMER (for Mr. LEAHY (for himself and Mr. SCHUMER)) proposed an amendment to the bill H.R. 2640, to improve the National Instant Criminal Background Check System, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TILE.—This Act may be cited as the "NICS Improvement Amendments Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—TRANSMITTAL OF RECORDS

Sec. 101. Enhancement of requirement that Federal departments and agencies provide relevant information to the National Instant Criminal Background Check System.
Sec. 102. Requirements to obtain waiver.
Sec. 103. Implementation assistance to States.
Sec. 104. Penalties for noncompliance.
Sec. 105. Relief from disabilities program required as condition for participation in grant programs.
Sec. 106. Illegal immigrant gun purchase notification.

TITLE II—FOCUSING FEDERAL ASSISTANCE ON THE IMPROVEMENT OF RELEVANT RECORDS

Sec. 201. Continuing evaluations.

TITLE III—GRANTS TO STATE COURT SYSTEMS FOR THE IMPROVEMENT IN AUTOMATION AND TRANSMITTAL OF DISPOSITION RECORDS

Sec. 301. Disposition records automation and transmittal improvement grants.

TITLE IV—GAO AUDIT

Sec. 401. GAO audit.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Approximately 916,000 individuals were prohibited from purchasing a firearm for failing a background check between November 30, 1998, (the date the National Instant Criminal Background Check System (NICS) began operating) and December 31, 2004.

(2) From November 30, 1998, through December 31, 2004, nearly 49,000,000 Brady background checks were processed through NICS.

(3) Although most Brady background checks are processed through NICS in seconds, many background checks are delayed if the Federal Bureau of Investigation (FBI) does not have automated access to complete information from the States concerning persons prohibited from possessing or receiving a firearm under Federal or State law.

(4) Nearly 21,000,000 criminal records are not accessible by NICS and millions of criminal records are missing critical data, such as arrest dispositions, due to data backlogs.

(5) The primary cause of delay in NICS background checks is the lack of—

(A) updates and available State criminal disposition records; and

(B) automated access to information concerning persons prohibited from possessing or receiving a firearm because of mental illness, restraining orders, or misdemeanor convictions for domestic violence.

(6) Automated access to this information can be improved by—

(A) computerizing information relating to criminal history, criminal dispositions, mental illness, restraining orders, and misdemeanor convictions for domestic violence; or

(B) making such information available to NICS in a usable format.

(7) Helping States to automate these records will reduce delays for law-abiding gun purchasers.

(8) On March 12, 2002, the senseless shooting, which took the lives of a priest and a parishioner at the Our Lady of Peace Church in Lynbrook, New York, brought attention to the need to improve information-sharing that would enable Federal and State law enforcement agencies to conduct a complete background check on a potential firearm purchaser. The man who committed this double murder had a prior disqualifying mental health commitment and a restraining order against him, but passed a Brady background check because NICS did not have the necessary information to determine that he was ineligible to purchase a firearm under Federal or State law.

(9) On April 16, 2007, a student with a history of mental illness at the Virginia Polytechnic Institute and State University shot to death 32 students and faculty members, wounded 17 more, and then took his own life. The shooting, the deadliest campus shooting in United States history, renewed the need to improve information-sharing that would enable Federal and State law enforcement agencies to conduct complete background checks on potential firearms purchasers. In spite of a proven history of mental illness, the shooter was able to purchase the two firearms used in the shooting. Improved coordination between State and Federal authorities could have ensured that the shooter's disqualifying mental health information was available to NICS.

SEC. 3. DEFINITIONS.

As used in this Act, the following definitions shall apply:

(1) COURT ORDER.—The term "court order" includes a court order (as described in section 922(g)(8) of title 18, United States Code).

(2) MENTAL HEALTH TERMS.—The terms "adjudicated as a mental defective" and "committed to a mental institution" have the same meanings as in section 922(g)(4) of title 18, United States Code.

(3) MISDEMEANOR CRIME OF DOMESTIC VIOLENCE.—The term "misdemeanor crime of domestic violence" has the meaning given the term in section 921(a)(33) of title 18, United States Code.

TITLE I—TRANSMITTAL OF RECORDS

SEC. 101. ENHANCEMENT OF REQUIREMENT THAT FEDERAL DEPARTMENTS AND AGENCIES PROVIDE RELEVANT INFORMATION TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.

(a) IN GENERAL.—Section 103(e)(1) of the Brady Handgun Violence Prevention Act (18 U.S.C. 922 note) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(A) IN GENERAL.—Notwithstanding";

(2) by striking "On request" and inserting the following:

"(B) REQUEST OF ATTORNEY GENERAL.—On request";

(3) by striking "furnish such information" and inserting "furnish electronic versions of the information described under subparagraph (A)"; and

(4) by adding at the end the following:

"(C) QUARTERLY SUBMISSION TO ATTORNEY GENERAL.—If a Federal department or agency under subparagraph (A) has any record of any person demonstrating that the person falls within one of the categories described in subsection (g) or (n) of section 922 of title 18, United States Code, the head of such department or agency shall, not less frequently than quarterly, provide the pertinent information contained in such record to the Attorney General.

"(D) INFORMATION UPDATES.—The Federal department or agency, on being made aware that the basis under which a record was made available under subparagraph (A) does not apply, or no longer applies, shall—

"(i) update, correct, modify, or remove the record from any database that the agency maintains and makes available to the Attorney General, in accordance with the rules pertaining to that database; and

"(ii) notify the Attorney General that such basis no longer applies so that the National Instant Criminal Background Check System is kept up to date.

The Attorney General upon receiving notice pursuant to clause (ii) shall ensure that the record in the National Instant Criminal Background Check System is updated, corrected, modified, or removed within 30 days of receipt.

"(E) ANNUAL REPORT.—The Attorney General shall submit an annual report to Congress that describes the compliance of each department or agency with the provisions of this paragraph.".

(b) PROVISION AND MAINTENANCE OF NICS RECORDS.—

(1) DEPARTMENT OF HOMELAND SECURITY.—The Secretary of Homeland Security shall make available to the Attorney General—

(A) records, updated not less than quarterly, which are relevant to a determination of whether a person is disqualified from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code, for use in background checks performed by the National Instant Criminal Background Check System; and

(B) information regarding all the persons described in subparagraph (A) of this paragraph who have changed their status to a category not identified under section 922(g)(5) of title 18, United States Code, for removal, when applicable, from the National Instant Criminal Background Check System.

(2) DEPARTMENT OF JUSTICE.—The Attorney General shall—

(A) ensure that any information submitted to, or maintained by, the Attorney General under this section is kept accurate and confidential, as required by the laws, regulations, policies, or procedures governing the applicable record system;

(B) provide for the timely removal and destruction of obsolete and erroneous names and information from the National Instant Criminal Background Check System; and

(C) work with States to encourage the development of computer systems, which would permit electronic notification to the Attorney General when—

(i) a court order has been issued, lifted, or otherwise removed by order of the court; or

(ii) a person has been adjudicated as a mental defective or committed to a mental institution.

(c) STANDARD FOR ADJUDICATIONS AND COMMITMENTS RELATED TO MENTAL HEALTH.—

(1) IN GENERAL.—No department or agency of the Federal Government may provide to the Attorney General any record of an adjudication related to the mental health of a person or any commitment of a person to a mental institution if—

(A) the adjudication or commitment, respectively, has been set aside or expunged, or the person has otherwise been fully released or discharged from all mandatory treatment, supervision, or monitoring;

(B) the person has been found by a court, board, commission, or other lawful authority to no longer suffer from the mental health condition that was the basis of the adjudication or commitment, respectively, or has otherwise been found to be rehabilitated through any procedure available under law; or

(C) the adjudication or commitment, respectively, is based solely on a medical finding of disability, without an opportunity for a hearing by a court, board, commission, or other lawful authority, and the person has not been adjudicated as a mental defective consistent with section 922(g)(4) of title 18, United States Code, except that nothing in this section or any other provision of law shall prevent a Federal department or agency from providing to the Attorney General any record demonstrating that a person was adjudicated to be not guilty by reason of insanity, or based on lack of mental responsibility, or found incompetent to stand trial, in any criminal case or under the Uniform Code of Military Justice.

(2) TREATMENT OF CERTAIN ADJUDICATIONS AND COMMITMENTS.—

(A) PROGRAM FOR RELIEF FROM DISABILITIES.—

(i) IN GENERAL.—Each department or agency of the United States that makes any adjudication related to the mental health of a person or imposes any commitment to a mental institution, as described in subsection (d)(4) and (g)(4) of section 922 of title 18, United States Code, shall establish, not later than 120 days after the date of enactment of this Act, a program that permits such a person to apply for relief from the disabilities imposed by such subsections.

(ii) PROCESS.—Each application for relief submitted under the program required by this subparagraph shall be processed not later than 365 days after the receipt of the application. If a Federal department or agency fails to resolve an application for relief within 365 days for any reason, including a lack of appropriated funds, the department or agency shall be deemed for all purposes to have denied such request for relief without cause. Judicial review of any petitions brought under this clause shall be de novo.

(iii) JUDICIAL REVIEW.—Relief and judicial review with respect to the program required by this subparagraph shall be available according to the standards prescribed in section 925(c) of title 18, United States Code. If the denial of a petition for relief has been reversed after such judicial review, the court shall award the prevailing party, other than the United States, a reasonable attorney's fee for any and all proceedings in relation to attaining such relief, and the United States shall be liable for such fee. Such fee shall be based upon the prevailing rates awarded to public interest legal aid organizations in the relevant community.

(B) RELIEF FROM DISABILITIES.—In the case of an adjudication related to the mental health of a person or a commitment of a person to a mental institution, a record of which may not be provided to the Attorney General under paragraph (1), including because of the absence of a finding described in subparagraph (C) of such paragraph, or from which a person has been granted relief under a program established under subparagraph (A) or (B), or because of a removal of a record under section 103(e)(1)(D) of the Brady Handgun Violence Prevention Act, the adjudication or commitment, respectively, shall be deemed not to have occurred for purposes of subsections (d)(4) and (g)(4) of section 922 of title 18, United States Code. Any Federal agency that grants a person relief from disabilities under this subparagraph shall notify such person that the person is no longer prohibited under 922(d)(4) or 922(g)(4) of title 18, United States Code, on account of the relieved disability for which relief was granted pursuant to a proceeding conducted under this subparagraph, with respect to the acquisition, receipt, transfer, shipment, transportation, or possession of firearms.

(3) NOTICE REQUIREMENT.—Effective 30 days after the date of enactment of this Act, any Federal department or agency that conducts proceedings to adjudicate a person as a mental defective under 922(d)(4) or 922(g)(4) of title 18, United States Code, shall provide both oral and written notice to the individual at the commencement of the adjudication process including—

(A) notice that should the agency adjudicate the person as a mental defective, or should the person be committed to a mental institution, such adjudication, when final, or such commitment, will prohibit the individual from purchasing, possessing, receiving, shipping or transporting a firearm or ammunition under section 922(d)(4) or section 922(g)(4) of title 18, United States Code;

(B) information about the penalties imposed for unlawful possession, receipt, shipment or transportation of a firearm under section 924(a)(2) of title 18, United States Code; and

(C) information about the availability of relief from the disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, transportation, or possession of firearms.

(4) EFFECTIVE DATE.—Except for paragraph (3), this subsection shall apply to names and other information provided before, on, or after the date of enactment of this Act. Any name or information provided in violation of this subsection (other than in violation of paragraph (3)) before, on, or after such date shall be removed from the National Instant Criminal Background Check System.

SEC. 102. REQUIREMENTS TO OBTAIN WAIVER.

(a) IN GENERAL.—Beginning 3 years after the date of the enactment of this Act, a State shall be eligible to receive a waiver of the 10 percent matching requirement for National Criminal History Improvement Grants under the Crime Identification Technology Act of 1998 (42 U.S.C. 14601) if the State provides at least 90 percent of the information described in subsection (c). The length of such a waiver shall not exceed 2 years.

(b) STATE ESTIMATES.—

(1) INITIAL STATE ESTIMATE.—

(A) IN GENERAL.—To assist the Attorney General in making a determination under subsection (a) of this section, and under section 104, concerning the compliance of the States in providing information to the Attorney General for the purpose of receiving a waiver under subsection (a) of this section, or facing a loss of funds under section 104, by a date not later than 180 days after the date of the enactment of this Act, each State shall provide the Attorney General with a reasonable estimate, as calculated by a method determined by the Attorney General and in accordance with section 104(d), of the number of the records described in subparagraph (C) applicable to such State that concern persons who are prohibited from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code.

(B) FAILURE TO PROVIDE INITIAL ESTIMATE.—A State that fails to provide an estimate described in subparagraph (A) by the date required under such subparagraph shall be ineligible to receive any funds under section 103, until such date as it provides such estimate to the Attorney General.

(C) RECORD DEFINED.—For purposes of subparagraph (A), a record is the following:

(i) A record that identifies a person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding 1 year.

(ii) A record that identifies a person for whom an indictment has been returned for a crime punishable by imprisonment for a term exceeding 1 year that is valid under the laws of the State involved or who is a fugitive from justice, as of the date of the estimate, and for which a record of final disposition is not available.

(iii) A record that identifies a person who is an unlawful user of, or addicted to a controlled substance (as such terms "unlawful user" and "addicted" are respectively defined in regulations implementing section 922(g)(3) of title 18, United States Code, as in effect on the date of the enactment of this Act) as demonstrated by arrests, convictions, and adjudications, and whose record is not protected from disclosure to the Attorney General under any provision of State or Federal law.

(iv) A record that identifies a person who has been adjudicated as a mental defective or committed to a mental institution, consistent with section 922(g)(4) of title 18, United States Code, and whose record is not protected from disclosure to the Attorney General under any provision of State or Federal law.

(v) A record that is electronically available and that identifies a person who, as of the date of such estimate, is subject to a court order described in section 922(g)(8) of title 18, United States Code.

(vi) A record that is electronically available and that identifies a person convicted in any court of a misdemeanor crime of domestic violence, as defined in section 921(a)(33) of title 18, United States Code.

(2) SCOPE.—The Attorney General, in determining the compliance of a State under this section or section 104 for the purpose of granting a waiver or imposing a loss of Federal funds, shall assess the total percentage of records provided by the State concerning any event occurring within the prior 20 years, which would disqualify a person from possessing a firearm under subsection (g) or (n) of section 922 of title 18, United States Code.

(3) CLARIFICATION.—Notwithstanding paragraph (2), States shall endeavor to provide the National Instant Criminal Background Check System with all records concerning persons who are prohibited from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code, regardless of the elapsed time since the disqualifying event.

(c) ELIGIBILITY OF STATE RECORDS FOR SUBMISSION TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM.—

(1) REQUIREMENTS FOR ELIGIBILITY.—

(A) IN GENERAL.—From the information collected by a State, the State shall make electronically available to the Attorney General records relevant to a determination of whether a person is disqualified from possessing or receiving a firearm under subsection (g) or (n) of section 922 of title 18, United States Code, or applicable State law.

(B) NICS UPDATES.—The State, on being made aware that the basis under which a record was made available under subparagraph (A) does not apply, or no longer applies, shall, as soon as practicable—

(i) update, correct, modify, or remove the record from any database that the Federal or State government maintains and makes available to the National Instant Criminal Background Check System, consistent with the rules pertaining to that database; and

(ii) notify the Attorney General that such basis no longer applies so that the record system in which the record is maintained is kept up to date.

The Attorney General upon receiving notice pursuant to clause (ii) shall ensure that the record in the National Instant Criminal Background Check System is updated, corrected, modified, or removed within 30 days of receipt.

(C) CERTIFICATION.—To remain eligible for a waiver under subsection (a), a State shall certify to the Attorney General, not less than once during each 2-year period, that at least 90 percent of all records described in subparagraph (A) has been made electronically available to the Attorney General in accordance with subparagraph (A).

(D) INCLUSION OF ALL RECORDS.—For purposes of this paragraph, a State shall identify and include all of the records described under subparagraph (A) without regard to the age of the record.

(2) APPLICATION TO PERSONS CONVICTED OF MISDEMEANOR CRIMES OF DOMESTIC VIOLENCE.—The State shall make available to the Attorney General, for use by the National Instant Criminal Background Check System, records relevant to a determination of whether a person has been convicted in any court of a misdemeanor crime of domestic violence. With respect to records relating to such crimes, the State shall provide information specifically describing the offense and the specific section or subsection of the offense for which the defendant has been convicted and the relationship of the defendant to the victim in each case.

(3) APPLICATION TO PERSONS WHO HAVE BEEN ADJUDICATED AS A MENTAL DEFECTIVE OR COMMITTED TO A MENTAL INSTITUTION.—The State shall make available to the Attorney General, for use by the National Instant Criminal Background Check System, the name and other relevant identifying information of persons adjudicated as a mental defective or those committed to mental institutions to assist the Attorney General in enforcing section 922(g)(4) of title 18, United States Code.

(d) PRIVACY PROTECTIONS.—For any information provided to the Attorney General for use by the National Instant Criminal Background Check System, relating to persons prohibited from possessing or receiving a firearm under section 922(g)(4) of title 18, United States Code, the Attorney General shall work with States and local law enforcement and the mental health community to establish regulations and protocols for protecting the privacy of information provided to the system. The Attorney General shall make every effort to meet with any mental health group seeking to express its views concerning these regulations and protocols and shall seek to develop regulations as expeditiously as practicable.

(e) ATTORNEY GENERAL REPORT.—Not later than January 31 of each year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of States in automating the databases containing the information described in subsection (b) and in making that information electronically available to the Attorney General pursuant to the requirements of subsection (c).

SEC. 103. IMPLEMENTATION ASSISTANCE TO STATES.

(a) AUTHORIZATION.—

(1) IN GENERAL.—From amounts made available to carry out this section and subject to section 102(b)(1)(B), the Attorney General shall make grants to States and Indian tribal governments, in a manner consistent with the National Criminal History Improvement Program, which shall be used by the States and Indian tribal governments, in conjunction with units of local government and State and local courts, to establish or upgrade information and identification technologies for firearms eligibility determinations. Not less than 3 percent, and no more than 10 percent of each grant under this paragraph shall be used to maintain the relief from disabilities program in accordance with section 105.

(2) GRANTS TO INDIAN TRIBES.—Up to 5 percent of the grant funding available under this section may be reserved for Indian tribal governments, including tribal judicial systems.

(b) USE OF GRANT AMOUNTS.—Grants awarded to States or Indian tribes under this section may only be used to—

(1) create electronic systems, which provide accurate and up-to-date information which is directly related to checks under the National Instant Criminal Background Check System (referred to in this section as "NICS"), including court disposition and corrections records;

(2) assist States in establishing or enhancing their own capacities to perform NICS background checks;

(3) supply accurate and timely information to the Attorney General concerning final dispositions of criminal records to databases accessed by NICS;

(4) supply accurate and timely information to the Attorney General concerning the identity of persons who are prohibited from obtaining a firearm under section 922(g)(4) of title 18, United States Code, to be used by the Federal Bureau of Investigation solely to conduct NICS background checks;

(5) supply accurate and timely court orders and records of misdemeanor crimes of domestic violence for inclusion in Federal and State law enforcement databases used to conduct NICS background checks;

(6) collect and analyze data needed to demonstrate levels of State compliance with this Act; and

(7) maintain the relief from disabilities program in accordance with section 105, but not less than 3 percent, and no more than 10 percent of each grant shall be used for this purpose.

(c) ELIGIBILITY.—To be eligible for a grant under this section, a State shall certify, to the satisfaction of the Attorney General, that the State has implemented a relief from disabilities program in accordance with section 105.

(d) CONDITION.—As a condition of receiving a grant under this section, a State shall specify the projects for which grant amounts will be used, and shall use such amounts only as specified. A State that violates this subsection shall be liable to the Attorney General for the full amount of the grant received under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $125,000,000 for fiscal year 2009, $250,000,000 for fiscal year 2010, $250,000,000 for fiscal year 2011, $125,000,000 for fiscal year 2012, and $125,000,000 for fiscal year 2013.

(2) ALLOCATIONS.—For fiscal years 2009 and 2010, the Attorney General shall endeavor to allocate at least ½ of the authorized appropriations to those States providing more than 50 percent of the records required to be provided under sections 102 and 103. For fiscal years 2011, 2012, and 2013, the Attorney General shall endeavor to allocate at least ½ of the authorized appropriations to those States providing more than 70 percent of the records required to be provided under section 102 and 103. The allocations in this paragraph shall be subject to the discretion of the Attorney General, who shall have the authority to make adjustments to the distribution of the authorized appropriations as necessary to maximize incentives for State compliance.

(f) USER FEE.—The Federal Bureau of Investigation shall not charge a user fee for background checks pursuant to section 922(t) of title 18, United States Code.

SEC. 104. PENALTIES FOR NONCOMPLIANCE.

(a) ATTORNEY GENERAL REPORT.—

(1) IN GENERAL.—Not later than January 31 of each year, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report on the progress of the States in automating the databases containing information described under sections 102 and 103, and in providing that information pursuant to the requirements of sections 102 and 103.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice, such funds as may be necessary to carry out paragraph (1).

(b) PENALTIES.—

(1) DISCRETIONARY REDUCTION.—

(A) During the 2-year period beginning 3 years after the date of enactment of this Act, the Attorney General may withhold not more than 3 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State provides less than 50 percent of the records required to be provided under sections 102 and 103.

(B) During the 5-year period after the expiration of the period referred to in subparagraph (A), the Attorney General may withhold not more than 4 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755) if the State provides less than 70 percent of the records required to be provided under sections 102 and 103.

(2) MANDATORY REDUCTION.—After the expiration of the periods referred to in paragraph (1), the Attorney General shall withhold 5 percent of the amount that would otherwise be allocated to a State under section 505 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3755), if the State provides less than 90 percent of the records required to be provided under sections 102 and 103.

(3) WAIVER BY ATTORNEY GENERAL.—The Attorney General may waive the applicability of paragraph (2) to a State if the State provides substantial evidence, as determined by the Attorney General, that the State is making a reasonable effort to comply with the requirements of sections 102 and 103, including an inability to comply due to court order or other legal restriction.

(c) REALLOCATION.—Any funds that are not allocated to a State because of the failure of the State to comply with the requirements of this Act shall be reallocated to States that meet such requirements.

(d) METHODOLOGY.—The method established to calculate the number of records to be reported, as set forth in section 102(b)(1)(A), and State compliance with the required level of reporting under sections 102 and 103 shall be determined by the Attorney General. The Attorney General shall calculate the methodology based on the total number of records to be reported from all subcategories of records, as described in section 102(b)(1)(C).

SEC. 105. RELIEF FROM DISABILITIES PROGRAM REQUIRED AS CONDITION FOR PARTICIPATION IN GRANT PROGRAMS.

(a) PROGRAM DESCRIBED.—A relief from disabilities program is implemented by a State in accordance with this section if the program—

(1) permits a person who, pursuant to State law, has been adjudicated as described in subsection (g)(4) of section 922 of title 18, United States Code, or has been committed to a mental institution, to apply to the State for relief from the disabilities imposed by subsections (d)(4) and (g)(4) of such section by reason of the adjudication or commitment;

(2) provides that a State court, board, commission, or other lawful authority shall grant the relief, pursuant to State law and in accordance with the principles of due process, if the circumstances regarding the disabilities referred to in paragraph (1), and the person's record and reputation, are such that the person will not be likely to act in a manner dangerous to public safety and that the granting of the relief would not be contrary to the public interest; and

(3) permits a person whose application for the relief is denied to file a petition with the State court of appropriate jurisdiction for a de novo judicial review of the denial.

(b) AUTHORITY TO PROVIDE RELIEF FROM CERTAIN DISABILITIES WITH RESPECT TO FIREARMS.—If, under a State relief from disabilities program implemented in accordance with this section, an application for relief referred to in subsection (a)(1) of this section is granted with respect to an adjudication or a commitment to a mental institution or based upon a removal of a record under section 102(c)(1)(B), the adjudication or commitment, as the case may be, is deemed not to have occurred for purposes of subsections (d)(4) and (g)(4) of section 922 of title 18, United States Code.

SEC. 106. ILLEGAL IMMIGRANT GUN PURCHASE NOTIFICATION.

(a) IN GENERAL.—Notwithstanding any other provision of law or of this Act, all records obtained by the National Instant Criminal Background Check system relevant to whether an individual is prohibited from possessing a firearm because such person is an alien illegally or unlawfully in the United States shall be made available to U.S. Immigration and Customs Enforcement.

(b) REGULATIONS.—The Attorney General, at his or her discretion, shall promulgate guidelines relevant to what records relevant to illegal aliens shall be provided pursuant to the provisions of this Act.

TITLE II—FOCUSING FEDERAL ASSISTANCE ON THE IMPROVEMENT OF RELEVANT RECORDS

SEC. 201. CONTINUING EVALUATIONS.

(a) EVALUATION REQUIRED.—The Director of the Bureau of Justice Statistics (referred to in this section as the "Director") shall study and evaluate the operations of the National Instant Criminal Background Check System. Such study and evaluation shall include compilations and analyses of the operations and record systems of the agencies and organizations necessary to support such System.

(b) REPORT ON GRANTS.—Not later than January 31 of each year, the Director shall submit to Congress a report containing the estimates submitted by the States under section 102(b).

(c) REPORT ON BEST PRACTICES.—Not later than January 31 of each year, the Director shall submit to Congress, and to each State participating in the National Criminal History Improvement Program, a report of the practices of the States regarding the collection, maintenance, automation, and transmittal of information relevant to determining whether a person is prohibited from possessing or receiving a firearm by Federal or State law, by the State or any other agency, or any other records relevant to the National Instant Criminal Background Check System, that the Director considers to be best practices.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 2009 through 2013 to complete the studies, evaluations, and reports required under this section.

TITLE III—GRANTS TO STATE COURT SYSTEMS FOR THE IMPROVEMENT IN AUTOMATION AND TRANSMITTAL OF DISPOSITION RECORDS

SEC. 301. DISPOSITION RECORDS AUTOMATION AND TRANSMITTAL IMPROVEMENT GRANTS.

(a) GRANTS AUTHORIZED.—From amounts made available to carry out this section, the Attorney General shall make grants to each State, consistent with State plans for the integration, automation, and accessibility of criminal history records, for use by the State court system to improve the automation and transmittal of criminal history dispositions, records relevant to determining whether a person has been convicted of a misdemeanor crime of domestic violence, court orders, and mental health adjudications or commitments, to Federal and State record repositories in accordance with sections 102 and 103 and the National Criminal History Improvement Program.

(b) GRANTS TO INDIAN TRIBES.—Up to 5 percent of the grant funding available under this section may be reserved for Indian tribal governments for use by Indian tribal judicial systems.

(c) USE OF FUNDS.—Amounts granted under this section shall be used by the State court system only—

(1) to carry out, as necessary, assessments of the capabilities of the courts of the State for the automation and transmission of arrest and conviction records, court orders, and mental health adjudications or commitments to Federal and State record repositories; and

(2) to implement policies, systems, and procedures for the automation and transmission of arrest and conviction records, court orders, and mental health adjudications or commitments to Federal and State record repositories.

(d) ELIGIBILITY.—To be eligible to receive a grant under this section, a State shall certify, to the satisfaction of the Attorney General, that the State has implemented a relief from disabilities program in accordance with section 105.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $62,500,000 for fiscal year 2009, $125,000,000 for fiscal year 2010, $125,000,000 for fiscal year 2011, $62,500,000 for fiscal year 2012, and $62,500,000 for fiscal year 2013.

TITLE IV—GAO AUDIT

SEC. 401. GAO AUDIT.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct an audit of the expenditure of all funds appropriated for criminal records improvement pursuant to section 106(b) of the Brady Handgun Violence Prevention Act (Public Law 103–159) to determine if the funds were expended for the purposes authorized by the Act and how those funds were expended for those purposes or were otherwise expended.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall submit a report to Congress describing the findings of the audit conducted pursuant to subsection (a).

SA 3888. Mr. SCHUMER (for Mr. BIDEN (for himself and Mr. MCCONNELL)) proposed an amendment to the bill H.R. 3890, of 2003 to impose import sanctions on Burmese gemstones, expand the number of individuals against whom the visa ban is applicable, expand the blocking of assets and other prohibited activities, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Burma Democracy Promotion Act of 2007".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Beginning on August 19, 2007, hundreds of thousands of citizens of Burma, including thousands of Buddhist monks and students, participated in peaceful demonstrations against rapidly deteriorating living conditions and the violent and repressive policies of the State Peace and Development Council, the ruling military regime in Burma—

(A) to demand the release of all political prisoners, including 1991 Nobel Peace Prize winner Aung San Suu Kyi; and

(B) to urge the SPDC to engage in meaningful dialogue to pursue national reconciliation.

(2) The SPDC violently confronted unarmed demonstrators, killing, injuring, and imprisoning citizens, including several thousand Buddhist monks, and continues to forcefully restrict peaceful forms of public expression.

(3) The Department of State's 2006 Country Reports on Human Rights Practices found that the SPDC—

(A) routinely restricts freedoms of speech, press, assembly, association, religion, and movement;

(B) traffics in persons;

(C) discriminates against women and ethnic minorities;

(D) forcibly recruits child soldiers and child labor; and

(E) commits other serious violations of human rights, including extrajudicial killings, custodial deaths, disappearances, rape, torture, abuse of prisoners and detainees, and the imprisonment of citizens arbitrarily for political motives.

(4) Aung San Suu Kyi has been arbitrarily imprisoned or held under house arrest for more than 12 years.

(5) On September 25, 2007, President Bush announced that the United States would—

(A) tighten economic sanctions against Burma, and block property and interests in property of—

(i) certain senior leaders of the SPDC;

(ii) individuals who provide financial backing for the SPDC; and

(iii) individuals responsible for violations of human rights and for impeding the transition to democracy in Burma; and

(B) impose an expanded visa ban on individuals—

(i) responsible for violations of human rights; and

(ii) who aid, abet, or benefit from the efforts of the SPDC to impede the efforts of the people of Burma to transition to democracy and ensure respect for human dignity.

(6) The Burmese regime and its supporters finance their ongoing violations of human rights, undemocratic policies, and military activities through financial transactions, travel, and trade involving the United States, including the sale of gemstones and hardwoods.

(7) The SPDC seeks to evade the sanctions imposed in the Burmese Freedom and Democracy Act of 2003. Millions of dollars in gemstones that are exported from Burma ultimately enter the United States, but the Burmese regime attempts to conceal the origin of the gemstones in an effort to evade sanctions. For example, over 90 percent of the world's ruby supply originates in Burma but only 3 percent of the rubies entering the United States are claimed to be of Burmese origin. The value of Burmese gemstones is predominantly based on their original quality and geological origin, rather than the labor involved in cutting and polishing the gemstones.

(8) Burma is home to approximately 60 percent of the world's native teak reserves. More than ¼ of the world's internationally traded teak originates from Burma, and hardwood sales, mainly of teak, represent more than 11 percent of Burma's official foreign exchange earnings.

(9) Burma officially exports tens of millions of dollars worth of rubies, sapphires, pearls, jade, and other precious stones each year and the SPDC owns a majority stake in all mining operations within the borders of Burma.

(10) On October 11, 2007, the United Nations Security Council, with the consent of the People's Republic of China, issued a statement condemning the violence in Burma, urging the release of all political prisoners, and calling on the SPDC to enter into a United Nations-mediated dialogue with its political opposition.

(11) The United Nations special envoy Ibrahim Gambari traveled to Burma from September 29, 2007, through October 2, 2007, holding meetings with SPDC leader General Than Shwe and democracy advocate Aung San Suu Kyi in an effort to promote dialogue between the SPDC and democracy advocates.

(12) The leaders of the SPDC will have a greater incentive to cooperate with diplomatic efforts by the United Nations, the Association of Southeast Asian Nations, and the People's Republic of China if they come under targeted economic pressure that denies them access to personal wealth and sources of revenue.

SEC. 3. DEFINITIONS.

In this Act:

(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms "account", "correspondent account", and "payable-through account" have the meanings given the terms in section 5318A(e)(1) of title 31, United States Code.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Relations of the Senate;

(B) the Committee on Finance of the Senate;

(C) the Committee on Foreign Affairs of the House of Representatives; and

(D) the Committee on Ways and Means of the House of Representatives.

(3) ASEAN.—The term "ASEAN" means the Association of Southeast Asian Nations.

(4) PERSON.—The term "person" means—

(A) an individual, corporation, company, business association, partnership, society, trust, any other nongovernmental entity, organization, or group; and

(B) any successor, subunit, or subsidiary of any person described in subparagraph (A).

(5) SPDC.—The term "SPDC" means the State Peace and Development Council, the ruling military regime in Burma.

(6) UNITED STATES PERSON.—The term "United States person" means any United States citizen, permanent resident alien, juridical person organized under the laws of the United States (including foreign branches), or any person in the United States.

SEC. 4. STATEMENT OF POLICY.

It is the policy of the United States to—

(1) condemn the continued repression carried out by the SPDC;

(2) work with the international community, especially the People's Republic of China, India, Thailand, and ASEAN, to foster support for the legitimate democratic aspirations of the people of Burma and to coordinate efforts to impose sanctions on those directly responsible for human rights abuses in Burma;

(3) provide all appropriate support and assistance to aid a peaceful transition to constitutional democracy in Burma;

(4) support international efforts to alleviate the suffering of Burmese refugees and address the urgent humanitarian needs of the Burmese people; and

(5) identify individuals responsible for the repression of peaceful political activity in Burma and hold them accountable for their actions.

SEC. 5. SANCTIONS.

(a) LIST OF OFFICIALS OF THE SPDC.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of—

(A) officials of the SPDC who have played a direct and substantial role in the repression of peaceful political activity in Burma or in the commission of other human rights abuses, including any current or former officials of the security services and judicial institutions of the SPDC; and

(B) any other Burmese persons who provide substantial economic and political support for the SPDC.

(2) Updates.—The President shall regularly submit updated versions of the list required under paragraph (1).

(b) Sanctions.—

(1) Visa ban.—A person included on the list required under subsection (a) shall be ineligible for a visa to enter the United States.

(2) Financial sanctions.—

(A) Blocked property.—No property or interest in property belonging to a person described in subparagraph (C) may be transferred, paid, exported, withdrawn, or otherwise dealt with if—

(i) the property is located in the United States or within the possession or control of a United States person, including the overseas branch of a United States person; or

(ii) the property comes into the possession or control of a United States person after the date of the enactment of this Act.

(B) Financial transactions.—Except with respect to transactions authorized under Executive Orders 13047 (May 20, 1997) and 13310 (July 28, 2003), no United States person may engage in a financial transaction with the SPDC or with a person described in subparagraph (C).

(C) Person described.—A person is described in this subparagraph if the person is—

(i) an official of the SPDC;

(ii) included on the list required under subsection (a); or

(iii) an immediate family member of a person included on the list required under subsection (a), if the President determines that the person included on the list—

(I) effectively controls the property, for purposes of subparagraph (A); or

(II) would benefit from a financial transaction, for purposes of subparagraph (B).

(c) Authority for Additional Banking Sanctions.—

(1) In general.—The Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General of the United States, and the Chairman of the Board of Governors of the Federal Reserve System, may prohibit or impose conditions on the opening or maintaining in the United States of a correspondent account or payable-through account by any financial institution (as that term is defined in section 5312 of title 31, United States Code) or financial agency that is organized under the laws of a State, territory, or possession of the United States, for or on behalf of a foreign banking institution, if the Secretary determines that the account might be used—

(A) by a foreign banking institution that holds property or an interest in property belonging to a person on the list required under subsection (a); or

(B) to conduct a transaction on behalf of a person on the list required under subsection (a).

(2) Authority to define terms.—The Secretary of the Treasury may, by regulation, further define the terms used in paragraph (1) for purposes of this section, as the Secretary considers appropriate.

(d) Rule of Construction.—Nothing in this section may be construed to prohibit any contract or other financial transaction with any nongovernmental humanitarian organization in Burma.

(e) Exceptions.—

(1) In general.—The prohibitions and restrictions described in subsections (b) and (c) shall not apply to medicine, medical equipment or supplies, food or feed, or any other form of humanitarian assistance provided to Burma as relief in response to a humanitarian crisis.

(2) Additional exceptions.—The Secretary of the Treasury may, by regulation, authorize exceptions to the prohibitions and restrictions described in subsection (b) and (c)—

(A) to permit the United States to operate its diplomatic mission;

(B) to permit United States citizens to visit Burma; and

(C) for such other purposes as the Secretary determines to be necessary.

(f) Penalties.—Any person who violates any prohibition or restriction described in subsection (b) or (c) shall be subject to the penalties under section 6 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as for a violation under that Act.

(g) Termination of Sanctions.—The sanctions imposed under subsection (b) or (c) shall apply until the President determines and certifies to the appropriate congressional committees that the SPDC has—

(1) unconditionally released all political prisoners, including Aung San Suu Kyi and other members of the National League for Democracy;

(2) entered into a substantive dialogue with democratic forces led by the National League for Democracy and the ethnic minorities of Burma on transitioning to democratic government under the rule of law; and

(3) allowed humanitarian access to populations affected by armed conflict in all regions of Burma.

(h) Waiver.—The sanctions described in subsection (b) or (c) may be waived if the President determines and certifies to the appropriate congressional committees that such waiver is in the national interest of the United States.

SEC. 6. PROHIBITION ON IMPORTATION OF BURMESE GEMS, HARDWOODS, AND OTHER ITEMS.

Section 3(a)(1) of the Burmese Freedom and Democracy Act of 2003 (50 U.S.C. 1701 note) is amended by striking "a product of Burma." and inserting "produced, mined, manufactured, grown, or assembled in Burma, including—

"(A) any gemstone or rough unfinished geological material mined or extracted from Burma, whether imported as a loose item or as a component of a finished piece of jewelry; and

"(B) any teak or other hardwood timber, regardless of the country in which such hardwood timber is milled, sawn, or otherwise processed, whether imported in unprocessed form or as a part or component of finished furniture or another wood item.".

SEC. 7. SPECIAL REPRESENTATIVE AND POLICY COORDINATOR FOR BURMA.

(a) United States Special Representative and Policy Coordinator for Burma.—The President shall appoint a Special Representative and Policy Coordinator for Burma, by and with the advice and consent of the Senate.

(b) Rank.—The Special Representative and Policy Coordinator for Burma appointed under subsection (a) shall have the rank of ambassador and shall hold the office at the pleasure of the President.

(c) Duties and Responsibilities.—The Special Representative and Policy Coordinator for Burma shall—

(1) promote a comprehensive international effort, including multilateral sanctions, direct dialogue with the SPDC and democracy advocates, and support for nongovernmental organizations operating in Burma and neighboring countries, designed to restore civilian democratic rule to Burma and address the urgent humanitarian needs of the Burmese people;

(2) consult broadly, including with the Governments of the People's Republic of China, India, Thailand, and Japan, and the members of ASEAN and the European Union to coordinate policies toward Burma;

(3) assist efforts by the United Nations Special Envoy to secure the release of all political prisoners in Burma and to promote dialogue between the SPDC and leaders of Burma's democracy movement, including Aung San Suu Kyi;

(4) consult with Congress on policies relevant to Burma and the future and welfare of all the Burmese people, including refugees; and

(5) coordinate the imposition of Burma sanctions within the United States Government and with the relevant international financial institutions.

SEC. 8. SENSE OF CONGRESS ON COORDINATION WITH THE ASSOCIATION OF SOUTHEAST ASIAN NATIONS.

It is the sense of Congress that the United States—

(1) joins the foreign ministers of member nations of ASEAN that have expressed concern over the human rights situation in Burma;

(2) encourages ASEAN to take more substantial steps to ensure a peaceful transition to democracy in Burma;

(3) welcomes steps by ASEAN to strengthen its internal governance through the adoption of a formal ASEAN charter;

(4) urges ASEAN to ensure that all members live up to their membership obligations and adhere to the core principles of ASEAN, including respect for, and commitment to, human rights; and

(5) would welcome a decision by ASEAN, consistent with its core documents and its new charter, to review Burma's membership in ASEAN and consider appropriate disciplinary measures, including suspension, until such time as the Government of Burma has demonstrated an improved respect for, and commitment to, human rights.

SEC. 9. SUPPORT FOR CONSTITUTIONAL DEMOCRACY IN BURMA.

(a) In General.—The President is authorized to assist Burmese democracy activists who are dedicated to nonviolent opposition to the SPDC in their efforts to promote freedom, democracy, and human rights in Burma.

(b) Authorization of Appropriations.—There are authorized to be appropriated $5,000,000 to the Secretary of State for fiscal year 2008 to—

(1) provide aid to democracy activists in Burma;

(2) provide aid to individuals and groups conducting democracy programming outside of Burma targeted at a peaceful transition to constitutional democracy inside Burma; and

(3) expand radio and television broadcasting into Burma.

SEC. 10. SUPPORT FOR NONGOVERNMENTAL ORGANIZATIONS ADDRESSING THE HUMANITARIAN NEEDS OF THE BURMESE PEOPLE.

(a) Sense of Congress.—It is the sense of Congress that the international community should increase support for nongovernmental organizations attempting to meet the urgent humanitarian needs of the Burmese people.

(b) Licenses for Humanitarian or Religious Activities in Burma.—Section 5 of the

Burmese Freedom and Democracy Act of 2003 (50 U.S.C. 1701) is amended—

(1) by inserting "(a) OPPOSITION TO ASSISTANCE TO BURMA" before "The Secretary"; and

(2) by adding at the end the following:

"(b) LICENSES FOR HUMANITARIAN OR RELIGIOUS ACTIVITIES IN BURMA.—Notwithstanding any other provision of law, the Secretary of the Treasury is authorized to issue multi-year licenses for humanitarian or religious activities in Burma. Licenses issued pursuant to this section shall be subject to annual review.".

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated $11,000,000 to the Secretary of State for fiscal year 2008 to support operations by nongovernmental organizations designed to address the humanitarian needs of the Burmese people inside Burma and in refugee camps in neighboring countries.

(2) LIMITATION.—

(A) IN GENERAL.—Except as provided under subparagraph (B), amounts appropriated pursuant to paragraph (1) may not be provided to—

(i) SPDC-controlled entities;

(ii) entities run by members of the SPDC or their families; or

(iii) entities providing cash or resources to the SPDC, including organizations affiliated with the United Nations.

(B) WAIVER.—The President may waive the funding restriction described in subparagraph (A) if—

(i) the President determines and certifies to the appropriate congressional committees that such waiver is in the national security interests of the United States;

(ii) a description of the national security need for the waiver is submitted to the appropriate congressional committees; and

(iii) the description submitted under clause (ii) is posted on a publicly accessible Internet Web site of the Department of State.

SEC. 11. REPORT ON MILITARY AID TO BURMA.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit a report to the appropriate congressional committees that—

(1) contains a list of countries that provide military aid to Burma; and

(2) describes the military aid provided by each of the countries described in paragraph (1).

(b) MILITARY AID DEFINED.—In this section, the term "military aid" includes—

(1) the provision of weapons, military vehicles, and military aircraft;

(2) the provision of military training; and

(3) conducting joint military exercises.

(c) FORM.—The report required under subsection (a) shall be submitted in unclassified form and may include a classified annex.

SEC. 12. SENSE OF CONGRESS ON INTERNATIONAL ARMS SALES TO BURMA.

It is the sense of Congress that the United States should lead efforts in the United Nations Security Council to impose a mandatory international arms embargo on Burma, curtailing all sales of weapons, ammunition, military vehicles, and military aircraft to Burma until the SPDC releases all political prisoners, restores constitutional rule, and holds free and fair elections to establish a new government.

SA 3889. Mr. SCHUMER (for Mr. BIDEN (for himself and Mr. MCCONNELL)) proposed an amendment to the bill H.R. 3890, of 2003 to impose import sanctions on Burmese gemstones, expand the number of individuals against whom the visa ban is applicable, expand the blocking of assets and other prohibited activities, and for other purposes; as follows:

The title is amended to read as follows:

"An Act to impose sanctions on officials of the State Peace and Development Council in Burma, to amend the Burmese Freedom and Democracy Act of 2003 to prohibit the importation of gemstones and hardwoods from Burma, to promote a coordinated international effort to restore civilian democratic rule to Burma, and for other purposes.".

SA 3890. Mr. REID (for Mr. BAUCUS) proposed an amendment to the bill H.R. 3997, to amend the Internal Revenue Code of 1986 to provide tax relief and protections for military personnel, and for other purposes; as follows:

In lieu of the matter proposed to be inserted by the amendment of the House to the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE, ETC.

(a) SHORT TITLE.—This Act may be cited as the "Defenders of Freedom Tax Relief Act of 2007".

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title, etc.

TITLE I—BENEFITS FOR MILITARY

Sec. 101. Election to include combat pay as earned income for purposes of earned income tax credit.
Sec. 102. Modification of mortgage revenue bonds for veterans.
Sec. 103. Survivor and disability payments with respect to qualified military service.
Sec. 104. Treatment of differential military pay as wages.
Sec. 105. Special period of limitation when uniformed services retired pay is reduced as a result of award of disability compensation.
Sec. 106. Distributions from retirement plans to individuals called to active duty.
Sec. 107. Disclosure of return information relating to veterans programs made permanent.
Sec. 108. Contributions of military death gratuities to Roth IRAs and Education Savings Accounts.
Sec. 109. Suspension of 5-year period during service with the Peace Corps.
Sec. 110. Credit for employer differential wage payments to employees who are active duty members of the uniformed services.
Sec. 111. State payments to service members treated as qualified military benefits.
Sec. 112. Permanent exclusion of gain from sale of a principal residence by certain employees of the intelligence community.
Sec. 113. Special disposition rules for unused benefits in health flexible spending arrangements of individuals called to active duty.
Sec. 114. Option to exclude military basic housing allowance for purposes of determining income eligibility under low-income housing credit and bond-financed residential rental projects.

TITLE II—REVENUE PROVISIONS

Sec. 201. Increase in penalty for failure to file partnership returns.
Sec. 202. Increase in penalty for failure to file S corporation returns.
Sec. 203. Increase in minimum penalty on failure to file a return of tax.
Sec. 204. Revision of tax rules on expatriation.
Sec. 205. Special enrollment option by employer health plans for members of uniform services who lose health care coverage.

TITLE III—TAX TECHNICAL CORRECTIONS

Sec. 301. Short title.
Sec. 302. Amendment related to the Tax Relief and Health Care Act of 2006.
Sec. 303. Amendments related to title XII of the Pension Protection Act of 2006.
Sec. 304. Amendments related to the Tax Increase Prevention and Reconciliation Act of 2005.
Sec. 305. Amendments related to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users.
Sec. 306. Amendments related to the Energy Policy Act of 2005.
Sec. 307. Amendments related to the American Jobs Creation Act of 2004.
Sec. 308. Amendments related to the Economic Growth and Tax Relief Reconciliation Act of 2001.
Sec. 309. Amendments related to the Tax Relief Extension Act of 1999.
Sec. 310. Amendment related to the Internal Revenue Service Restructuring and Reform Act of 1998.
Sec. 311. Clerical corrections.

TITLE IV—PARITY IN APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS

Sec. 401. Parity in application of certain limits to mental health benefits.

TITLE I—BENEFITS FOR MILITARY

SEC. 101. ELECTION TO INCLUDE COMBAT PAY AS EARNED INCOME FOR PURPOSES OF EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Clause (vi) of section 32(c)(2)(B) (defining earned income) is amended to read as follows:

"(vi) a taxpayer may elect to treat amounts excluded from gross income by reason of section 112 as earned income.".

(b) SUNSET NOT APPLICABLE.—Section 105 of the Working Families Tax Relief Act of 2004 (relating to application of EGTRRA sunset to this title) shall not apply to section 104(b) of such Act.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years ending after December 31, 2007.

SEC. 102. MODIFICATION OF MORTGAGE REVENUE BONDS FOR VETERANS.

(a) QUALIFIED MORTGAGE BONDS USED TO FINANCE RESIDENCES FOR VETERANS WITHOUT REGARD TO FIRST-TIME HOMEBUYER REQUIREMENT.—Subparagraph (D) of section 143(d)(2) (relating to exceptions) is amended by striking "and before January 1, 2008".

(b) INCREASE IN BOND LIMITATION FOR ALASKA, OREGON, AND WISCONSIN.—Clause (ii) of section 143(l)(3)(B) (relating to State veterans limit) is amended by striking

"$25,000,000" each place it appears and inserting "$100,000,000".

(c) Definition of Qualified Veteran.—Paragraph (4) of section 143(l) (defining qualified veteran) is amended to read as follows:

"(4) Qualified veteran.—For purposes of this subsection, the term 'qualified veteran' means any veteran who—

"(A) served on active duty, and

"(B) applied for the financing before the date 25 years after the last date on which such veteran left active service.".

(d) Effective Date.—The amendments made by this section shall apply to bonds issued after December 31, 2007.

SEC. 103. SURVIVOR AND DISABILITY PAYMENTS WITH RESPECT TO QUALIFIED MILITARY SERVICE.

(a) Plan Qualification Requirement for Death Benefits Under USERRA-Qualified Active Military Service.—Subsection (a) of section 401 (relating to requirements for qualification) is amended by inserting after paragraph (36) the following new paragraph:

"(37) Death benefits under USERRA-qualified active military service.—A trust shall not constitute a qualified trust unless the plan provides that, in the case of a participant who dies while performing qualified military service (as defined in section 414(u)), the survivors of the participant are entitled to any additional benefits (other than benefit accruals relating to the period of qualified military service) provided under the plan had the participant resumed and then terminated employment on account of death.".

(b) Treatment in the Case of Death or Disability Resulting From Active Military Service for Benefit Accrual Purposes.—Subsection (u) of section 414 (relating to special rules relating to veterans' reemployment rights under USERRA) is amended by redesignating paragraphs (9) and (10) as paragraphs (10) and (11), respectively, and by inserting after paragraph (8) the following new paragraph:

"(9) Treatment in the case of death or disability resulting from active military service.—

"(A) In general.—For benefit accrual purposes, an employer sponsoring a retirement plan may treat an individual who dies or becomes disabled (as defined under the terms of the plan) while performing qualified military service with respect to the employer maintaining the plan as if the individual has resumed employment in accordance with the individual's reemployment rights under chapter 43 of title 38, United States Code, on the day preceding death or disability (as the case may be) and terminated employment on the actual date of death or disability. In the case of any such treatment, and subject to subparagraphs (B) and (C), any full or partial compliance by such plan with respect to the benefit accrual requirements of paragraph (8) with respect to such individual shall be treated for purposes of paragraph (1) as if such compliance were required under such chapter 43.

"(B) Nondiscrimination requirement.—Subparagraph (A) shall apply only if all individuals performing qualified military service with respect to the employer maintaining the plan (as determined under subsections (b), (c), (m), and (o)) who die or became disabled as a result of performing qualified military service prior to reemployment by the employer are credited with service and benefits on reasonably equivalent terms.

"(C) Determination of benefits.—The amount of employee contributions and the amount of elective deferrals of an individual treated as reemployed under subparagraph (A) for purposes of applying paragraph (8)(C) shall be determined on the basis of the individual's average actual employee contributions or elective deferrals for the lesser of—

"(i) the 12-month period of service with the employer immediately prior to qualified military service, or

"(ii) if service with the employer is less than such 12-month period, the actual length of continuous service with the employer.".

(c) Conforming Amendments.—

(1) Section 404(a)(2) is amended by striking "and (31)" and inserting "(31), and (37)".

(2) Section 403(b) is amended by adding at the end the following new paragraph:

"(14) Death benefits under USERRA-qualified active military service.—This subsection shall not apply to an annuity contract unless such contract meets the requirements of section 401(a)(37).".

(3) Section 457(g) is amended by adding at the end the following new paragraph:

"(4) Death benefits under USERRA-qualified active military service.—A plan described in paragraph (1) shall not be treated as an eligible deferred compensation plan unless such plan meets the requirements of section 401(a)(37).".

(d) Effective Date.—

(1) In general.—The amendments made by this section shall apply with respect to deaths and disabilities occurring on or after January 1, 2007.

(2) Provisions relating to plan amendments.—

(A) In general.—If this subparagraph applies to any plan or contract amendment, such plan or contract shall be treated as being operated in accordance with the terms of the plan during the period described in subparagraph (B)(iii).

(B) Amendments to which subparagraph (A) applies.—

(i) In general.—Subparagraph (A) shall apply to any amendment to any plan or annuity contract which is made—

(I) pursuant to the amendments made by subsection (a) or pursuant to any regulation issued by the Secretary of the Treasury under subsection (a), and

(II) on or before the last day of the first plan year beginning on or after January 1, 2009.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this clause shall be applied by substituting "2011" for "2009" in subclause (II).

(ii) Conditions.—This paragraph shall not apply to any amendment unless—

(I) the plan or contract is operated as if such plan or contract amendment were in effect for the period described in clause (iii), and

(II) such plan or contract amendment applies retroactively for such period.

(iii) Period described.—The period described in this clause is the period—

(I) beginning on the effective date specified by the plan, and

(II) ending on the date described in clause (i)(II) (or, if earlier, the date the plan or contract amendment is adopted).

SEC. 104. TREATMENT OF DIFFERENTIAL MILITARY PAY AS WAGES.

(a) Income Tax Withholding on Differential Wage Payments.—

(1) In general.—Section 3401 (relating to definitions) is amended by adding at the end the following new subsection:

"(h) Differential Wage Payments to Active Duty Members of the Uniformed Services.—

"(1) In general.—For purposes of subsection (a), any differential wage payment shall be treated as a payment of wages by the employer to the employee.

"(2) Differential wage payment.—For purposes of paragraph (1), the term 'differential wage payment' means any payment which—

"(A) is made by an employer to an individual with respect to any period during which the individual is performing service in the uniformed services (as defined in chapter 43 of title 38, United States Code) while on active duty for a period of more than 30 days, and

"(B) represents all or a portion of the wages the individual would have received from the employer if the individual were performing service for the employer.".

(2) Effective date.—The amendment made by this subsection shall apply to remuneration paid after December 31, 2007.

(b) Treatment of Differential Wage Payments for Retirement Plan Purposes.—

(1) Pension plans.—

(A) In general.—Section 414(u) (relating to special rules relating to veterans' reemployment rights under USERRA), as amended by section 103(b), is amended by adding at the end the following new paragraph:

"(12) Treatment of differential wage payments.—

"(A) In general.—Except as provided in this paragraph, for purposes of applying this title to a retirement plan to which this subsection applies—

"(i) an individual receiving a differential wage payment shall be treated as an employee of the employer making the payment,

"(ii) the differential wage payment shall be treated as compensation, and

"(iii) the plan shall not be treated as failing to meet the requirements of any provision described in paragraph (1)(C) by reason of any contribution or benefit which is based on the differential wage payment.

"(B) Special rule for distributions.—

"(i) In general.—Notwithstanding subparagraph (A)(i), for purposes of section 401(k)(2)(B)(i)(I), 403(b)(7)(A)(ii), 403(b)(11)(A), or 457(d)(1)(A)(ii), an individual shall be treated as having been severed from employment during any period the individual is performing service in the uniformed services described in section 3401(h)(2)(A).

"(ii) Limitation.—If an individual elects to receive a distribution by reason of clause (i), the plan shall provide that the individual may not make an elective deferral or employee contribution during the 6-month period beginning on the date of the distribution.

"(C) Nondiscrimination requirement.—Subparagraph (A)(iii) shall apply only if all employees of an employer (as determined under subsections (b), (c), (m), and (o)) performing service in the uniformed services described in section 3401(h)(2)(A) are entitled to receive differential wage payments on reasonably equivalent terms and, if eligible to participate in a retirement plan maintained by the employer, to make contributions based on the payments on reasonably equivalent terms. For purposes of applying this subparagraph, the provisions of paragraphs (3), (4), and (5) of section 410(b) shall apply.

"(D) Differential wage payment.—For purposes of this paragraph, the term 'differential wage payment' has the meaning given such term by section 3401(h)(2).".

(B) Conforming amendment.—The heading for section 414(u) is amended by inserting "and to Differential Wage Payments to

MEMBERS ON ACTIVE DUTY" after "USERRA".

(2) DIFFERENTIAL WAGE PAYMENTS TREATED AS COMPENSATION FOR INDIVIDUAL RETIREMENT PLANS.—Section 219(f)(1) (defining compensation) is amended by adding at the end the following new sentence: "The term compensation includes any differential wage payment (as defined in section 3401(h)(2)).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to years beginning after December 31, 2007.

(c) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any plan or annuity contract amendment, such plan or contract shall be treated as being operated in accordance with the terms of the plan or contract during the period described in paragraph (2)(B)(i).

(2) AMENDMENTS TO WHICH SECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any amendment made by subsection (b)(1), and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2009.

In the case of a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986), this subparagraph shall be applied by substituting "2011" for "2009" in clause (ii).

(B) CONDITIONS.—This subsection shall not apply to any plan or annuity contract amendment unless—

(i) during the period beginning on the date the amendment described in subparagraph (A)(i) takes effect and ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect, and

(ii) such plan or contract amendment applies retroactively for such period.

SEC. 105. SPECIAL PERIOD OF LIMITATION WHEN UNIFORMED SERVICES RETIRED PAY IS REDUCED AS A RESULT OF AWARD OF DISABILITY COMPENSATION.

(a) IN GENERAL.—Subsection (d) of section 6511 (relating to special rules applicable to income taxes) is amended by adding at the end the following new paragraph:

"(8) SPECIAL RULES WHEN UNIFORMED SERVICES RETIRED PAY IS REDUCED AS A RESULT OF AWARD OF DISABILITY COMPENSATION.—

"(A) PERIOD OF LIMITATION ON FILING CLAIM.—If the claim for credit or refund relates to an overpayment of tax imposed by subtitle A on account of—

"(i) the reduction of uniformed services retired pay computed under section 1406 or 1407 of title 10, United States Code, or

"(ii) the waiver of such pay under section 5305 of title 38 of such Code,

as a result of an award of compensation under title 38 of such Code pursuant to a determination by the Secretary of Veterans Affairs, the 3-year period of limitation prescribed in subsection (a) shall be extended, for purposes of permitting a credit or refund based upon the amount of such reduction or waiver, until the end of the 1-year period beginning on the date of such determination.

"(B) LIMITATION TO 5 TAXABLE YEARS.—Subparagraph (A) shall not apply with respect to any taxable year which began more than 5 years before the date of such determination.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to claims for credit or refund filed after the date of the enactment of this Act.

(c) TRANSITION RULES.—In the case of a determination described in paragraph (8) of section 6511(d) of the Internal Revenue Code of 1986 (as added by this section) which is made by the Secretary of Veterans Affairs after December 31, 2000, and before the date of the enactment of this Act, such paragraph—

(1) shall not apply with respect to any taxable year which began before January 1, 2001, and

(2) shall be applied by substituting "the date of the enactment of the Defenders of Freedom Tax Relief Act of 2007" for "the date of such determination" in subparagraph (A) thereof.

SEC. 106. DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) IN GENERAL.—Clause (iv) of section 72(t)(2)(G) is amended by striking ", and before December 31, 2007".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to individuals ordered or called to active duty on or after December 31, 2007.

SEC. 107. DISCLOSURE OF RETURN INFORMATION RELATING TO VETERANS PROGRAMS MADE PERMANENT.

(a) IN GENERAL.—Subparagraph (D) of section 6103(l)(7) (relating to disclosure of return information to Federal, State, and local agencies administering certain programs under the Social Security Act, the Food Stamp Act of 1977, or title 38, United States Code or certain housing assistance programs) is amended by striking the last sentence.

(b) TECHNICAL AMENDMENT.—Section 6103(l)(7)(D)(viii)(III) is amended by striking "sections 1710(a)(1)(I), 1710(a)(2), 1710(b), and 1712(a)(2)(B)" and inserting "sections 1710(a)(2)(G), 1710(a)(3), and 1710(b)".

SEC. 108. CONTRIBUTIONS OF MILITARY DEATH GRATUITIES TO ROTH IRAS AND EDUCATION SAVINGS ACCOUNTS.

(a) PROVISION IN EFFECT BEFORE PENSION PROTECTION ACT.—Subsection (e) of section 408A (relating to qualified rollover contribution), as in effect before the amendments made by section 824 of the Pension Protection Act of 2006, is amended to read as follows:

"(e) QUALIFIED ROLLOVER CONTRIBUTION.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified rollover contribution' means a rollover contribution to a Roth IRA from another such account, or from an individual retirement plan, but only if such rollover contribution meets the requirements of section 408(d)(3). Such term includes a rollover contribution described in section 402A(c)(3)(A). For purposes of section 408(d)(3)(B), there shall be disregarded any qualified rollover contribution from an individual retirement plan (other than a Roth IRA) to a Roth IRA.

"(2) MILITARY DEATH GRATUITY.—

"(A) IN GENERAL.—The term 'qualified rollover contribution' includes a contribution to a Roth IRA maintained for the benefit of an individual made before the end of the 1-year period beginning on the date on which such individual receives an amount under section 1477 of title 10, United States Code, or section 1967 of title 38 of such Code, with respect to a person, to the extent that such contribution does not exceed—

"(i) the sum of the amounts received during such period by such individual under such sections with respect to such person, reduced by

"(ii) the amounts so received which were contributed to a Coverdell education savings account under section 530(d)(9).

"(B) ANNUAL LIMIT ON NUMBER OF ROLLOVERS NOT TO APPLY.—Section 408(d)(3)(B) shall not apply with respect to amounts treated as a rollover by subparagraph (A).

"(C) APPLICATION OF SECTION 72.—For purposes of applying section 72 in the case of a distribution which is not a qualified distribution, the amount treated as a rollover by reason of subparagraph (A) shall be treated as investment in the contract.".

(b) PROVISION IN EFFECT AFTER PENSION PROTECTION ACT.—Subsection (e) of section 408A, as in effect after the amendments made by section 824 of the Pension Protection Act of 2006, is amended to read as follows:

"(e) QUALIFIED ROLLOVER CONTRIBUTION.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified rollover contribution' means a rollover contribution—

"(A) to a Roth IRA from another such account,

"(B) from an eligible retirement plan, but only if—

"(i) in the case of an individual retirement plan, such rollover contribution meets the requirements of section 408(d)(3), and

"(ii) in the case of any eligible retirement plan (as defined in section 402(c)(8)(B) other than clauses (i) and (ii) thereof), such rollover contribution meets the requirements of section 402(c), 403(b)(8), or 457(e)(16), as applicable.

For purposes of section 408(d)(3)(B), there shall be disregarded any qualified rollover contribution from an individual retirement plan (other than a Roth IRA) to a Roth IRA.

"(2) MILITARY DEATH GRATUITY.—

"(A) IN GENERAL.—The term 'qualified rollover contribution' includes a contribution to a Roth IRA maintained for the benefit of an individual made before the end of the 1-year period beginning on the date on which such individual receives an amount under section 1477 of title 10, United States Code, or section 1967 of title 38 of such Code, with respect to a person, to the extent that such contribution does not exceed—

"(i) the sum of the amounts received during such period by such individual under such sections with respect to such person, reduced by

"(ii) the amounts so received which were contributed to a Coverdell education savings account under section 530(d)(9).

"(B) ANNUAL LIMIT ON NUMBER OF ROLLOVERS NOT TO APPLY.—Section 408(d)(3)(B) shall not apply with respect to amounts treated as a rollover by the subparagraph (A).

"(C) APPLICATION OF SECTION 72.—For purposes of applying section 72 in the case of a distribution which is not a qualified distribution, the amount treated as a rollover by reason of subparagraph (A) shall be treated as investment in the contract.".

(c) EDUCATION SAVINGS ACCOUNTS.—Subsection (d) of section 530 is amended by adding at the end the following new paragraph:

"(9) MILITARY DEATH GRATUITY.—

"(A) IN GENERAL.—For purposes of this section, the term 'rollover contribution' includes a contribution to a Coverdell education savings account made before the end of the 1-year period beginning on the date on which the contributor receives an amount under section 1477 of title 10, United States Code, or section 1967 of title 38 of such Code, with respect to a person, to the extent that such contribution does not exceed—

"(i) the sum of the amounts received during such period by such contributor under such sections with respect to such person, reduced by "(ii) the amounts so received which were contributed to a Roth IRA under section 408A(e)(2) or to another Coverdell education savings account.

"(B) ANNUAL LIMIT ON NUMBER OF ROLLOVERS NOT TO APPLY.—The last sentence of paragraph (5) shall not apply with respect to amounts treated as a rollover by the subparagraph (A).

"(C) APPLICATION OF SECTION 72.—For purposes of applying section 72 in the case of a distribution which is includible in gross income under paragraph (1), the amount treated as a rollover by reason of subparagraph (A) shall be treated as investment in the contract.".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided by paragraphs (2) and (3), the amendments made by this section shall apply with respect to deaths from injuries occurring on or after the date of the enactment of this Act.

(2) APPLICATION OF AMENDMENTS TO DEATHS FROM INJURIES OCCURRING ON OR AFTER OCTOBER 7, 2001, AND BEFORE ENACTMENT.—The amendments made by this section shall apply to any contribution made pursuant to section 408A(e)(2) or 530(d)(5) of the Internal Revenue Code of 1986, as amended by this Act, with respect to amounts received under section 1477 of title 10, United States Code, or under section 1967 of title 38 of such Code, for deaths from injuries occurring on or after October 7, 2001, and before the date of the enactment of this Act if such contribution is made not later than 1 year after the date of the enactment of this Act.

(3) PENSION PROTECTION ACT CHANGES.—Section 408A(e)(1) of the Internal Revenue Code of 1986 (as in effect after the amendments made by subsection (b)) shall apply to taxable years beginning after December 31, 2007.

SEC. 109. SUSPENSION OF 5-YEAR PERIOD DURING SERVICE WITH THE PEACE CORPS.

(a) IN GENERAL.—Subsection (d) of section 121 (relating to special rules) is amended by adding at the end the following new paragraph:

"(12) PEACE CORPS.—

"(A) IN GENERAL.—At the election of an individual with respect to a property, the running of the 5-year period described in subsections (a) and (c)(1)(B) and paragraph (7) of this subsection with respect to such property shall be suspended during any period that such individual or such individual's spouse is serving outside the United States—

"(i) on qualified official extended duty (as defined in paragraph (9)(C)) as an employee of the Peace Corps, or

"(ii) as an enrolled volunteer or volunteer leader under section 5 or 6 (as the case may be) of the Peace Corps Act (22 U.S.C. 2504, 2505).

"(B) APPLICABLE RULES.—For purposes of subparagraph (A), rules similar to the rules of subparagraphs (B) and (D) shall apply.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2007.

SEC. 110. CREDIT FOR EMPLOYER DIFFERENTIAL WAGE PAYMENTS TO EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business credits) is amended by adding at the end the following new section:

"SEC. 45O. EMPLOYER WAGE CREDIT FOR EMPLOYEES WHO ARE ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.

"(a) GENERAL RULE.—For purposes of section 38, in the case of an eligible small business employer, the differential wage payment credit for any taxable year is an amount equal to 20 percent of the sum of the eligible differential wage payments for each of the qualified employees of the taxpayer during such taxable year.

"(b) DEFINITIONS.—For purposes of this section—

"(1) ELIGIBLE DIFFERENTIAL WAGE PAYMENTS.—The term 'eligible differential wage payments' means, with respect to each qualified employee, so much of the differential wage payments (as defined in section 3401(h)(2)) paid to such employee for the taxable year as does not exceed $20,000.

"(2) QUALIFIED EMPLOYEE.—The term 'qualified employee' means a person who has been an employee of the taxpayer for the 91-day period immediately preceding the period for which any differential wage payment is made.

"(3) ELIGIBLE SMALL BUSINESS EMPLOYER.—

"(A) IN GENERAL.—The term 'eligible small business employer' means, with respect to any taxable year, any employer which—

"(i) employed an average of less than 50 employees on business days during such taxable year, and

"(ii) under a written plan of the employer, provides eligible differential wage payments to every qualified employee of the employer.

"(B) CONTROLLED GROUPS.—For purposes of subparagraph (A), all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

"(c) COORDINATION WITH OTHER CREDITS.—The amount of credit otherwise allowable under this chapter with respect to compensation paid to any employee shall be reduced by the credit determined under this section with respect to such employee.

"(d) DISALLOWANCE FOR FAILURE TO COMPLY WITH EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF THE UNITED STATES.—No credit shall be allowed under subsection (a) to a taxpayer for—

"(1) any taxable year, beginning after the date of the enactment of this section, in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

"(2) the 2 succeeding taxable years.

"(e) CERTAIN RULES TO APPLY.—For purposes of this section, rules similar to the rules of subsections (c), (d), and (e) of section 52 shall apply.

"(f) TERMINATION.—This section shall not apply to any payments made after December 31, 2009.".

(b) CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b) (relating to general business credit) is amended by striking "plus" at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting ", plus", and by adding at the end of following new paragraph:

"(32) the differential wage payment credit determined under section 45O(a).".

(c) NO DEDUCTION FOR COMPENSATION TAKEN INTO ACCOUNT FOR CREDIT.—Section 280C(a) (relating to rule for employment credits) is amended by inserting "45O(a)," after "45A(a),".

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:

"Sec. 45O. Employer wage credit for employees who are active duty members of the uniformed services.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid after the date of the enactment of this Act.

SEC. 111. STATE PAYMENTS TO SERVICE MEMBERS TREATED AS QUALIFIED MILITARY BENEFITS.

(a) IN GENERAL.—Section 134(b) (defining qualified military benefit) is amended by adding at the end the following new paragraph:

"(6) CERTAIN STATE PAYMENTS.—The term 'qualified military benefit' includes any bonus payment by a State or political subdivision thereof to any member or former member of the uniformed services of the United States or any dependent of such member only by reason of such member's service in an combat zone (as defined in section 112(c)(2), determined without regard to the parenthetical).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made before, on, or after the date of the enactment of this Act.

SEC. 112. PERMANENT EXCLUSION OF GAIN FROM SALE OF A PRINCIPAL RESIDENCE BY CERTAIN EMPLOYEES OF THE INTELLIGENCE COMMUNITY.

(a) PERMANENT EXCLUSION.—

(1) IN GENERAL.—Section 417(e) of division A of the Tax Relief and Health Care Act of 2006 is amended by striking "and before January 1, 2011".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to sales or exchanges after December 31, 2010.

(b) DUTY STATION MAY BE INSIDE UNITED STATES.—

(1) IN GENERAL.—Section 121(d)(9)(C) (defining qualified official extended duty) is amended by striking clause (vi).

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to sales or exchanges after the date of the enactment of this Act.

SEC. 113. SPECIAL DISPOSITION RULES FOR UNUSED BENEFITS IN HEALTH FLEXIBLE SPENDING ARRANGEMENTS OF INDIVIDUALS CALLED TO ACTIVE DUTY.

(a) IN GENERAL.—Section 125 (relating to cafeteria plans) is amended by redesignating subsections (h) and (i) as subsection (i) and (j), respectively, and by inserting after subsection (g) the following new subsection:

"(h) SPECIAL RULE FOR UNUSED BENEFITS IN HEALTH FLEXIBLE SPENDING ARRANGEMENTS OF INDIVIDUALS CALLED TO ACTIVE DUTY.—

"(1) IN GENERAL.—For purposes of this title, a plan or other arrangement shall not fail to be treated as a cafeteria plan or health flexible spending arrangement merely because such arrangement provides for qualified reservist distributions.

"(2) QUALIFIED RESERVIST DISTRIBUTION.—For purposes of this subsection, the term 'qualified reservist distribution' means, any distribution to an individual of all or a portion of the balance in the employee's account under such arrangement if—

"(A) such individual was (by reason of being a member of a reserve component (as defined in section 101 of title 37, United States Code)) ordered or called to active duty for a period in excess of 179 days or for an indefinite period, and

"(B) such distribution is made during the period beginning on the date of such order or call and ending on the last date that reimbursements could otherwise be made under such arrangement for the plan year which includes the date of such order or call.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions made after the date of the enactment of this Act.

SEC. 114. OPTION TO EXCLUDE MILITARY BASIC HOUSING ALLOWANCE FOR PURPOSES OF DETERMINING INCOME ELIGIBILITY UNDER LOW-INCOME HOUSING CREDIT AND BOND-FINANCED RESIDENTIAL RENTAL PROJECTS.

(a) IN GENERAL.—The last sentence of 142(d)(2)(B) (relating to income of individuals; area median gross income) is amended to read as follows: "For purposes of determining income under this subparagraph—

"(i) subsections (g) and (h) of section 7872 shall not apply, and

"(ii) in the case of determinations made before January 1, 2015, payments under section 403 of title 37, United States Code, as a basic pay allowance for housing shall be disregarded if the project is located in a census tract which is designated by the Governor (of the State in which such tract is located) as being in need of housing for members of the Armed Forces of the United States.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect with respect to determinations made after the date of the enactment of this Act.

TITLE II—REVENUE PROVISIONS

SEC. 201. INCREASE IN PENALTY FOR FAILURE TO FILE PARTNERSHIP RETURNS.

(a) INCREASE IN PENALTY AMOUNT.—Paragraph (1) of section 6698(b) (relating to amount per month), as amended by section 8 of the Mortgage Forgiveness Debt Relief Act of 2007, is amended by striking "$85" and inserting "$100".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the amendments made by section 8 of the Mortgage Forgiveness Debt Relief Act of 2007.

SEC. 202. INCREASE IN PENALTY FOR FAILURE TO FILE S CORPORATION RETURNS.

(a) IN GENERAL.—Paragraph (1) of section 6699(b) (relating to amount per month), as added to the Internal Revenue Code of 1986 by section 9 of the Mortgage Forgiveness Debt Relief Act of 2007, is amended by striking "$85" and inserting "$100".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the amendments made by section 9 of the Mortgage Forgiveness Debt Relief Act of 2007.

SEC. 203. INCREASE IN MINIMUM PENALTY ON FAILURE TO FILE A RETURN OF TAX.

(a) IN GENERAL.—Subsection (a) of section 6651 is amended by striking "$100" in the last sentence and inserting "$225".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to returns the due date for the filing of which (including extensions) is after December 31, 2007.

SEC. 204. REVISION OF TAX RULES ON EXPATRIATION.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—All property of a covered expatriate shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence, determined without regard to paragraph (3).

"(3) EXCLUSION FOR CERTAIN GAIN.—

"(A) IN GENERAL.—The amount which would (but for this paragraph) be includible in the gross income of any individual by reason of paragraph (1) shall be reduced (but not below zero) by $600,000.

"(B) ADJUSTMENT FOR INFLATION.—

"(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2008, the dollar amount in subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $1,000, such amount shall be rounded to the nearest multiple of $1,000.

"(b) ELECTION TO DEFER TAX.—

"(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the time for payment of the additional tax attributable to such property shall be extended until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) TERMINATION OF EXTENSION.—The due date for payment of tax may not be extended under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) SECURITY.—

"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided with respect to such property.

"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond which is furnished to, and accepted by, the Secretary, which is conditioned on the payment of tax (and interest thereon), and which meets the requirements of section 6325, or

"(ii) it is another form of security for such payment (including letters of credit) that meets such requirements as the Secretary may prescribe.

"(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer makes an irrevocable waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable.

"(7) INTEREST.—For purposes of section 6601, the last date for the payment of tax shall be determined without regard to the election under this subsection.

"(c) EXCEPTION FOR CERTAIN PROPERTY.—Subsection (a) shall not apply to—

"(1) any deferred compensation item (as defined in subsection (d)(4)),

"(2) any specified tax deferred account (as defined in subsection (e)(2)), and

"(3) any interest in a nongrantor trust (as defined in subsection (f)(3)).

"(d) TREATMENT OF DEFERRED COMPENSATION ITEMS.—

"(1) WITHHOLDING ON ELIGIBLE DEFERRED COMPENSATION ITEMS.—

"(A) IN GENERAL.—In the case of any eligible deferred compensation item, the payor shall deduct and withhold from any taxable payment to a covered expatriate with respect to such item a tax equal to 30 percent thereof.

"(B) TAXABLE PAYMENT.—For purposes of subparagraph (A), the term 'taxable payment' means with respect to a covered expatriate any payment to the extent it would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States. A deferred compensation item shall be taken into account as a payment under the preceding sentence when such item would be so includible.

"(2) OTHER DEFERRED COMPENSATION ITEMS.—In the case of any deferred compensation item which is not an eligible deferred compensation item—

"(A)(i) with respect to any deferred compensation item to which clause (ii) does not apply, an amount equal to the present value of the covered expatriate's accrued benefit shall be treated as having been received by such individual on the day before the expatriation date as a distribution under the plan, and

"(ii) with respect to any deferred compensation item referred to in paragraph (4)(D), the rights of the covered expatriate to such item shall be treated as becoming transferable and not subject to a substantial risk of forfeiture on the day before the expatriation date,

"(B) no early distribution tax shall apply by reason of such treatment, and

"(C) appropriate adjustments shall be made to subsequent distributions from the plan to reflect such treatment.

"(3) ELIGIBLE DEFERRED COMPENSATION ITEMS.—For purposes of this subsection, the term 'eligible deferred compensation item' means any deferred compensation item with respect to which—

"(A) the payor of such item is—

"(i) a United States person, or

"(ii) a person who is not a United States person but who elects to be treated as a United States person for purposes of paragraph (1) and meets such requirements as the

Secretary may provide to ensure that the payor will meet the requirements of paragraph (1), and

"(B) the covered expatriate—

"(i) notifies the payor of his status as a covered expatriate, and

"(ii) makes an irrevocable waiver of any right to claim any reduction under any treaty with the United States in withholding on such item.

"(4) DEFERRED COMPENSATION ITEM.—For purposes of this subsection, the term 'deferred compensation item' means—

"(A) any interest in a plan or arrangement described in section 219(g)(5),

"(B) any interest in a foreign pension plan or similar retirement arrangement or program,

"(C) any item of deferred compensation, and

"(D) any property, or right to property, which the individual is entitled to receive in connection with the performance of services to the extent not previously taken into account under section 83 or in accordance with section 83.

"(5) EXCEPTION.—Paragraphs (1) and (2) shall not apply to any deferred compensation item which is attributable to services performed outside the United States while the covered expatriate was not a citizen or resident of the United States.

"(6) SPECIAL RULES.—

"(A) APPLICATION OF WITHHOLDING RULES.—Rules similar to the rules of subchapter B of chapter 3 shall apply for purposes of this subsection.

"(B) APPLICATION OF TAX.—Any item subject to the withholding tax imposed under paragraph (1) shall be subject to tax under section 871.

"(C) COORDINATION WITH OTHER WITHHOLDING REQUIREMENTS.—Any item subject to withholding under paragraph (1) shall not be subject to withholding under section 1441 or chapter 24.

"(e) TREATMENT OF SPECIFIED TAX DEFERRED ACCOUNTS.—

"(1) ACCOUNT TREATED AS DISTRIBUTED.—In the case of any interest in a specified tax deferred account held by a covered expatriate on the day before the expatriation date—

"(A) the covered expatriate shall be treated as receiving a distribution of his entire interest in such account on the day before the expatriation date,

"(B) no early distribution tax shall apply by reason of such treatment, and

"(C) appropriate adjustments shall be made to subsequent distributions from the account to reflect such treatment.

"(2) SPECIFIED TAX DEFERRED ACCOUNT.—For purposes of paragraph (1), the term 'specified tax deferred account' means an individual retirement plan (as defined in section 7701(a)(37)) other than any arrangement described in subsection (k) or (p) of section 408, a qualified tuition program (as defined in section 529), a Coverdell education savings account (as defined in section 530), a health savings account (as defined in section 223), and an Archer MSA (as defined in section 220).

"(f) SPECIAL RULES FOR NONGRANTOR TRUSTS.—

"(1) IN GENERAL.—In the case of a distribution (directly or indirectly) of any property from a nongrantor trust to a covered expatriate—

"(A) the trustee shall deduct and withhold from such distribution an amount equal to 30 percent of the taxable portion of the distribution, and

"(B) if the fair market value of such property exceeds its adjusted basis in the hands of the trust, gain shall be recognized to the trust as if such property were sold to the expatriate at its fair market value.

"(2) TAXABLE PORTION.—For purposes of this subsection, the term 'taxable portion' means, with respect to any distribution, that portion of the distribution which would be includible in the gross income of the covered expatriate if such expatriate continued to be subject to tax as a citizen or resident of the United States.

"(3) NONGRANTOR TRUST.—For purposes of this subsection, the term 'nongrantor trust' means the portion of any trust that the individual is not considered the owner of under subpart E of part I of subchapter J. The determination under the preceding sentence shall be made immediately before the expatriation date.

"(4) SPECIAL RULES RELATING TO WITHHOLDING.—For purposes of this subsection—

"(A) rules similar to the rules of subsection (d)(6) shall apply, and

"(B) the covered expatriate shall be treated as having waived any right to claim any reduction under any treaty with the United States in withholding on any distribution to which paragraph (1)(A) applies unless the covered expatriate agrees to such other treatment as the Secretary determines appropriate.

"(5) APPLICATION.—This subsection shall apply to a nongrantor trust only if the covered expatriate was a beneficiary of the trust on the day before the expatriation date.

"(g) DEFINITIONS AND SPECIAL RULES RELATING TO EXPATRIATION.—For purposes of this section—

"(1) COVERED EXPATRIATE.—

"(A) IN GENERAL.—The term 'covered expatriate' means an expatriate who meets the requirements of subparagraph (A), (B), or (C) of section 877(a)(2).

"(B) EXCEPTIONS.—An individual shall not be treated as meeting the requirements of subparagraph (A) or (B) of section 877(a)(2) if—

"(i) the individual—

"(I) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

"(II) has been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) for not more than 10 taxable years during the 15-taxable year period ending with the taxable year during which the expatriation date occurs, or

"(ii)(I) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

"(II) the individual has been a resident of the United States (as so defined) for not more than 10 taxable years before the date of relinquishment.

"(C) COVERED EXPATRIATES ALSO SUBJECT TO TAX AS CITIZENS OR RESIDENTS.—In the case of any covered expatriate who is subject to tax as a citizen or resident of the United States for any period beginning after the expatriation date, such individual shall not be treated as a covered expatriate during such period for purposes of subsections (d)(1) and (f) and section 2801.

"(2) EXPATRIATE.—The term 'expatriate' means—

"(A) any United States citizen who relinquishes his citizenship, and

"(B) any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

"(3) EXPATRIATION DATE.—The term 'expatriation date' means—

"(A) the date an individual relinquishes United States citizenship, or

"(B) in the case of a long-term resident of the United States, the date on which the individual ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)).

"(4) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing his United States citizenship on the earliest of—

"(A) the date the individual renounces his United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)-(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(5) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

"(6) EARLY DISTRIBUTION TAX.—The term 'early distribution tax' means any increase in tax imposed under section 72(t), 220(e)(4), 223(f)(4), 409A(a)(1)(B), 529(c)(6), or 530(d)(4).

"(h) OTHER RULES.—

"(1) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(A) any time period for acquiring property which would result in the reduction in the amount of gain recognized with respect to property disposed of by the taxpayer shall terminate on the day before the expatriation date, and

"(B) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(2) STEP-UP IN BASIS.—Solely for purposes of determining any tax imposed by reason of subsection (a), property which was held by an individual on the date the individual first became a resident of the United States (within the meaning of section 7701(b)) shall be treated as having a basis on such date of not less than the fair market value of such property on such date. The preceding sentence shall not apply if the individual elects not to have such sentence apply. Such an election, once made, shall be irrevocable.

"(3) COORDINATION WITH SECTION 684.—If the expatriation of any individual would result in the recognition of gain under section 684, this section shall be applied after the application of section 684.

"(i) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) TAX ON GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—

(1) IN GENERAL.—Subtitle B (relating to estate and gift taxes) is amended by inserting after chapter 14 the following new chapter:

"CHAPTER 15—GIFTS AND BEQUESTS FROM EXPATRIATES

"Sec. 2801. Imposition of tax.

"SEC. 2801. IMPOSITION OF TAX.

"(a) IN GENERAL.—If, during any calendar year, any United States citizen or resident receives any covered gift or bequest, there is hereby imposed a tax equal to the product of—

"(1) the highest rate of tax specified in the table contained in section 2001(c) as in effect on the date of such receipt (or, if greater, the highest rate of tax specified in the table applicable under section 2502(a) as in effect on the date), and

"(2) the value of such covered gift or bequest.

"(b) TAX TO BE PAID BY RECIPIENT.—The tax imposed by subsection (a) on any covered gift or bequest shall be paid by the person receiving such gift or bequest.

"(c) EXCEPTION FOR CERTAIN GIFTS.—Subsection (a) shall apply only to the extent that the value of covered gifts and bequests received by any person during the calendar year exceeds the dollar amount in effect under section 2503(b) for such calendar year.

"(d) TAX REDUCED BY FOREIGN GIFT OR ESTATE TAX.—The tax imposed by subsection (a) on any covered gift or bequest shall be reduced by the amount of any gift or estate tax paid to a foreign country with respect to such covered gift or bequest.

"(e) COVERED GIFT OR BEQUEST.—

"(1) IN GENERAL.—For purposes of this chapter, the term 'covered gift or bequest' means—

"(A) any property acquired by gift directly or indirectly from an individual who, at the time of such acquisition, is a covered expatriate, and

"(B) any property acquired directly or indirectly by reason of the death of an individual who, immediately before such death, was a covered expatriate.

"(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Such term shall not include—

"(A) any property shown on a timely filed return of tax imposed by chapter 12 which is a taxable gift by the covered expatriate, and

"(B) any property included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate.

"(3) EXCEPTIONS FOR TRANSFERS TO SPOUSE OR CHARITY.—Such term shall not include any property with respect to which a deduction would be allowed under section 2055, 2056, 2522, or 2523, whichever is appropriate, if the decedent or donor were a United States person.

"(4) TRANSFERS IN TRUST.—

"(A) DOMESTIC TRUSTS.—In the case of a covered gift or bequest made to a domestic trust—

"(i) subsection (a) shall apply in the same manner as if such trust were a United States citizen, and

"(ii) the tax imposed by subsection (a) on such gift or bequest shall be paid by such trust.

"(B) FOREIGN TRUSTS.—

"(i) IN GENERAL.—In the case of a covered gift or bequest made to a foreign trust, subsection (a) shall apply to any distribution attributable to such gift or bequest from such trust (whether from income or corpus) to a United States citizen or resident in the same manner as if such distribution were a covered gift or bequest.

"(ii) DEDUCTION FOR TAX PAID BY RECIPIENT.—There shall be allowed as a deduction under section 164 the amount of tax imposed by this section which is paid or accrued by a United States citizen or resident by reason of a distribution from a foreign trust, but only to the extent such tax is imposed on the portion of such distribution which is included in the gross income of such citizen or resident.

"(iii) ELECTION TO BE TREATED AS DOMESTIC TRUST.—Solely for purposes of this section, a foreign trust may elect to be treated as a domestic trust. Such an election may be revoked with the consent of the Secretary.

"(f) COVERED EXPATRIATE.—For purposes of this section, the term 'covered expatriate' has the meaning given to such term by section 877A(g)(1).".

(2) CLERICAL AMENDMENT.—The table of chapters for subtitle B is amended by inserting after the item relating to chapter 14 the following new item:

"CHAPTER 15. GIFTS AND BEQUESTS FROM EXPATRIATES.".

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—

(1) IN GENERAL.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(50) TERMINATION OF UNITED STATES CITIZENSHIP.—

"(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(g)(4).

"(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(2) CONFORMING AMENDMENTS.—

(A) Paragraph (1) of section 877(e) is amended to read as follows:

"(1) IN GENERAL.—Any long-term resident of the United States who ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)) shall be treated for purposes of this section and sections 2107, 2501, and 6039G in the same manner as if such resident were a citizen of the United States who lost United States citizenship on the date of such cessation or commencement.".

(B) Paragraph (6) of section 7701(b) is amended by adding at the end the following flush sentence:

"An individual shall cease to be treated as a lawful permanent resident of the United States if such individual commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country, does not waive the benefits of such treaty applicable to residents of the foreign country, and notifies the Secretary of the commencement of such treatment.".

(C) Section 7701 is amended by striking subsection (n) and by redesignating subsections (o) and (p) as subsections (n) and (o), respectively.

(d) INFORMATION RETURNS.—Section 6039G is amended—

(1) by inserting "or 877A" after "section 877(b)" in subsection (a), and

(2) by inserting "or 877A" after "section 877(a)" in subsection (d).

(e) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation.".

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (as defined in section 877A(g) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) is on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Chapter 15 of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to covered gifts and bequests (as defined in section 2801 of such Code, as so added) received on or after the date of the enactment of this Act from transferors whose expatriation date is on or after such date of enactment.

SEC. 205. SPECIAL ENROLLMENT OPTION BY EMPLOYER HEALTH PLANS FOR MEMBERS OF UNIFORM SERVICES WHO LOSE HEALTH CARE COVERAGE.

(a) IN GENERAL.—Section 9801(f) (relating to special enrollment periods) is amended by adding at the end the following new paragraph:

"(3) LOSS OF MILITARY HEALTH COVERAGE.—

"(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), a group health plan shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if each of the following conditions is met:

"(i) The employee or dependent, by reason of service in the uniformed services (within the meaning of section 4303 of title 38, United States Code), was covered under a Federal health care benefit program (including coverage under the TRICARE program (as that term is defined in section 1072 of title 10, United States Code) or by reason of entitlement to health care benefits under the laws administered by the Secretary of Veterans Affairs or as a member of the uniformed services on active duty), and the employee or dependent loses eligibility for such coverage.

"(ii) The employee or dependent is otherwise eligible to enroll for coverage under the terms of the plan.

"(iii) The employee requests such coverage not later than 90 days after the date on which the coverage described in clause (i) terminated.

"(B) EFFECTIVE DATE OF COVERAGE.—Coverage requested under subparagraph (A)(iii) shall become effective not later than the first day of the first month after the date of such request.".

(b) EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 701(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1181(f)) is amended by adding at the end the following:

"(3) LOSS OF MILITARY HEALTH COVERAGE.—

"(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), a group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if each of the following conditions is met:

"(i) The employee or dependent, by reason of service in the uniformed services (within the meaning of section 4303 of title 38, United States Code), was covered under a Federal health care benefit program (including coverage under the TRICARE program (as that term is defined in section 1072 of title 10, United States Code) or by reason of entitlement to health care benefits under the laws administered by the Secretary of Veterans Affairs or as a member of the uniformed services on active duty), and the employee or dependent loses eligibility for such coverage.

"(ii) The employee or dependent is otherwise eligible to enroll for coverage under the terms of the plan.

"(iii) The employee requests such coverage not later than 90 days after the date on which the coverage described in clause (i) terminated.

"(B) EFFECTIVE DATE OF COVERAGE.—Coverage requested under subparagraph (A)(iii) shall become effective not later than the first day of the first month after the date of such request.".

(c) PUBLIC HEALTH SERVICE ACT.—Section 2701(f) of the Public Health Service Act (42 U.S.C. 300gg(f)) is amended by adding at the end the following:

"(3) LOSS OF MILITARY HEALTH COVERAGE.—

"(A) IN GENERAL.—Notwithstanding paragraphs (1) and (2), a group health plan, and a health insurance issuer offering group health insurance coverage in connection with a group health plan, shall permit an employee who is eligible, but not enrolled, for coverage under the terms of the plan (or a dependent of such an employee if the dependent is eligible, but not enrolled, for coverage under such terms) to enroll for coverage under the terms of the plan if each of the following conditions is met:

"(i) The employee or dependent, by reason of service in the uniformed services (within the meaning of section 4303 of title 38, United States Code), was covered under a Federal health care benefit program (including coverage under the TRICARE program (as that term is defined in section 1072 of title 10, United States Code) or by reason of entitlement to health care benefits under the laws administered by the Secretary of Veterans Affairs or as a member of the uniformed services on active duty), and the employee or dependent loses eligibility for such coverage.

"(ii) The employee or dependent is otherwise eligible to enroll for coverage under the terms of the plan.

"(iii) The employee requests such coverage not later than 90 days after the date on which the coverage described in clause (i) terminated.

"(B) EFFECTIVE DATE OF COVERAGE.—Coverage requested under subparagraph (A)(iii) shall become effective not later than the first day of the first month after the date of such request.".

(d) REGULATIONS.—The Secretary of the Treasury, the Secretary of Labor, and the Secretary of Health and Human Services, consistent with section 104 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 300gg–92 note), may promulgate such regulations as may be necessary or appropriate to require the notification of individuals (or their dependents) of their rights under the amendment made by this Act.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 90 days after the date of the enactment of this Act.

TITLE III—TAX TECHNICAL CORRECTIONS

SEC. 301. SHORT TITLE.

This title may be cited as the " ".

SEC. 302. AMENDMENT RELATED TO THE TAX RELIEF AND HEALTH CARE ACT OF 2006.

(a) AMENDMENT RELATED TO SECTION 402 OF DIVISION A OF THE ACT.—Subparagraph (A) of section 53(e)(2) is amended to read as follows:

"(A) IN GENERAL.—The term 'AMT refundable credit amount' means, with respect to any taxable year, the amount (not in excess of the long-term unused minimum tax credit for such taxable year) equal to the greater of—

"(i) $5,000,

"(ii) 20 percent of the long-term unused minimum tax credit for such taxable year, or

"(iii) the amount (if any) of the AMT refundable credit amount determined under this paragraph for the taxpayer's preceding taxable year (as determined before any reduction under subparagraph (B)).".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provision of the Tax Relief and Health Care Act of 2006 to which it relates.

SEC. 303. AMENDMENTS RELATED TO TITLE XII OF THE PENSION PROTECTION ACT OF 2006.

(a) AMENDMENT RELATED TO SECTION 1201 OF THE ACT.—Subparagraph (D) of section 408(d)(8) is amended by striking "all amounts distributed from all individual retirement plans were treated as 1 contract under paragraph (2)(A) for purposes of determining the inclusion of such distribution under section 72" and inserting "all amounts in all individual retirement plans of the individual were distributed during such taxable year and all such plans were treated as 1 contract for purposes of determining under section 72 the aggregate amount which would have been so includible".

(b) AMENDMENT RELATED TO SECTION 1203 OF THE ACT.—Subsection (d) of section 1366 is amended by adding at the end the following new paragraph:

"(4) APPLICATION OF LIMITATION ON CHARITABLE CONTRIBUTIONS.—In the case of any charitable contribution of property to which the second sentence of section 1367(a)(2) applies, paragraph (1) shall not apply to the extent of the excess (if any) of—

"(A) the shareholder's pro rata share of such contribution, over

"(B) the shareholder's pro rata share of the adjusted basis of such property.".

(c) AMENDMENT RELATED TO SECTION 1215 OF THE ACT.—Subclause (I) of section 170(e)(7)(D)(i) is amended by striking "related" and inserting "substantial and related".

(d) AMENDMENTS RELATED TO SECTION 1218 OF THE ACT.—

(1) Section 2055 is amended by striking subsection (g) and by redesignating subsection (h) as subsection (g).

(2) Subsection (e) of section 2522 is amended—

(A) by striking paragraphs (2) and (4),

(B) by redesignating paragraph (3) as paragraph (2), and

(C) by adding at the end of paragraph (2), as so redesignated, the following new subparagraph:

"(C) INITIAL FRACTIONAL CONTRIBUTION.—For purposes of this paragraph, the term 'initial fractional contribution' means, with respect to any donor, the first gift of an undivided portion of the donor's entire interest in any tangible personal property for which a deduction is allowed under subsection (a) or (b).".

(e) AMENDMENTS RELATED TO SECTION 1219 OF THE ACT.—

(1) Paragraph (2) of section 6695A(a) is amended by inserting "a substantial estate or gift tax valuation understatement (within the meaning of section 6662(g))," before "or a gross valuation misstatement".

(2) Paragraph (1) of section 6696(d) is amended by striking "or under section 6695" and inserting ", section 6695, or 6695A".

(f) AMENDMENT RELATED TO SECTION 1221 OF THE ACT.—Subparagraph (A) of section 4940(c)(4) is amended to read as follows:

"(A) There shall not be taken into account any gain or loss from the sale or other disposition of property to the extent that such gain or loss is taken into account for purposes of computing the tax imposed by section 511.".

(g) AMENDMENT RELATED TO SECTION 1225 OF THE ACT.—

(1) Subsection (b) of section 6104 is amended—

(A) by striking "INFORMATION" in the heading, and

(B) by adding at the end the following: "Any annual return which is filed under section 6011 by an organization described in section 501(c)(3) and which relates to any tax imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc., organizations) shall be treated for purposes of this subsection in the same manner as if furnished under section 6033.".

(2) Clause (ii) of section 6104(d)(1)(A) is amended to read as follows:

"(ii) any annual return which is filed under section 6011 by an organization described in section 501(c)(3) and which relates to any tax imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc., organizations),".

(3) Paragraph (2) of section 6104(d) is amended by striking "section 6033" and inserting "section 6011 or 6033".

(h) AMENDMENT RELATED TO SECTION 1231 OF THE ACT.—Subsection (b) of section 4962 is amended by striking "or D" and inserting "D, or G".

(i) AMENDMENT RELATED TO SECTION 1242 OF THE ACT.—

(1) Subclause (II) of section 4958(c)(3)(A)(i) is amended by striking "paragraph (1), (2), or (4) of section 509(a)" and inserting "subparagraph (C)(ii)".

(2) Clause (ii) of section 4958(c)(3)(C) is amended to read as follows:

"(ii) EXCEPTION.—Such term shall not include—

"(I) any organization described in paragraph (1), (2), or (4) of section 509(a), and

"(II) any organization which is treated as described in such paragraph (2) by reason of the last sentence of section 509(a) and which is a supported organization (as defined in section 509(f)(3)) of the organization to which subparagraph (A) applies.".

(j) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Pension Protection Act of 2006 to which they relate.

SEC. 304. AMENDMENTS RELATED TO THE TAX INCREASE PREVENTION AND RECONCILIATION ACT OF 2005.

(a) AMENDMENTS RELATED TO SECTION 103 OF THE ACT.—Paragraph (6) of section 954(c) is amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

"(B) EXCEPTION.—Subparagraph (A) shall not apply in the case of any interest, rent, or royalty to the extent such interest, rent, or royalty creates (or increases) a deficit which under section 952(c) may reduce the subpart F income of the payor or another controlled foreign corporation.".

(b) AMENDMENTS RELATED TO SECTION 202 OF THE ACT.—

(1) Subparagraph (A) of section 355(b)(2) is amended to read as follows:

"(A) it is engaged in the active conduct of a trade or business,".

(2) Paragraph (3) of section 355(b) is amended to read as follows:

“(3) SPECIAL RULES FOR DETERMINING ACTIVE CONDUCT IN THE CASE OF AFFILIATED GROUPS.—

“(A) IN GENERAL.—For purposes of determining whether a corporation meets the requirements of paragraph (2)(A), all members of such corporation's separate affiliated group shall be treated as one corporation.

“(B) SEPARATE AFFILIATED GROUP.—For purposes of this paragraph, the term ‘separate affiliated group’ means, with respect to any corporation, the affiliated group which would be determined under section 1504(a) if such corporation were the common parent and section 1504(b) did not apply.

“(C) TREATMENT OF TRADE OR BUSINESS CONDUCTED BY ACQUIRED MEMBER.—If a corporation became a member of a separate affiliated group as a result of one or more transactions in which gain or loss was recognized in whole or in part, any trade or business conducted by such corporation (at the time that such corporation became such a member) shall be treated for purposes of paragraph (2) as acquired in a transaction in which gain or loss was recognized in whole or in part.

“(D) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary or appropriate to carry out the purposes of this paragraph, including regulations which provide for the proper application of subparagraphs (B), (C), and (D) of paragraph (2), and modify the application of subsection (a)(3)(B), in connection with the application of this paragraph.”.

(3) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by section 202 of the Tax Increase Prevention and Reconciliation Act of 2005 and by section 410 of division A of the Tax Relief and Health Care Act of 2006 had never been enacted.

(c) AMENDMENT RELATED TO SECTION 515 OF THE ACT.—Subsection (f) of section 911 is amended to read as follows:

“(f) DETERMINATION OF TAX LIABILITY.—

“(1) IN GENERAL.—If, for any taxable year, any amount is excluded from gross income of a taxpayer under subsection (a), then, notwithstanding sections 1 and 55—

“(A) if such taxpayer has taxable income for such taxable year, the tax imposed by section 1 for such taxable year shall be equal to the excess (if any) of—

“(i) the tax which would be imposed by section 1 for such taxable year if the taxpayer's taxable income were increased by the amount excluded under subsection (a) for such taxable year, over

“(ii) the tax which would be imposed by section 1 for such taxable year if the taxpayer's taxable income were equal to the amount excluded under subsection (a) for such taxable year, and

“(B) if such taxpayer has a taxable excess (as defined in section 55(b)(1)(A)(ii)) for such taxable year, the amount determined under the first sentence of section 55(b)(1)(A)(i) for such taxable year shall be equal to the excess (if any) of—

“(i) the amount which would be determined under such sentence for such taxable year (subject to the limitation of section 55(b)(3)) if the taxpayer's taxable excess (as so defined) were increased by the amount excluded under subsection (a) for such taxable year, over

“(ii) the amount which would be determined under such sentence for such taxable year if the taxpayer's taxable excess (as so defined) were equal to the amount excluded under subsection (a) for such taxable year.

“(2) SPECIAL RULES.—

“(A) REGULAR TAX.—In applying section 1(h) for purposes of determining the tax under paragraph (1)(A)(i) for any taxable year in which, without regard to this subsection, the taxpayer's net capital gain exceeds taxable income (hereafter in this subparagraph referred to as the capital gain excess)—

“(i) the taxpayer's net capital gain (determined without regard to section 1(h)(11)) shall be reduced (but not below zero) by such capital gain excess,

“(ii) the taxpayer's qualified dividend income shall be reduced by so much of such capital gain excess as exceeds the taxpayer's net capital gain (determined without regard to section 1(h)(11) and the reduction under clause (i)), and

“(iii) adjusted net capital gain, unrecaptured section 1250 gain, and 28-percent rate gain shall each be determined after increasing the amount described in section 1(h)(4)(B) by such capital gain excess.

“(B) ALTERNATIVE MINIMUM TAX.—In applying section 55(b)(3) for purposes of determining the tax under paragraph (1)(B)(i) for any taxable year in which, without regard to this subsection, the taxpayer's net capital gain exceeds the taxable excess (as defined in section 55(b)(1)(A)(ii))—

“(i) the rules of subparagraph (A) shall apply, except that such subparagraph shall be applied by substituting ‘the taxable excess (as defined in section 55(b)(1)(A)(ii))’ for ‘taxable income’, and

“(ii) the reference in section 55(b)(3)(B) to the excess described in section 1(h)(1)(B) shall be treated as a reference to such excess as determined under the rules of subparagraph (A) for purposes of determining the tax under paragraph (1)(A)(i).

“(C) DEFINITIONS.—Terms used in this paragraph which are also used in section 1(h) shall have the respective meanings given such terms by section 1(h), except that in applying subparagraph (B) the adjustments under part VI of subchapter A shall be taken into account.”.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the Tax Increase Prevention and Reconciliation Act of 2005 to which they relate.

(2) MODIFICATION OF ACTIVE BUSINESS DEFINITION UNDER SECTION 355.—

(A) IN GENERAL.—Except as otherwise provided in this paragraph, the amendments made by subsection (b) shall apply to distributions made after May 17, 2006.

(B) TRANSITION RULE.—The amendments made by subsection (b) shall not apply to any distribution pursuant to a transaction which is—

(i) made pursuant to an agreement which was binding on May 17, 2006, and at all times thereafter,

(ii) described in a ruling request submitted to the Internal Revenue Service on or before such date, or

(iii) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

(C) ELECTION OUT OF TRANSITION RULE.—Subparagraph (B) shall not apply if the distributing corporation elects not to have such subparagraph apply to distributions of such corporation. Any such election, once made, shall be irrevocable.

(D) SPECIAL RULE FOR CERTAIN PRE-ENACTMENT DISTRIBUTIONS.—For purposes of determining the continued qualification under section 355(b)(2)(A) of the Internal Revenue Code of 1986 of distributions made on or before May 17, 2006, as a result of an acquisition, disposition, or other restructuring after such date, such distribution shall be treated as made on the date of such acquisition, disposition, or restructuring for purposes of applying subparagraphs (A) through (C) of this paragraph. The preceding sentence shall only apply with respect to the corporation that undertakes such acquisition, disposition, or other restructuring, and only if such application results in continued qualification under section 355(b)(2)(A) of such Code.

(3) AMENDMENT RELATED TO SECTION 515 OF THE ACT.—The amendment made by subsection (c) shall apply to taxable years beginning after December 31, 2006.

SEC. 305. AMENDMENTS RELATED TO THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS.

(a) AMENDMENTS RELATED TO SECTION 11113 OF THE ACT.—

(1) Paragraph (3) of section 6427(i) is amended—

(A) by inserting “or under subsection (e)(2) by any person with respect to an alternative fuel (as defined in section 6426(d)(2))” after “section 6426” in subparagraph (A),

(B) by inserting “or (e)(2)” after “subsection (e)(1)” in subparagraphs (A)(i) and (B), and

(C) by striking “ALCOHOL FUEL AND BIODIESEL MIXTURE CREDIT” and inserting “MIXTURE CREDITS AND THE ALTERNATIVE FUEL CREDIT” in the heading thereof.

(2) Subparagraph (F) of section 6426(d)(2) is amended by striking “hydrocarbons” and inserting “fuel”.

(3) Section 6426 is amended by adding at the end the following new subsection:

“(h) DENIAL OF DOUBLE BENEFIT.—No credit shall be determined under subsection (d) or (e) with respect to any fuel with respect to which credit may be determined under subsection (b) or (c) or under section 40 or 40A.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the SAFETEA-LU to which they relate.

SEC. 306. AMENDMENTS RELATED TO THE ENERGY POLICY ACT OF 2005.

(a) AMENDMENT RELATED TO SECTION 1306 OF THE ACT.—Paragraph (2) of section 45J(b) is amended to read as follows:

“(2) AMOUNT OF NATIONAL LIMITATION.—The aggregate amount of national megawatt capacity limitation allocated by the Secretary under paragraph (3) shall not exceed 6,000 megawatts.”.

(b) AMENDMENTS RELATED TO SECTION 1342 OF THE ACT.—

(1) So much of subsection (b) of section 30C as precedes paragraph (1) thereof is amended to read as follows:

“(b) LIMITATION.—The credit allowed under subsection (a) with respect to all qualified alternative fuel vehicle refueling property placed in service by the taxpayer during the taxable year at a location shall not exceed—”.

(2) Subsection (c) of section 30C is amended to read as follows:

“(c) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—For purposes of this section, the term ‘qualified alternative fuel vehicle refueling property’ has the same meaning as the term ‘qualified clean-fuel vehicle refueling property’ would have under section 179A if—

“(1) paragraph (1) of section 179A(d) did not apply to property installed on property which is used as the principal residence (within the meaning of section 121) of the taxpayer, and

"(2) only the following were treated as clean-burning fuels for purposes of section 179A(d):

"(A) Any fuel at least 85 percent of the volume of which consists of one or more of the following: ethanol, natural gas, compressed natural gas, liquified natural gas, liquefied petroleum gas, or hydrogen.

"(B) Any mixture—

"(i) which consists of two or more of the following: biodiesel (as defined in section 40A(d)(1)), Biesel fuel (as defined in section 4083(a)(3)), or kerosene, and

"(ii) at least 20 percent of the volume of which consists of biodiesel (as so defined) determined without regard to any kerosene in such mixture.".

(c) AMENDMENTS RELATED TO SECTION 1351 OF THE ACT.—

(1) Paragraph (3) of section 41(a) is amended by inserting "for energy research" before the period at the end.

(2) Paragraph (6) of section 41(f) is amended by adding at the end the following new subparagraph:

"(E) ENERGY RESEARCH.—The term 'energy research' does not include any research which is not qualified research.".

(d) AMENDMENTS RELATED TO SECTION 1362 OF THE ACT.—

(1)(A) Paragraph (1) of section 4041(d) is amended by adding at the end the following new sentence: "No tax shall be imposed under the preceding sentence on the sale or use of any liquid if tax was imposed with respect to such liquid under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.".

(B) Paragraph (3) of section 4042(b) is amended to read as follows:

"(3) EXCEPTION FOR FUEL ON WHICH LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE SEPARATELY IMPOSED.—The Leaking Underground Storage Tank Trust Fund financing rate under paragraph (2)(B) shall not apply to the use of any fuel if tax was imposed with respect to such fuel under section 4041(d) or 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.".

(C) Notwithstanding section 6430 of the Internal Revenue Code of 1986, a refund, credit, or payment may be made under subchapter B of chapter 65 of such Code for taxes imposed with respect to any liquid after September 30, 2005, and before the date of the enactment of this Act under section 4041(d)(1) or 4042 of such Code at the Leaking Underground Storage Tank Trust Fund financing rate to the extent that tax was imposed with respect to such liquid under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.

(2)(A) Paragraph (5) of section 4041(d) is amended—

(i) by striking "(other than with respect to any sale for export under paragraph (3) thereof)", and

(ii) by adding at the end the following new sentence: "The preceding sentence shall not apply with respect to subsection (g)(3) and so much of subsection (g)(1) as relates to vessels (within the meaning of section 4221(d)(3)) employed in foreign trade or trade between the United States and any of its possessions.".

(B) Section 4082 is amended—

(i) by striking "(other than such tax at the Leaking Underground Storage Tank Trust Fund financing rate imposed in all cases other than for export)" in subsection (a), and

(ii) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following new subsection:

"(f) EXCEPTION FOR LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.—

"(1) IN GENERAL.—Subsection (a) shall not apply to the tax imposed under section 4081 at the Leaking Underground Storage Tank Trust Fund financing rate.

"(2) EXCEPTION FOR EXPORT, ETC.—Paragraph (1) shall not apply with respect to any fuel if the Secretary determines that such fuel is destined for export or for use by the purchaser as supplies for vessels (within the meaning of section 4221(d)(3)) employed in foreign trade or trade between the United States and any of its possessions.".

(C) Subsection (e) of section 4082 is amended—

(i) by striking "an aircraft, the rate of tax under section 4081(a)(2)(A)(iii) shall be zero." and inserting "an aircraft—

"(1) the rate of tax under section 4081(a)(2)(A)(iii) shall be zero, and

"(2) if such aircraft is employed in foreign trade or trade between the United States and any of its possessions, the increase in such rate under section 4081(a)(2)(B) shall be zero."; and

(ii) by moving the last sentence flush with the margin of such subsection (following the paragraph (2) added by clause (i)).

(D) Section 6430 is amended to read as follows:

"SEC. 6430. TREATMENT OF TAX IMPOSED AT LEAKING UNDERGROUND STORAGE TANK TRUST FUND FINANCING RATE.

"No refunds, credits, or payments shall be made under this subchapter for any tax imposed at the Leaking Underground Storage Tank Trust Fund financing rate, except in the case of fuels—

"(1) which are exempt from tax under section 4081(a) by reason of section 4082(f)(2),

"(2) which are exempt from tax under section 4041(d) by reason of the last sentence of paragraph (5) thereof, or

"(3) with respect to which the rate increase under section 4081(a)(2)(B) is zero by reason of section 4082(e)(2).".

(3) Paragraph (5) of section 4041(d) is amended by inserting "(b)(1)(A)," after "subsections".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(2) NONAPPLICATION OF EXEMPTION FOR OFF-HIGHWAY BUSINESS USE.—The amendment made by subsection (d)(3) shall apply to fuel sold for use or used after the date of the enactment of this Act.

(3) AMENDMENT MADE BY THE SAFETEA–LU.—The amendment made by subsection (d)(2)(C)(ii) shall take effect as if included in section 11161 of the SAFETEA–LU.

SEC. 307. AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.

(a) AMENDMENTS RELATED TO SECTION 339 OF THE ACT.—

(1)(A) Section 45H is amended by striking subsection (d) and by redesignating subsections (e), (f), and (g) as subsections (d), (e), and (f), respectively.

(B) Subsection (d) of section 280C is amended to read as follows:

"(d) CREDIT FOR LOW SULFUR DIESEL FUEL PRODUCTION.—The deductions otherwise allowed under this chapter for the taxable year shall be reduced by the amount of the credit determined for the taxable year under section 45H(a).".

(C) Subsection (a) of section 1016 is amended by striking paragraph (31) and by redesignating paragraphs (32) through (37) as paragraphs (31) through (36), respectively.

(2)(A) Section 45H, as amended by paragraph (1), is amended by adding at the end the following new subsection:

"(g) ELECTION TO NOT TAKE CREDIT.—No credit shall be determined under subsection (a) for the taxable year if the taxpayer elects not to have subsection (a) apply to such taxable year.".

(B) Subsection (m) of section 6501 is amended by inserting "45H(g)," after "45C(d)(4),".

(3)(A) Subsections (b)(1)(A), (c)(2), (e)(1), and (e)(2) of section 45H (as amended by paragraph (1)) and section 179B(a) are each amended by striking "qualified capital costs" and inserting "qualified costs".

(B) The heading of paragraph (2) of section 45H(c) is amended by striking "CAPITAL".

(C) Subsection (a) of section 179B is amended by inserting "and which are properly chargeable to capital account" before the period at the end.

(b) AMENDMENTS RELATED TO SECTION 710 OF THE ACT.—

(1) Clause (ii) of section 45(c)(3)(A) is amended by striking "which is segregated from other waste materials and".

(2) Subparagraph (B) of section 45(d)(2) is amended by inserting "and" at the end of clause (i), by striking clause (ii), and by redesignating clause (iii) as clause (ii).

(c) AMENDMENTS RELATED TO SECTION 848 OF THE ACT.—

(1) Paragraph (2) of section 470(c) is amended to read as follows:

"(2) TAX-EXEMPT USE PROPERTY.—

"(A) IN GENERAL.—The term 'tax-exempt use property' has the meaning given to such term by section 168(h), except that such section shall be applied—

"(i) without regard to paragraphs (1)(C) and (3) thereof, and

"(ii) as if section 197 intangible property (as defined in section 197), and property described in paragraph (1)(B) or (2) of section 167(f), were tangible property.

"(B) EXCEPTION FOR PARTNERSHIPS.—Such term shall not include any property which would (but for this subparagraph) be tax-exempt use property solely by reason of section 168(h)(6).

"(C) CROSS REFERENCE.—For treatment of partnerships as leases to which section 168(h) applies, see section 7701(e).".

(2) Subparagraph (A) of section 470(d)(1) is amended by striking "(at any time during the lease term)" and inserting "(at all times during the lease term)".

(d) AMENDMENTS RELATED TO SECTION 888 OF THE ACT.—

(1) Subparagraph (A) of section 1092(a)(2) is amended by striking "and" at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

"(iii) if the application of clause (ii) does not result in an increase in the basis of any offsetting position in the identified straddle, the basis of each of the offsetting positions in the identified straddle shall be increased in a manner which—

"(I) is reasonable, consistent with the purposes of this paragraph, and consistently applied by the taxpayer, and

"(II) results in an aggregate increase in the basis of such offsetting positions which is equal to the loss described in clause (ii), and".

(2)(A) Subparagraph (B) of section 1092(a)(2) is amended by adding at the end the following flush sentence:

"A straddle shall be treated as clearly identified for purposes of clause (i) only if such identification includes an identification of the positions in the straddle which are offsetting with respect other positions in the straddle.".

(B) Subparagraph (A) of section 1092(a)(2) is amended—

(i) by striking "identified positions" in clause (i) and inserting "positions",

(ii) by striking "identified position" in clause (ii) and inserting "position", and

(iii) by striking "identified offsetting positions" in clause (ii) and inserting "offsetting positions".

(C) Subparagraph (B) of section 1092(a)(3) is amended by striking "identified offsetting position" and inserting "offsetting position".

(3) Paragraph (2) of section 1092(a) is amended by redesignating subparagraph (C) as subparagraph (D) and inserting after subparagraph (B) the following new subparagraph:

"(C) APPLICATION TO LIABILITIES AND OBLIGATIONS.—Except as otherwise provided by the Secretary, rules similar to the rules of clauses (ii) and (iii) of subparagraph (A) shall apply for purposes of this paragraph with respect to any position which is, or has been, a liability or obligation.".

(4) Subparagraph (D) of section 1092(a)(2), as redesignated by paragraph (3), is amended by inserting "the rules for the application of this section to a position which is or has been a liability or obligation, methods of loss allocation which satisfy the requirements of subparagraph (A)(iii)," before "and the ordering rules".

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

(2) IDENTIFICATION REQUIREMENT OF AMENDMENT RELATED TO SECTION 888 OF THE AMERICAN JOBS CREATION ACT OF 2004.—The amendment made by subsection (d)(2)(A) shall apply to straddles acquired after the date of the enactment of this Act.

SEC. 308. AMENDMENTS RELATED TO THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.

(a) AMENDMENTS RELATED TO SECTION 617 OF THE ACT.—

(1) Subclause (II) of section 402(g)(7)(A)(ii) is amended by striking "for prior taxable years" and inserting "permitted for prior taxable years by reason of this paragraph".

(2) Subparagraph (A) of section 3121(v)(1) is amended by inserting "or consisting of designated Roth contributions (as defined in section 402A(c))" before the comma at the end.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 to which they relate.

SEC. 309. AMENDMENTS RELATED TO THE TAX RELIEF EXTENSION ACT OF 1999.

(a) AMENDMENT RELATED TO SECTION 507 OF THE ACT.—Clause (i) of section 45(e)(7)(A) is amended by striking "placed in service by the taxpayer" and inserting "originally placed in service".

(b) AMENDMENT RELATED TO SECTION 542 OF THE ACT.—Clause (ii) of section 856(d)(9)(D) is amended to read as follows:

"(ii) LODGING FACILITY.—The term 'lodging facility' means a—

"(I) hotel,

"(II) motel, or

"(III) other establishment more than one-half of the dwelling units in which are used on a transient basis.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Tax Relief Extension Act of 1999 to which they relate.

SEC. 310. AMENDMENT RELATED TO THE INTERNAL REVENUE SERVICE RESTRUCTURING AND REFORM ACT OF 1998.

(a) AMENDMENT RELATED TO SECTION 3509 OF THE ACT.—Paragraph (3) of section 6110(i) is amended by inserting "and related background file documents" after "Chief Counsel advice" in the matter preceding subparagraph (A).

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the provision of the Internal Revenue Service Restructuring and Reform Act of 1998 to which it relates.

SEC. 311. CLERICAL CORRECTIONS.

(a) IN GENERAL.—

(1) Paragraph (5) of section 21(e) is amended by striking "section 152(e)(3)(A)" in the flush matter after subparagraph (B) and inserting "section 152(e)(4)(A)".

(2) Paragraph (3) of section 25C(c) is amended by striking "section 3280" and inserting "part 3280".

(3) Paragraph (2) of section 26(b) is amended by redesignating subparagraphs (S) and (T) as subparagraphs (U) and (V), respectively, and by inserting after subparagraph (R) the following new subparagraphs:

"(S) sections 106(e)(3)(A)(ii), 223(b)(8)(B)(i)(II), and 408(d)(9)(D)(i)(II) (relating to certain failures to maintain high deductible health plan coverage),

"(T) section 170(o)(3)(B) (relating to recapture of certain deductions for fractional gifts),".

(4) Subsection (a) of section 34 is amended—

(A) in paragraph (1), by striking "with respect to gasoline used during the taxable year on a farm for farming purposes",

(B) in paragraph (2), by striking "with respect to gasoline used during the taxable year (A) otherwise than as a fuel in a highway vehicle or (B) in vehicles while engaged in furnishing certain public passenger land transportation service", and

(C) in paragraph (3), by striking "with respect to fuels used for nontaxable purposes or resold during the taxable year".

(5) Paragraph (2) of section 35(d) is amended—

(A) by striking "paragraph (2) or (4) of", and

(B) by striking "(within the meaning of section 152(e)(1))" and inserting "(as defined in section 152(e)(4)(A))".

(6) Subsection (b) of section 38 is amended—

(A) by striking "and" each place it appears at the end of any paragraph,

(B) by striking "plus" each place it appears at the end of any paragraph, and

(C) by inserting "plus" at the end of paragraph (30).

(7) Paragraphs (2) and (3) of section 45L(c) are each amended by striking "section 3280" and inserting "part 3280".

(8) Subsection (c) of section 48 is amended by striking "subsection" in the text preceding paragraph (1) and inserting "section".

(9) Paragraphs (1)(B) and (2)(B) of section 48(c) are each amended by striking "paragraph (1)" and inserting "subsection (a)".

(10) Clause (ii) of section 48A(d)(4)(B) is amended by striking "subsection" both places it appears.

(11) The last sentence of section 125(b)(2) is amended by striking "last sentence" and inserting "second sentence".

(12) Subclause (II) of section 167(g)(8)(C)(ii) is amended by striking "section 263A(j)(2)" and inserting "section 263A(i)(2)".

(13)(A) Clause (vii) of section 170(b)(1)(A) is amended by striking "subparagraph (E)" and inserting "subparagraph (F)".

(B) Clause (ii) of section 170(e)(1)(B) is amended by striking "subsection (b)(1)(E)" and inserting "subsection (b)(1)(F)".

(C) Clause (i) of section 1400S(a)(2)(A) is amended by striking "subparagraph (F)" and inserting "subparagraph (G)".

(D) Subparagraph (A) of section 4942(i)(1) is amended by striking "section 170(b)(1)(E)(ii)" and inserting "section 170(b)(1)(F)(ii)".

(14) Subclause (II) of section 170(e)(1)(B)(i) is amended by inserting ", but without regard to clause (ii) thereof" after "paragraph (7)(C)".

(15)(A) Subparagraph (A) of section 170(o)(1) and subparagraph (A) of section 2522(e)(1) are each amended by striking "all interest in the property is" and inserting "all interests in the property are".

(B) Section 170(o)(3)(A)(i), and section 2522(e)(2)(A)(i) (as redesignated by section 403(d)(2)), are each amended—

(i) by striking "interest" and inserting "interests", and

(ii) by striking "before" and inserting "on or before".

(16)(A) Subparagraph (C) of section 852(b)(4) is amended to read as follows:

"(C) DETERMINATION OF HOLDING PERIODS.—For purposes of this paragraph, in determining the period for which the taxpayer has held any share of stock—

"(i) the rules of paragraphs (3) and (4) of section 246(c) shall apply, and

"(ii) there shall not be taken into account any day which is more than 6 months after the date on which such share becomes ex-dividend.".

(B) Subparagraph (B) of section 857(b)(8) is amended to read as follows:

"(B) DETERMINATION OF HOLDING PERIODS.—For purposes of this paragraph, in determining the period for which the taxpayer has held any share of stock or beneficial interest—

"(i) the rules of paragraphs (3) and (4) of section 246(c) shall apply, and

"(ii) there shall not be taken into account any day which is more than 6 months after the date on which such share or interest becomes ex-dividend.".

(17) Paragraph (2) of section 856(l) is amended by striking the last sentence and inserting the following: "For purposes of subparagraph (B), securities described in subsection (m)(2)(A) shall not be taken into account.".

(18) Subparagraph (F) of section 954(c)(1) is amended to read as follows:

"(F) INCOME FROM NOTIONAL PRINCIPAL CONTRACTS.—

"(i) IN GENERAL.—Net income from notional principal contracts.

"(ii) COORDINATION WITH OTHER CATEGORIES OF FOREIGN PERSONAL HOLDING COMPANY INCOME.—Any item of income, gain, deduction, or loss from a notional principal contract entered into for purposes of hedging any item described in any preceding subparagraph shall not be taken into account for purposes of this subparagraph but shall be taken into account under such other subparagraph.".

(19) Paragraph (1) of section 954(c) is amended by redesignating subparagraph (I) as subparagraph (H).

(20) Paragraph (33) of section 1016(a), as redesignated by section 407(a)(1)(C), is amended by striking "section 25C(e)" and inserting "section 25C(f)".

(21) Paragraph (36) of section 1016(a), as redesignated by section 407(a)(1)(C), is amended by striking "section 30C(f)" and inserting "section 30C(e)(1)".

(22) Subparagraph (G) of section 1260(c)(2) is amended by adding "and" at the end.

(23)(A) Section 1297 is amended by striking subsection (d) and by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(B) Subparagraph (G) of section 1260(c)(2) is amended by striking "subsection (e)" and inserting "subsection (d)".

(C) Subparagraph (B) of section 1298(a)(2) is amended by striking "Section 1297(e)" and inserting "Section 1297(d)".

(24) Paragraph (1) of section 1362(f) is amended—

(A) by striking ", section 1361(b)(3)(B)(ii), or section 1361(c)(1)(A)(ii)" and inserting "or section 1361(b)(3)(B)(ii)", and

(B) by striking ", section 1361(b)(3)(C), or section 1361(c)(1)(D)(iii)" in subparagraph (B) and inserting "or section 1361(b)(3)(C)".

(25) Paragraph (2) of section 1400O is amended by striking "under of" and inserting "under".

(26) The table of sections for part II of subchapter Y of chapter 1 is amended by adding at the end the following new item:

"Sec. 1400T. Special rules for mortgage revenue bonds.".

(27) Subsection (b) of section 4082 is amended to read as follows:

"(b) NONTAXABLE USE.—For purposes of this section, the term 'nontaxable use' means—

"(1) any use which is exempt from the tax imposed by section 4041(a)(1) other than by reason of a prior imposition of tax,

"(2) any use in a train, and

"(3) any use described in section 4041(a)(1)(C)(iii)(II).

The term 'nontaxable use' does not include the use of kerosene in an aircraft and such term shall not include any use described in section 6421(e)(2)(C).".

(28) Paragraph (4) of section 4101(a) (relating to registration in event of change of ownership) is redesignated as paragraph (5).

(29) Paragraph (6) of section 4965(c) is amended by striking "section 4457(e)(1)(A)" and inserting "section 457(e)(1)(A)".

(30) Subpart C of part II of subchapter A of chapter 51 is amended by redesignating section 5432 (relating to recordkeeping by wholesale dealers) as section 5121.

(31) Paragraph (2) of section 5732(c), as redesignated by section 11125(b)(20)(A) of the SAFETEA–LU, is amended by striking "this subpart" and inserting "this subchapter".

(32) Subsection (b) of section 6046 is amended—

(A) by striking "subsection (a)(1)" and inserting "subsection (a)(1)(A)", and

(B) by striking "paragraph (2) or (3) of subsection (a)" and inserting "subparagraph (B) or (C) of subsection (a)(1)".

(33)(A) Subparagraph (A) of section 6103(b)(5) is amended by striking "the Canal Zone,".

(B) Section 7651 is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(34) Subparagraph (A) of section 6211(b)(4) is amended by striking "and 34" and inserting "34, and 35".

(35) Subparagraphs (A) and (B) of section 6230(a)(3) are each amended by striking "section 6013(e)" and inserting "section 6015".

(36) Paragraph (3) of section 6427(e) (relating to termination), as added by section 11113 of the SAFETEA–LU, is redesignated as paragraph (5) and moved after paragraph (4).

(37) Clause (ii) of section 6427(l)(4)(A) is amended by striking "section 4081(a)(2)(iii)" and inserting "section 4081(a)(2)(A)(iii)".

(38)(A) Section 6427, as amended by section 1343(b)(1) of the Energy Policy Act of 2005, is amended by striking subsection (p) (relating to gasohol used in noncommercial aviation) and redesignating subsection (q) as subsection (p).

(B) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by paragraph (2) of section 11151(a) of the SAFETEA–LU had never been enacted.

(39) Subsection (a) of section 6695A is amended by striking "then such person" in paragraph (2) and inserting the following: "then such person".

(40) Subparagraph (C) of section 6707A(e)(2) is amended by striking "section 6662A(e)(2)(C)" and inserting "section 6662A(e)(2)(B)".

(41)(A) Paragraph (3) of section 9002 is amended by striking "section 309(a)(1)" and inserting "section 306(a)(1)".

(B) Paragraph (1) of section 9004(a) is amended by striking "section 320(b)(1)(B)" and inserting "section 315(b)(1)(B)".

(C) Paragraph (3) of section 9032 is amended by striking "section 309(a)(1)" and inserting "section 306(a)(1)".

(D) Subsection (b) of section 9034 is amended by striking "section 320(b)(1)(A)" and inserting "section 315(b)(1)(A)".

(42) Section 9006 is amended by striking "Comptroller General" each place it appears and inserting "Commission".

(43) Subsection (c) of section 9503 is amended by redesignating paragraph (7) (relating to transfers from the trust fund for certain aviation fuels taxes) as paragraph (6).

(44) Paragraph (1) of section 1301(g) of the Energy Policy Act of 2005 is amended by striking "shall take effect of the date of the enactment" and inserting "shall take effect on the date of the enactment".

(45) The Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by section 1(a) of Public Law 109–433 had never been enacted.

(b) CLERICAL AMENDMENTS RELATED TO THE TAX RELIEF AND HEALTH CARE ACT OF 2006.—

(1) AMENDMENT RELATED TO SECTION 209 OF DIVISION A OF THE ACT.—Paragraph (3) of section 168(l) is amended by striking "enzymatic".

(2) AMENDMENTS RELATED TO SECTION 419 OF DIVISION A OF THE ACT.—

(A) Clause (iv) of section 6724(d)(1)(B) is amended by inserting "or (h)(1)" after "section 6050H(a)".

(B) Subparagraph (K) of section 6724(d)(2) is amended by inserting "or (h)(2)" after "section 6050H(d)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provision of the Tax Relief and Health Care Act of 2006 to which they relate.

(c) CLERICAL AMENDMENTS RELATED TO THE GULF OPPORTUNITY ZONE ACT OF 2005.—

(1) AMENDMENTS RELATED TO SECTION 402 OF THE ACT.—Subparagraph (B) of section 24(d)(1) is amended—

(A) by striking "the excess (if any) of" in the matter preceding clause (i) and inserting "the greater of", and

(B) by striking "section" in clause (ii)(II) and inserting "section 32".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Gulf Opportunity Zone Act of 2005 to which they relate.

(d) CLERICAL AMENDMENTS RELATED TO THE SAFE, ACCOUNTABLE, FLEXIBLE, EFFICIENT TRANSPORTATION EQUITY ACT: A LEGACY FOR USERS.—

(1) AMENDMENTS RELATED TO SECTION 11163 OF THE ACT.—Subparagraph (C) of section 6416(a)(4) is amended—

(A) by striking "ultimate vendor" and all that follows through "has certified" and inserting "ultimate vendor or credit card issuer has certified", and

(B) by striking "all ultimate purchasers of the vendor" and all that follows through "are certified" and inserting "all ultimate purchasers of the vendor or credit card issuer are certified".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to which they relate.

(e) CLERICAL AMENDMENTS RELATED TO THE ENERGY POLICY ACT OF 2005.—

(1) AMENDMENT RELATED TO SECTION 1344 OF THE ACT.—Subparagraph (B) of section 6427(e)(5), as redesignated by subsection (a)(36), is amended by striking "2006" and inserting "2008".

(2) AMENDMENTS RELATED TO SECTION 1351 OF THE ACT.—Subparagraphs (A)(ii) and (B)(ii) of section 41(f)(1) are each amended by striking "qualified research expenses and basic research payments" and inserting "qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums,".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the Energy Policy Act of 2005 to which they relate.

(f) CLERICAL AMENDMENTS RELATED TO THE AMERICAN JOBS CREATION ACT OF 2004.—

(1) AMENDMENT RELATED TO SECTION 301 OF THE ACT.—Section 9502 is amended by striking subsection (e) and redesignating subsection (f) as subsection (e).

(2) AMENDMENT RELATED TO SECTION 413 OF THE ACT.—Subsection (b) of section 1298 is amended by striking paragraph (7) and by redesignating paragraphs (8) and (9) as paragraphs (7) and (8), respectively.

(3) AMENDMENT RELATED TO SECTION 895 OF THE ACT.—Clause (iv) of section 904(f)(3)(D) is amended by striking "a controlled group" and inserting "an affiliated group".

(4) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the provisions of the American Jobs Creation Act of 2004 to which they relate.

(g) CLERICAL AMENDMENTS RELATED TO THE FSC REPEAL AND EXTRATERRITORIAL INCOME EXCLUSION ACT OF 2000.—

(1) Subclause (I) of section 56(g)(4)(C)(ii) is amended by striking "921" and inserting "921 (as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)".

(2) Clause (iv) of section 54(g)(4)(C) is amended by striking "a cooperative described in section 927(a)(4)" and inserting "an organization to which part I of subchapter T (relating to tax treatment of cooperatives) applies which is engaged in the marketing of agricultural or horticultural products".

(3) Paragraph (4) of section 245(c) is amended by adding at the end the following new subparagraph:

"(C) FSC.—The term 'FSC' has the meaning given such term by section 922.".

(4) Subsection (c) of section 245 is amended by inserting at the end the following new paragraph:

"(5) REFERENCES TO PRIOR LAW.—Any reference in this subsection to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.".

(5) Paragraph (4) of section 275(a) is amended by striking "if" and all that follows and inserting "if the taxpayer chooses to take to any extent the benefits of section 901.".

(6)(A) Subsection (a) of section 291 is amended by striking paragraph (4) and by redesignating paragraph (5) as paragraph (4).

(B) Paragraph (1) of section 291(c) is amended by striking "subsection (a)(5)" and inserting "subsection (a)(4)".

(7)(A) Paragraph (4) of section 441(b) is amended by striking "FSC or".

(B) Subsection (h) of section 441 is amended—

(i) by striking "FSC or" each place it appears, and

(ii) by striking "FSC'S AND" in the heading thereof.

(8) Subparagraph (B) of section 884(d)(2) is amended by inserting before the comma "(as in effect before their repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)".

(9) Section 901 is amended by striking subsection (h).

(10) Clause (v) of section 904(d)(2)(B) is amended—

(A) by inserting "and" at the end of subclause (I), by striking subclause (II), and by redesignating subclause (III) as subclause (II),

(B) by striking "a FSC (or a former FSC)" in subclause (II) (as so redesignated) and inserting "a former FSC (as defined in section 922)", and

(C) by adding at the end the following: "Any reference in subclause (II) to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.".

(11) Subsection (b) of section 906 is amended by striking paragraph (5) and redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(12) Subparagraph (B) of section 936(f)(2) is amended by striking "FSC or".

(13) Section 951 is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

(14) Subsection (b) of section 952 is amended by striking the second sentence.

(15)(A) Paragraph (2) of section 956(c) is amended—

(i) by striking subparagraph (I) and by redesignating subparagraphs (J) through (M) as subparagraphs (I) through (L), respectively, and

(ii) by striking "subparagraphs (J), (K), and (L)" in the flush sentence at the end and inserting "subparagraphs (I), (J), and (K)".

(B) Clause (ii) of section 954(c)(2)(C) is amended by striking "section 956(c)(2)(J)" and inserting "section 956(c)(2)(I)".

(16) Paragraph (1) of section 992(a) is amended by striking subparagraph (E), by inserting "and" at the end of subparagraph (C), and by striking ", and" at the end of subparagraph (D) and inserting a period.

(17) Paragraph (5) of section 1248(d) is amended—

(A) by inserting "(as defined in section 922)" after "a FSC", and

(B) by adding at the end the following new sentence: "Any reference in this paragraph to section 922, 923, or 927 shall be treated as a reference to such section as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000.".

(18) Subparagraph (D) of section 1297(b)(2) is amended by striking "foreign trade income of a FSC or".

(19)(A) Paragraph (1) of section 6011(c) is amended by striking "or former DISC or a FSC or former FSC" and inserting ", former DISC, or former FSC (as defined in section 922 as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)".

(B) Subsection (c) of section 6011 is amended by striking "AND FSC'S" in the heading thereof.

(20) Subsection (c) of section 6072 is amended by striking "a FSC or former FSC" and inserting "a former FSC (as defined in section 922 as in effect before its repeal by the FSC Repeal and Extraterritorial Income Exclusion Act of 2000)".

(21) Section 6686 is amended by inserting "FORMER" before "FSC" in the heading thereof.

TITLE IV—PARITY IN APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS

SEC. 401. PARITY IN APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) AMENDMENT TO THE INTERNAL REVENUE CODE OF 1986.—Section 9812(f)(3) of the Internal Revenue Code of 1986 is amended by striking "2007" and inserting "2008".

(b) AMENDMENT TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—Section 712(f) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185a(f)) is amended by striking "2007" and inserting "2008".

(c) AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.—Section 2705(f) of the Public Health Service Act (42 U.S.C. 300gg-5(f)) is amended by striking "2007" and inserting "2008".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to benefits for services furnished after December 31, 2007.

SA 3891. Mr. REID (for Mr. KENNEDY (for himself, Mr. BAUCUS, Mr. GRASSLEY, and Mr. ENZI)) proposed an amendment to the bill S. 1974, to make technical corrections related to the Pension Protection Act of 2006; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; REFERENCES TO ACTS.

(a) IN GENERAL.—This Act may be cited as the "Pension Protection Technical Corrections Act of 2007".

(b) REFERENCES TO ACTS.—For purposes of this Act—

(1) AMENDMENT OF 1986 CODE.—The term "1986 Code" means the Internal Revenue Code of 1986.

(2) AMENDMENT OF ERISA.—The term "ERISA" means the Employee Retirement Income Security Act of 1974.

(3) 2006 ACT.—The term "2006 Act" means the Pension Protection Act of 2006.

SEC. 2. AMENDMENTS RELATED TO TITLE I.

(a) AMENDMENTS RELATED TO SECTIONS 101 AND 111.—

(1) AMENDMENTS TO ERISA.—

(A) Clause (i) of section 302(c)(1)(A) of ERISA is amended by striking "the plan is" and inserting "the plan are".

(B) Section 302(c)(7) of ERISA is amended by inserting "which reduces the accrued benefit of any participant" after "subsection (d)(2)" in subparagraph (A).

(C) Section 302(d)(1) of ERISA is amended by striking ", the valuation date,".

(2) AMENDMENTS TO 1986 CODE.—

(A) Clause (i) of section 412(c)(1)(A) of the 1986 Code is amended by striking "the plan is" and inserting "the plan are".

(B) Section 412(c)(7) of the 1986 Code is amended by inserting "which reduces the accrued benefit of any participant" after "subsection (d)(2)" in subparagraph (A).

(C) Section 412(d)(1) of the 1986 Code is amended by striking ", the valuation date,".

(b) AMENDMENTS RELATED TO SECTIONS 102 AND 112.—

(1) AMENDMENTS TO ERISA.—

(A) Section 303(b) of ERISA is amended to read as follows:

"(b) TARGET NORMAL COST.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in subsection (i)(2) with respect to plans in at-risk status, the term 'target normal cost' means, for any plan year, the excess of—

"(A) the sum of—

"(i) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, plus

"(ii) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

"(B) the amount of mandatory employee contributions expected to be made during the plan year.

"(2) SPECIAL RULE FOR INCREASE IN COMPENSATION.—For purposes of this subsection, if any benefit attributable to services performed in a preceding plan year is increased by reason of any increase in compensation during the current plan year, the increase in such benefit shall be treated as having accrued during the current plan year.".

(B) Section 303(c)(5)(B)(iii) of ERISA is amended by inserting "beginning" before "after 2008".

(C) Section 303(c)(5)(B)(iv)(II) of ERISA is amended by inserting "for such year" after "beginning in 2007)".

(D) Section 303(f)(4)(A) of ERISA is amended by striking "paragraph (2)" and inserting "paragraph (3)".

(E) Section 303(h)(2)(F) of ERISA is amended—

(i) by striking "section 205(g)(3)(B)(iii)(I)) for such month" and inserting "section 205(g)(3)(B)(iii)(I) for such month)", and

(ii) by striking "subparagraph (B)" and inserting "subparagraph (C)".

(F) Section 303(i) of ERISA is amended—

(i) in paragraph (2)—

(I) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) the excess of—

"(i) the sum of—

"(I) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, determined using the additional actuarial assumptions described in paragraph (1)(B), plus

"(II) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

"(ii) the amount of mandatory employee contributions expected to be made during the plan year, plus", and

(II) in subparagraph (B), by striking "the target normal cost (determined without regard to this paragraph) of the plan for the plan year" and inserting "the amount determined under subsection (b)(1)(A)(i) with respect to the plan for the plan year", and

(ii) by striking "subparagraph (A)(ii)" in the last sentence of paragraph (4)(B) and inserting "subparagraph (A)".

(G) Section 303(j)(3) of ERISA—

(i) is amended by adding at the end of subparagraph (A) the following new sentence: "In the case of plan years beginning in 2008, the funding shortfall for the preceding plan year may be determined using such methods of estimation as the Secretary of the Treasury may provide.",

(ii) by adding at the end of subparagraph (E) the following new clause:

"(iii) PLAN WITH ALTERNATE VALUATION DATE.—The Secretary of the Treasury shall prescribe regulations for the application of this paragraph in the case of a plan which has a valuation date other than the first day of the plan year.", and

(iii) by striking "AND SHORT YEARS" in the heading of subparagraph (E) and inserting ", SHORT YEARS, AND YEARS WITH ALTERNATE VALUATION DATE".

(H) Section 303(k)(6)(B) of ERISA is amended by striking ", except" and all that follows and inserting a period.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 430(b) of the 1986 Code is amended to read as follows:

"(b) TARGET NORMAL COST.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in subsection (i)(2) with respect to plans in at-risk status, the term 'target normal cost' means, for any plan year, the excess of—

"(A) the sum of—

"(i) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, plus

"(ii) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

"(B) the amount of mandatory employee contributions expected to be made during the plan year.

"(2) SPECIAL RULE FOR INCREASE IN COMPENSATION.—For purposes of this subsection, if any benefit attributable to services performed in a preceding plan year is increased by reason of any increase in compensation during the current plan year, the increase in such benefit shall be treated as having accrued during the current plan year.".

(B) Section 430(c)(5)(B)(iii) of the 1986 Code is amended by inserting "beginning" before "after 2008".

(C) Section 430(c)(5)(B)(iv)(II) of the 1986 Code is amended by inserting "for such year" after "beginning in 2007)".

(D) Section 430(f) of the 1986 Code is amended—

(i) by striking "as of the first day of the plan year" the second place it appears in the first sentence of paragraph (3)(A),

(ii) by striking "paragraph (2)" in paragraph (4)(A) and inserting "paragraph (3)",

(iii) by striking "paragraph (1), (2), or (4) of section 206(g)" in paragraph (6)(B)(iii) and inserting "subsection (b), (c), or (e) of section 436",

(iv) by striking "the sum of" in paragraph (6)(C), and

(v) by striking "of the Treasury" in paragraph (8).

(E) Section 430(h)(2) of the 1986 Code is amended—

(i) by inserting "and target normal cost" after "funding target" in subparagraph (B),

(ii) by striking "liabilities" and inserting "benefits" in subparagraph (B),

(iii) by striking "section 417(e)(3)(D)(i)) for such month" in subparagraph (F) and inserting "section 417(e)(3)(D)(i) for such month)", and

(iv) by striking "subparagraph (B)" in subparagraph (F) and inserting "subparagraph (C)".

(F) Section 430(i) of the 1986 Code is amended—

(i) in paragraph (2)—

(I) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) the excess of—

"(i) the sum of—

"(I) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, determined using the additional actuarial assumptions described in paragraph (1)(B), plus

"(II) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

"(ii) the amount of mandatory employee contributions expected to be made during the plan year, plus", and

(II) in subparagraph (B), by striking "the target normal cost (determined without regard to this paragraph) of the plan for the plan year" and inserting "the amount determined under subsection (b)(1)(A)(i) with respect to the plan for the plan year", and

(ii) by striking "subparagraph (A)(ii)" in the last sentence of paragraph (4)(B) and inserting "subparagraph (A)".

(G) Section 430(j)(3) of the 1986 Code is amended—

(i) by adding at the end of subparagraph (A) the following new sentence: "In the case of plan years beginning in 2008, the funding shortfall for the preceding plan year may be determined using such methods of estimation as the Secretary may provide.",

(ii) by striking "section 302(c)" in subparagraph (D)(ii)(II) and inserting "section 412(c)",

(iii) by adding at the end of subparagraph (E) the following new clause:

"(iii) PLAN WITH ALTERNATE VALUATION DATE.—The Secretary shall prescribe regulations for the application of this paragraph in the case of a plan which has a valuation date other than the first day of the plan year.", and

(iv) by striking "AND SHORT YEARS" in the heading of subparagraph (E) and inserting ", SHORT YEARS, AND YEARS WITH ALTERNATE VALUATION DATE".

(H) Section 430(k) of the 1986 Code is amended—

(i) by inserting "(as provided under paragraph (2))" after "applies" in paragraph (1), and

(ii) by striking ", except" and all that follows in paragraph (6)(B) and inserting a period.

(c) AMENDMENTS RELATED TO SECTIONS 103 AND 113.—

(1) AMENDMENTS TO ERISA.—

(A) Section 101(j) of ERISA is amended—

(i) in paragraph (2), by striking "section 206(g)(4)(B)" and inserting "section 206(g)(4)(A)"; and

(ii) by adding at the end the following: "The Secretary of the Treasury, in consultation with the Secretary, shall have the authority to prescribe rules applicable to the notices required under this subsection.".

(B) Section 206(g)(1)(B)(ii) of ERISA is amended by striking "a funding" and inserting "an adjusted funding".

(C) The heading for section 206(g)(1)(C) of ERISA is amended by inserting "BENEFIT" after "EVENT".

(D) Section 206(g)(3)(E) of ERISA is amended by adding at the end the following new flush sentence:

"Such term shall not include the payment of a benefit which under section 203(e) may be immediately distributed without the consent of the participant.".

(E) Section 206(g)(5)(A)(iv) of ERISA is amended by inserting "adjusted" before "funding".

(F) Section 206(g)(9)(C) of ERISA is amended—

(i) by striking "without regard to this subparagraph and" in clause (i), and

(ii) in clause (iii)—

(I) by striking "without regard to this subparagraph" and inserting "without regard to the reduction in the value of assets under section 303(f)(4)", and

(II) by inserting "beginning" before "after" each place it appears.

(G) Section 206(g) of ERISA is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

"(10) SECRETARIAL AUTHORITY FOR PLANS WITH ALTERNATE VALUATION DATE.—In the case of a plan which has designated a valuation date other than the first day of the plan year, the Secretary of the Treasury may prescribe rules for the application of this subsection which are necessary to reflect the alternate valuation date.".

(H) Section 502(c)(4) of ERISA is amended by striking "by any person" and all that follows through the period and inserting "by any person of subsection (j), (k), or (l) of section 101 or section 514(e)(3).".

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 436(b)(2) of the 1986 Code is amended—

(i) by striking "section 303" and inserting "section 430" in the matter preceding subparagraph (A), and

(ii) by striking "a funding" and inserting "an adjusted funding" in subparagraph (B).

(B) Section 436(b)(3) of the 1986 Code is amended—

(i) by inserting "BENEFIT" after "EVENT" in the heading, and

(ii) by striking "any event" in subparagraph (B) and inserting "an event".

(C) Section 436(d)(5) of the 1986 Code is amended by adding at the end the following new flush sentence:

"Such term shall not include the payment of a benefit which under section 411(a)(11) may be immediately distributed without the consent of the participant.".

(D) Section 436(f) of the 1986 Code is amended—

(i) by inserting "adjusted" before "funding" in paragraph (1)(D), and

(ii) by striking "prefunding balance under section 430(f) or funding standard carryover balance" in paragraph (2) and inserting "prefunding balance or funding standard carryover balance under section 430(f)".

(E) Section 436(j)(3) of the 1986 Code is amended—

(i) in subparagraph (A)—

(I) by striking "without regard to this paragraph and",

(II) by striking "section 430(f)(4)(A)" and inserting "section 430(f)(4)", and

(III) by striking "paragraph (1)" and inserting "paragraphs (1) and (2)", and

(ii) in subparagraph (C)—

(I) by striking "without regard to this paragraph" and inserting "without regard to the reduction in the value of assets under section 430(f)(4)", and

(II) by inserting "beginning" before "after" each place it appears.

(F) Section 436 of the 1986 Code is amended by redesignating subsection (k) as subsection (m) and by inserting after subsection (j) the following new subsections:

"(k) SECRETARIAL AUTHORITY FOR PLANS WITH ALTERNATE VALUATION DATE.—In the case of a plan which has designated a valuation date other than the first day of the plan year, the Secretary may prescribe rules for the application of this section which are necessary to reflect the alternate valuation date.

"(l) SINGLE-EMPLOYER PLAN.—For purposes of this section, the term 'single-employer plan' means a plan which is not a multiemployer plan.".

(3) AMENDMENTS TO 2006 ACT.—Sections 103(c)(2)(A)(ii) and 113(b)(2)(A)(ii) of the 2006 Act are each amended—

(A) by striking "subsection" and inserting "section", and

(B) by striking "subparagraph" and inserting "paragraph".

(d) AMENDMENTS RELATED TO SECTIONS 107 AND 114.—

(1) AMENDMENTS TO ERISA.—

(A) Section 103(d) of ERISA is amended—

(i) in paragraph (3), by striking "the normal costs, the accrued liabilities" and inserting "the normal costs or target normal costs, the accrued liabilities or funding target", and

(ii) by striking paragraph (7) and inserting the following new paragraph:

"(7) A certification of the contribution necessary to reduce the minimum required contribution determined under section 303, or the accumulated funding deficiency determined under section 304, to zero.".

(B) Section 4071 of ERISA is amended by striking "as section 303(k)(4) or 307(e)" and inserting "or section 303(k)(4),".

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 401(a)(29) of the 1986 Code is amended by striking "ON PLANS IN AT-RISK STATUS" in the heading.

(B) Section 401(a)(32)(C) of the 1986 Code is amended—

(i) by striking "section 430(j)" and inserting "section 430(j)(3)", and

(ii) by striking "paragraph (5)(A)" and inserting "section 430(j)(4)(A)".

(C) Section 401(a)(33) of the 1986 Code is amended—

(i) by striking "section 412(c)(2)" in subparagraph (B)(iii) and inserting "section 412(d)(2)", and

(ii) by striking "section 412(b)(2) (without regard to subparagraph (B) thereof)" in subparagraph (D) and inserting "section 412(b)(1), without regard to section 412(b)(2)".

(D) Section 411 of the 1986 Code is amended—

(i) by striking "section 412(c)(2)" in subsection (a)(3)(C) and inserting "section 412(d)(2)", and

(ii) by striking "section 412(e)(2)" in subsection (d)(6)(A) and inserting "section 412(d)(2)".

(E) Section 414(l)(2)(B)(i)(I) of the 1986 Code is amended to read as follows:

"(I) the sum of the funding target and target normal cost determined under section 430, over".

(F) Section 4971 of the 1986 Code is amended—

(i) by striking "required minimum" in subsection (b)(1) and inserting "minimum required",

(ii) by inserting "or unpaid minimum required contribution, whichever is applicable" after "accumulated funding deficiency" each place it appears in subsections (c)(3) and (d)(1), and

(iii) by striking "section 412(a)(1)(A)" in subsection (e)(1) and inserting "section 412(a)(2)".

(3) AMENDMENT TO 2006 ACT.—Section 114 of the 2006 Act is amended by adding at the end the following new subsection:

"(g) EFFECTIVE DATES.—

"(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after 2007.

"(2) EXCISE TAX.—The amendments made by subsection (e) shall apply to taxable years beginning after 2007, but only with respect to plan years described in paragraph (1) which end with or within any such taxable year.".

(e) AMENDMENT RELATED TO SECTION 116.—Section 409A(b)(3)(A)(ii) of the 1986 Code is amended by inserting "to an applicable covered employee" after "under the plan".

SEC. 3. AMENDMENTS RELATED TO TITLE II.

(a) AMENDMENT RELATED TO SECTIONS 201 AND 211.—Section 201(b)(2)(A) of the 2006 Act is amended by striking "has not used" and inserting "has not adopted, or ceased using,".

(b) AMENDMENTS RELATED TO SECTIONS 202 AND 212.—

(1) AMENDMENTS TO ERISA.—

(A) Section 305(b)(3)(C) of ERISA is amended by striking "section 101(b)(4)" and inserting "section 101(b)(1)".

(B) Section 305(b)(3)(D) of ERISA is amended by striking "The Secretary" in clause (iii) and inserting "The Secretary of the Treasury, in consultation with the Secretary".

(C) Section 305(c)(7) of ERISA is amended—

(i) by striking "to agree on" and all that follows in subparagraph (A)(ii) and inserting "to adopt a contribution schedule with terms consistent with the funding improvement plan and a schedule from the plan sponsor,", and

(ii) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) DATE OF IMPLEMENTATION.—The date specified in this subparagraph is the date which is 180 days after the date on which the collective bargaining agreement described in subparagraph (A) expires.", and

(iii) by adding at the end the following new subparagraph:

"(C) FAILURE TO MAKE SCHEDULED CONTRIBUTIONS.—Any failure to make a contribution under a schedule of contribution rates provided under this paragraph shall be treated as a delinquent contribution under section 515 and shall be enforceable as such.".

(D) Section 305(e) of ERISA is amended—

(i) in paragraph (3)(C)—

(I) by striking all that follows "to adopt a" in clause (i)(II) and inserting "to adopt a contribution schedule with terms consistent with the rehabilitation plan and a schedule from the plan sponsor under paragraph (1)(B)(i),",

(II) by striking clause (ii) and inserting the following new clause:

"(ii) DATE OF IMPLEMENTATION.—The date specified in this clause is the date which is 180 days after the date on which the collective bargaining agreement described in clause (i) expires.", and

(III) by adding at the end the following new clause:

"(iii) FAILURE TO MAKE SCHEDULED CONTRIBUTIONS.—Any failure to make a contribution under a schedule of contribution rates provided under this subsection shall be treated as a delinquent contribution under section 515 and shall be enforceable as such.",

(ii) in paragraph (4)—

(I) by striking "the date of" in subparagraph (A)(ii), and

(II) by striking "and taking" in subparagraph (B) and inserting "but taking",

(iii) in paragraph (6)—

(I) by striking "paragraph (1)(B)(i)" and inserting "the last sentence of paragraph (1)", and

(II) by striking "established" and inserting "establish",

(iv) in paragraph (8)(C)(iii)—

(I) by striking "the Secretary" in subclause (I) and inserting "the Secretary of the Treasury, in consultation with the Secretary", and

(II) by striking "Secretary" in the last sentence and inserting "Secretary of the Treasury", and

(v) by striking "an employer's withdrawal liability" in paragraph (9)(B) and inserting "the allocation of unfunded vested benefits to an employer".

(E) Section 305(g) of ERISA is amended by inserting "under subsection (c)" after "funding improvement plan" the first place it appears.

(F) Section 302(b)(3) of ERISA is amended by striking "the plan adopts" and inserting "the plan sponsor adopts".

(G) Section 502(c)(2) of ERISA is amended by striking "101(b)(4)" and inserting "101(b)(1)".

(H) Section 502(c)(8)(A) of ERISA is amended by inserting "plan" after "multiemployer".

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 432(b)(3)(C) of the 1986 Code is amended by striking "section 101(b)(4)" and inserting "section 101(b)(1)".

(B) Section 432(b)(3)(D)(iii) of the 1986 Code is amended by striking "The Secretary of Labor" and inserting "The Secretary, in consultation with the Secretary of Labor".

(C) Section 432(c) of the 1986 Code is amended—

(i) in paragraph (3), by striking "section 304(d)" in subparagraph (A)(ii) and inserting "section 431(d)", and

(ii) in paragraph (7)—

(I) by striking "to agree on" and all that follows in subparagraph (A)(ii) and inserting "to adopt a contribution schedule with terms consistent with the funding improvement plan and a schedule from the plan sponsor,", and

(II) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) DATE OF IMPLEMENTATION.—The date specified in this subparagraph is the date which is 180 days after the date on which the collective bargaining agreement described in subparagraph (A) expires.".

(D) Section 432(e) of the 1986 Code is amended—

(i) in paragraph (3)(C)—

(I) by striking all that follows "to adopt a" in clause (i)(II) and inserting "to adopt a contribution schedule with terms consistent with the rehabilitation plan and a schedule from the plan sponsor under paragraph (1)(B)(i),", and

(II) by striking clause (ii) and inserting the following new clause:

"(ii) DATE OF IMPLEMENTATION.—The date specified in this clause is the date which is 180 days after the date on which the collective bargaining agreement described in clause (i) expires.",

(ii) in paragraph (4)—

(I) by striking "the date of" in subparagraph (A)(ii), and

(II) by striking "and taking" in subparagraph (B) and inserting "but taking",

(iii) in paragraph (6)—

(I) by striking "paragraph (1)(B)(i)" and inserting "the last sentence of paragraph (1)", and

(II) by striking "established" and inserting "establish",

(iv) in paragraph (8)—

(I) by striking "section 204(g)" in subparagraph (A)(i) and inserting "section 411(d)(6)",

(II) by inserting "of the Employee Retirement Income Security Act of 1974" after "4212(a)" in subparagraph (C)(i)(II),

(III) by striking "the Secretary of Labor" in subparagraph (C)(iii)(I) and inserting "the Secretary, in consultation with the Secretary of Labor", and

(IV) by striking "the Secretary of Labor" in the last sentence of subparagraph (C)(iii) and inserting "the Secretary", and

(v) by striking "an employer's withdrawal liability" in paragraph (9)(B) and inserting "the allocation of unfunded vested benefits to an employer".

(E) Section 432(f)(2)(A)(i) of the 1986 Code is amended by striking "section 411(b)(1)(A)" and inserting "section 411(a)(9)".

(F) Section 432(g) of the 1986 Code is amended by inserting "under subsection (c)" after "funding improvement plan" the first place it appears.

(G) Section 432(i) of the 1986 Code is amended—

(i) by striking "section 412(a)" in paragraph (3) and inserting "section 431(a)", and

(ii) by striking paragraph (9) and inserting the following new paragraph:

"(9) PLAN SPONSOR.—For purposes of this section, section 431, and section 4971(g)—

"(A) IN GENERAL.—The term 'plan sponsor' means, with respect to any multiemployer plan, the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the plan.

"(B) SPECIAL RULE FOR SECTION 404(c) PLANS.—In the case of a plan described in section 404(c) (or a continuation of such plan), such term means the bargaining parties described in paragraph (1).".

(H) Section 412(b)(3) of the 1986 Code is amended by striking "the plan adopts" and inserting "the plan sponsor adopts".

(I) Section 4971(g)(4) of the 1986 Code is amended—

(i) in subparagraph (B)(ii), by striking "first day of" and inserting "day following the close of", and

(ii) by striking clause (ii) of subparagraph (C) and inserting the following new clause:

"(ii) PLAN SPONSOR.—For purposes of clause (i), the term 'plan sponsor' has the meaning given such term by section 432(i)(9).".

(3) AMENDMENTS TO 2006 ACT.—

(A) Section 212(b)(2) of the 2006 Act is amended by striking "Section 4971(c)(2) of such Code" and inserting "Section 4971(e)(2) of such Code".

(B) Section 212(e)(1) of the 2006 Act is amended by inserting ", except that the amendments made by subsection (b) shall apply to taxable years beginning after 2007, but only with respect to plan years beginning after 2007 which end with or within any such taxable year" before the period at the end.

(C) Section 212(e)(2) of the 2006 Act is amended by striking "section 305(b)(3) of the Employee Retirement Income Security Act of 1974" and inserting "section 432(b)(3) of the Internal Revenue Code of 1986".

SEC. 4. AMENDMENTS RELATED TO TITLE III.

(a) AMENDMENT RELATED TO SECTION 301.—Clause (ii) of section 101(c)(2)(A) of the Pension Funding Equity Act of 2004, as amended by section 301(c) of the 2006 Act, is amended by striking "2008" and inserting "2009".

(b) AMENDMENTS RELATED TO SECTION 302.—

(1) AMENDMENT TO ERISA.—Section 205(g)(3)(B)(iii)(II) of ERISA is amended by striking "section 205(g)(3)(B)(iii)(II)" and inserting "section 205(g)(3)(A)(ii)(II)".

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 417(e)(3)(D)(i) of the 1986 Code is amended by striking "clause (ii)" and inserting "subparagraph (C)".

(B) Section 415(b)(2)(E)(v) of the 1986 Code is amended to read as follows:

"(v) For purposes of adjusting any benefit or limitation under subparagraph (B), (C), or (D), the mortality table used shall be the applicable mortality table (within the meaning of section 417(e)(3)(B)).".

SEC. 5. AMENDMENTS RELATED TO TITLE IV.

(a) AMENDMENT RELATED TO SECTION 401.—Section 4006(a)(3)(A)(i) of ERISA is amended by striking "1990" and inserting "2005".

(b) AMENDMENT RELATED TO SECTION 402.—Section 402(c)(1)(A) of the 2006 Act is amended by striking "commercial airline" and inserting "commercial".

(c) AMENDMENT RELATED TO SECTION 408.—Section 4044(e) of ERISA, as added by section 408(b)(2) of the 2006 Act, is redesignated as subsection (f).

(d) AMENDMENTS RELATED TO SECTION 409.—Section 4041(b)(5)(A) of ERISA is amended by striking "subparagraph (B)" and inserting "subparagraphs (B) and (D)".

(e) AMENDMENTS RELATED TO SECTION 410.—Section 4050(d)(4)(A) of ERISA is amended—

(1) by striking "and" at the end of clause (i), and

(2) by striking clause (ii) and inserting the following new clauses:

"(ii) which is not a plan described in paragraph (2), (3), (4), (6), (7), (8), (9), (10), or (11) of section 4021(b), and

"(iii) which, was a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code, and".

SEC. 6. AMENDMENTS RELATED TO TITLE V.

(a) AMENDMENT RELATED TO SECTION 501.—Section 101(f)(2)(B)(ii) of ERISA is amended—

(1) by striking "for which the latest annual report filed under section 104(a) was filed" in subclause (I)(aa) and inserting "to which the notice relates", and

(2) by striking subclause (II) and inserting the following new subclause:

"(II) in the case of a multiemployer plan, a statement, for the plan year to which the notice relates and the preceding 2 plan years, of the value of the plan assets (determined both in the same manner as under section 304 and under the rules of subclause (I)(bb)) and the value of the plan liabilities (determined in the same manner as under section 304 except that the method specified in section 305(i)(8) shall be used),".

(b) AMENDMENTS RELATED TO SECTION 502.—

(1) Section 101(k)(2) of ERISA is amended by filing at the end the following new flush sentence:

"Subparagraph (C)(i) shall not apply to individually identifiable information with respect to any plan investment manager or adviser, or with respect to any other person (other than an employee of the plan) preparing a financial report required to be included under paragraph (1)(B).".

(2) Section 4221 of ERISA is amended by striking subsection (e) and by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(c) AMENDMENTS RELATED TO SECTION 503.—

(1) AMENDMENTS TO ERISA.—

(A) Section 104(b)(3) of ERISA is amended by—

(i) striking "section 103(f)" and inserting "section 101(f)", and

(ii) striking "the administrators" and inserting "the administrator".

(B) Section 104(d)(1)(E)(ii) of ERISA is amended by inserting "funding" after "plan's".

(2) AMENDMENTS TO 2006 ACT.—Section 503(e) of the 2006 Act is amended by striking "section 101(f)" and inserting "section 104(d)".

(d) AMENDMENT RELATED TO SECTION 505.—Section 4010(d)(2)(B) of ERISA is amended by striking "section 302(d)(2)" and inserting "section 303(d)(2)".

(e) AMENDMENTS RELATED TO SECTION 506.—

(1) Section 4041(c)(2)(D)(i) of ERISA is amended by striking "subsection (a)(2)" the second place it appears and inserting "subparagraph (A) or the regulations under subsection (a)(2)".

(2) Section 4042(c)(3)(C)(i) of ERISA is amended—

(A) by striking "and plan sponsor" and inserting ", the plan sponsor, or the corporation", and

(B) by striking "subparagraph (A)(i)" and inserting "subparagraph (A)".

(f) AMENDMENTS RELATED TO SECTION 508.—Section 209(a) of ERISA is amended—

(1) in paragraph (1)—

(A) by striking "regulations prescribed by the Secretary" and inserting "such regulations as the Secretary may prescribe", and

(B) by striking the last sentence and inserting "The report required under this paragraph shall be in the same form, and contain the same information, as periodic benefit statements under section 105(a).", and

(2) by striking paragraph (2) and inserting the following:

"(2) If more than one employer adopts a plan, each such employer shall furnish to the plan administrator the information necessary for the administrator to maintain the records, and make the reports, required by paragraph (1). Such administrator shall maintain the records, and make the reports, required by paragraph (1)."

(g) AMENDMENT RELATED TO SECTION 509.—Section 101(i)(8)(B) of ERISA is amended to read as follows:

"(B) ONE-PARTICIPANT RETIREMENT PLAN.—For purposes of subparagraph (A), the term 'one-participant retirement plan' means a retirement plan that on the first day of the plan year—

"(i) covered only one individual (or the individual and the individual's spouse) and the individual (or the individual and the individual's spouse) owned 100 percent of the plan sponsor (whether or not incorporated), or

"(ii) covered only one or more partners (or partners and their spouses) in the plan sponsor.".

SEC. 7. AMENDMENTS RELATED TO TITLE VI.

(a) AMENDMENTS RELATED TO SECTION 601.—

(1) AMENDMENTS TO ERISA.—

(A) Section 408(g)(3)(D)(ii) of ERISA is amended by striking "subsection (b)(14)(B)(ii)" and inserting "subsection (b)(14)(A)(ii)".

(B) Section 408(g)(6)(A)(i) of ERISA is amended by striking "financial adviser" and inserting "fiduciary adviser".

(C) Section 408(g)(11)(A) of ERISA is amended—

(i) by striking "the participant" each place it appears and inserting "a participant", and

(ii) by striking "section 408(b)(4)" in clause (ii) and inserting "subsection (b)(4)".

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 4975(d)(17) of the 1986 Code, in the matter preceding subparagraph (A), is amended by striking "and that permits" and inserting "that permits".

(B) Section 4975(f)(8) of the 1986 Code is amended—

(i) in subparagraph (A), by striking "subsection (b)(14)" and inserting "subsection (d)(17)",

(ii) in subparagraph (C)(iv)(II), by striking "subsection (b)(14)(B)(ii)" and inserting "(d)(17)(A)(ii)",

(iii) in subparagraph (F)(i)(I), by striking "financial adviser" and inserting "fiduciary adviser,",

(iv) in subparagraph (I), by striking "section 406" and inserting "subsection (c)", and

(v) in subparagraph (J)(i)—

(I) by striking "the participant" each place it appears and inserting "a participant",

(II) in the matter preceding subclause (I), by inserting "referred to in subsection (e)(3)(B)" after "investment advice", and

(III) in subclause (II), by striking "section 408(b)(4)" and inserting "subsection (d)(4)".

(3) AMENDMENT TO 2006 ACT.—Section 601(b)(4) of the 2006 Act is amended by striking "section 4975(c)(3)(B)" and inserting "section 4975(e)(3)(B)".

(b) AMENDMENTS RELATED TO SECTION 611.—

(1) AMENDMENT TO ERISA.—Section 408(b)(18)(C) of ERISA is amended by striking "or less".

(2) AMENDMENTS TO 1986 CODE.—Section 4975(d) of the 1986 Code is amended—

(A) in the matter preceding subparagraph (A) of paragraph (18)—

(i) by striking "party in interest" and inserting "disqualified person", and

(ii) by striking "subsection (e)(3)(B)" and inserting "subsection (e)(3)",

(B) in paragraphs (19), (20), and (21), by striking "party in interest" each place it appears and inserting "disqualified person", and

(C) by striking "or less" in paragraph (21)(C).

(c) AMENDMENTS RELATED TO SECTION 612.—Section 4975(f)(11)(B)(i) of the 1986 Code is amended by—

(1) inserting "of the Employee Retirement Income Security Act of 1974" after "section 407(d)(1)", and

(2) inserting "of such Act" after "section 407(d)(2)".

(d) AMENDMENTS RELATED TO SECTION 621.—Section 404(c)(1) of ERISA is amended—

(1) by inserting "(or any period that would be a blackout period but for the fact that it is a period of 3 consecutive business days or less)" after "blackout period" in subparagraph (A)(ii), and

(2) by inserting the following new sentence at the end of subparagraph (B): "In the case of any period that would be a blackout period but for the fact that it is a period of 3 consecutive business days or less, the preceding sentence shall apply to such period if the person referred to in subparagraph (A)(ii) meets the requirements described in the preceding sentence with respect to such period in the same manner as if it were a blackout period."

(e) AMENDMENTS RELATED TO SECTION 624.—Section 404(c)(5) of ERISA is amended by striking "participant" each place it appears and inserting "participant or beneficiary".

SEC. 8. AMENDMENTS RELATED TO TITLE VII.

(1) AMENDMENTS TO ERISA.—

(A) Section 203(f)(1)(B) of ERISA is amended to read as follows:

"(B) the requirements of section 204(c) or 205(g), or the requirements of subsection (e), with respect to accrued benefits derived from employer contributions,".

(B) Section 204(b)(5) of ERISA is amended—

(i) by striking "clause" in subparagraph (A)(iii) and inserting "subparagraph", and

(ii) by inserting "otherwise" before "allowable" in subparagraph (C).

(C) Subclause (II) of section 204(b)(5)(B)(i) of ERISA is amended to read as follows:

"(II) PRESERVATION OF CAPITAL.—An applicable defined benefit plan shall be treated as failing to meet the requirements of paragraph (1)(H) unless the plan provides that an interest credit (or equivalent amount) of less than zero shall in no event result in the account balance or similar amount being less than the aggregate amount of contributions credited to the account.".

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 411(b)(5) of the 1986 Code is amended—

(i) by striking "clause" in subparagraph (A)(iii) and inserting "subparagraph", and

(ii) by inserting "otherwise" before "allowable" in subparagraph (C).

(B) Section 411(a)(13)(A) of the 1986 Code is amended—

(i) by striking "paragraph (2)" in clause (i) and inserting "subparagraph (B)",

(ii) by striking clause (ii) and inserting the following new clause:

"(ii) the requirements of subsection (a)(11) or (c), or the requirements of section 417(e), with respect to accrued benefits derived from employer contributions,", and

(iii) by striking "paragraph (3)" in the matter following clause (ii) and inserting "subparagraph (C)".

(C) Subclause (II) of section 411(b)(5)(B)(i) of the 1986 Code is amended to read as follows:

"(II) PRESERVATION OF CAPITAL.—An applicable defined benefit plan shall be treated as failing to meet the requirements of paragraph (1)(H) unless the plan provides that an interest credit (or equivalent amount) of less than zero shall in no event result in the account balance or similar amount being less than the aggregate amount of contributions credited to the account.".

(3) AMENDMENTS TO 2006 ACT.—

(A) Section 701(d)(2) of the 2006 Act is amended by striking "204(g)" and inserting "205(g)".

(B) Section 701(e) of the 2006 Act is amended—

(i) by inserting "on or" after "period" in paragraph (3),

(ii) in paragraph (4)—

(I) by inserting "the earlier of" after "before" in the matter preceding subparagraph (A), and

(II) by striking "earlier" and inserting "later" in subparagraph (A),

(iii) by inserting "on or" before "after" each place it appears in paragraph (5), and

(iv) by adding at the end the following new paragraph:

"(6) SPECIAL RULE FOR VESTING REQUIREMENTS.—The requirements of section 203(f)(2) of the Employee Retirement Income Security Act of 1974 and section 411(a)(13)(B) of the Internal Revenue Code of 1986 (as added by this Act)—

"(A) shall not apply to a participant who does not have an hour of service after the effective date of such requirements (as otherwise determined under this subsection); and

"(B) in the case of a plan other than a plan described in paragraph (3) or (4), shall apply to plan years ending on or after June 29, 2005.".

SEC. 9. AMENDMENTS RELATED TO TITLE VIII.

(a) AMENDMENTS RELATED TO SECTION 801.—

(1) Section 404(o) of the 1986 Code is amended—

(A) by striking "430(g)(2)" in paragraph (2)(A)(ii) and inserting "430(g)(3)", and

(B) by striking "412(f)(4)" in paragraph (4)(B) and inserting "412(d)(3)".

(2) Section 404(a)(7)(A) of the 1986 Code is amended—

(A) by striking the next to last sentence, and

(B) by striking "the plan's funding shortfall determined under section 430" in the last sentence and inserting "the excess (if any) of the plan's funding target (as defined in section 430(d)(1)) over the value of the plan's assets (as determined under section 430(g)(3))".

(b) AMENDMENT RELATED TO SECTION 803.—Clause (iii) of section 404(a)(7)(C) of the 1986 Code is amended to read as follows:

"(iii) LIMITATION.—In the case of employer contributions to 1 or more defined contribution plans—

"(I) if such contributions do not exceed 6 percent of the compensation otherwise paid or accrued during the taxable year to the beneficiaries under such plans, this paragraph shall not apply to such contributions or to employer contributions to the defined benefit plans to which this paragraph would otherwise apply by reason of contributions to the defined contribution plans, and

"(II) if such contributions exceed 6 percent of such compensation, this paragraph shall be applied by only taking into account such contributions to the extent of such excess.

For purposes of this clause, amounts carried over from preceding taxable years under subparagraph (B) shall be treated as employer contributions to 1 or more defined contributions plans to the extent attributable to employer contributions to such plans in such preceding taxable years.".

(c) AMENDMENTS RELATED TO SECTION 824.—

(1) Section 408A(c)(3)(B) of the 1986 Code, as in effect after the amendments made by section 824(b)(1) of the 2006 Act, is amended—

(A) by striking the second "an" before "eligible",

(B) by striking "other than a Roth IRA", and

(C) by adding at the end the following new flush sentence:

"This subparagraph shall not apply to a qualified rollover contribution from a Roth IRA or to a qualified rollover contribution from a designated Roth account which is a rollover contribution described in section 402A(c)(3)(A)."

(2) Section 408A(d)(3)(B), as in effect after the amendments made by section 824(b)(2)(B) of the 2006 Act, is amended by striking "(other than a Roth IRA)" and by inserting at the end the following new sentence: "This paragraph shall not apply to a distribution which is a qualified rollover contribution from a Roth IRA or a qualified rollover contribution from a designated Roth account which is a rollover contribution described in section 402A(c)(3)(A)".

(d) AMENDMENT TO SECTION 827.—The first sentence of section 72(t)(2)(G)(iv) of the 1986 Code is amended by inserting "on or" before "before".

(e) AMENDMENTS RELATED TO SECTION 829.—

(1) Section 402(c)(11) of the 1986 Code is amended—

(A) by inserting "described in paragraph (8)(B)(iii)" after "eligible retirement plan" in subparagraph (A), and

(B) by striking "trust" before "designated beneficiary" in subparagraph (B).

(2)(A) Section 402(f)(2)(A) of the 1986 Code is amended by adding at the end the following new sentence: "Such term shall include any distribution which is treated as an eligible rollover distribution by reason of section 403(a)(4)(B), 403(b)(8)(B), or 457(e)(16)(B)."

(B) Clause (i) of section 402(c)(11) of the 1986 Code is amended by striking "for purposes of this subsection".

(C) The amendments made by this paragraph shall apply with respect to plan years beginning after December 31, 2008.

(f) AMENDMENT RELATED TO SECTION 832.—Section 415(f) of the 1986 Code is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(g) AMENDMENTS RELATED TO SECTION 833.—

(1) Section 408A(c)(3)(C) of the 1986 Code, as added by section 833(c) of the 2006 Act, is redesignated as subparagraph (E).

(2) In the case of taxable years beginning after December 31, 2009, section 408A(c)(3)(E) of the 1986 Code (as redesignated by paragraph (1))—

(A) is redesignated as subparagraph (D), and

(B) is amended by striking "subparagraph (C)(ii)" and inserting "subparagraph (B)(ii)".

(h) AMENDMENTS RELATED TO SECTION 841.—

(1) Section 420(c)(1)(A) of the 1986 Code is amended by adding at the end the following new sentence: "In the case of a qualified future transfer or collectively bargained transfer to which subsection (f) applies, any assets so transferred may also be used to pay liabilities described in subsection (f)(2)(C)."

(2) Section 420(f)(2) of the 1986 Code is amended by striking "such" before "the applicable" in subparagraph (D)(i)(I).

(3) Section 4980(c)(2)(B) of the 1986 Code is amended by striking "or" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", or", and by adding at the end the following new clause:

"(iii) any transfer described in section 420(f)(2)(B)(ii)(II).".

(i) AMENDMENTS RELATED TO SECTION 845.—

(1) Subsection (l) of section 402 of the 1986 Code is amended—

(A) in paragraph (1)—

(i) by inserting "maintained by the employer described in paragraph (4)(B)" after "an eligible retirement plan", and

(ii) by striking "of the employee, his spouse, or dependents (as defined in section 152)" ,

(B) in paragraph (4)(D), by—

(i) inserting "(as defined in section 152)" after "dependents", and

(ii) striking "health insurance plan" and inserting "health plan", and

(C) in paragraph (5)(A), by striking "health insurance plan" and inserting "health plan".

(2) Subparagraph (B) of section 402(l)(3) of the 1986 Code is amended by striking "all amounts distributed from all eligible retirement plans were treated as 1 contract for purposes of determining the inclusion of such distribution under section 72" and inserting "all amounts to the credit of the eligible public safety officer in all eligible retirement plans maintained by the employer described in paragraph (4)(B) were distributed during such taxable year and all such plans were treated as 1 contract for purposes of determining under section 72 the aggregate amount which would have been so includible".

(j) AMENDMENTS RELATED TO SECTION 854.—

(1) Section 3121(b)(5)(E) of the 1986 Code is amended by striking "or special trial judge".

(2) Section 210(a)(5)(E) of the Social Security Act is amended by striking "or special trial judge".

(k) AMENDMENTS RELATED TO SECTION 856.—Section 856 of the 2006 Act, and the amendments made by such section, are hereby repealed, and the Internal Revenue Code of 1986 shall be applied and administered as if such sections and amendments had not been enacted.

(l) AMENDMENT RELATED TO SECTION 864.—Section 864(a) of the 2006 Act is amended by striking "Reconciliation".

SEC. 10. AMENDMENTS RELATED TO TITLE IX.

(a) AMENDMENT RELATED TO SECTION 901.—Section 401(a)(35)(E)(iv) of the 1986 Code is amended to read as follows:

"(iv) ONE-PARTICIPANT RETIREMENT PLAN.—For purposes of clause (iii), the term 'one-participant retirement plan' means a retirement plan that on the first day of the plan year—

"(I) covered only one individual (or the individual and the individual's spouse) and the individual (or the individual and the individual's spouse) owned 100 percent of the plan sponsor (whether or not incorporated), or

"(II) covered only one or more partners (or partners and their spouses) in the plan sponsor.".

(b) AMENDMENTS RELATED TO SECTION 902.—

(1) Section 401(k)(13)(D)(i)(I) of the 1986 Code is amended by striking "such compensation as exceeds 1 percent but does not" and inserting "such contributions as exceed 1 percent but do not".

(2) Sections 401(k)(8)(E) and 411(a)(3)(G) of the 1986 Code are each amended—

(A) by striking "an erroneous automatic contribution" and inserting "a permissible withdrawal", and

(B) by striking "ERRONEOUS AUTOMATIC CONTRIBUTION" in the heading and inserting "PERMISSIBLE WITHDRAWAL".

(3) Section 402(g)(2)(A)(ii) of the 1986 Code is amended by inserting "through the end of such taxable year" after "such amount".

(4) Section 414(w)(3) of the 1986 Code is amended—

(A) in subparagraph (B), by inserting "and" after the comma at the end,

(B) by striking subparagraph (C), and

(C) by redesignating subparagraph (D) as subparagraph (C).

(5) Section 414(w)(5) of the 1986 Code is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting a comma, and by adding at the end the following:

"(D) a simplified employee pension the terms of which provide for a salary reduction arrangement described in section 408(k)(6), and

"(E) a simple retirement account (as defined in section 408(p)).".

(6) Section 414(w)(6) of the 1986 Code is amended by inserting "or for purposes of applying the limitation under section 402(g)(1)" before the period at the end.

(c) AMENDMENTS RELATED TO SECTION 903.—

(1) AMENDMENT OF 1986 CODE.—Section 414(x)(1) of the 1986 Code is amended by adding at the end of paragraph (1) the following new sentence: "In the case of a termination of the defined benefit plan and the applicable defined contribution plan forming part of an eligible combined plan, the plan administrator shall terminate each such plan separately."

(2) AMENDMENTS OF ERISA.—Section 210(e) of ERISA is amended—

(A) by adding at the end of paragraph (1) the following new sentence: "In the case of a termination of the defined benefit plan and the applicable defined contribution plan forming part of an eligible combined plan, the plan administrator shall terminate each such plan separately.", and

(B) by striking paragraph (3) and by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(d) AMENDMENTS RELATED TO SECTION 906.—

(1) Section 906(b)(1)(B)(ii) of the 2006 Act is amended by striking "paragraph (1)" and inserting "paragraph (10)".

(2) Section 4021(b) of ERISA is amended by inserting "or" at the end of paragraph (12), by striking "; or" at the end of paragraph (13) and inserting a period, and by striking paragraph (14).

SEC. 11. AMENDMENTS RELATED TO TITLE X.

(a) AMENDMENTS TO RAILROAD RETIREMENT ACT.—

(1) Section 14(b) of the Railroad Retirement Act of 1974 (45 U.S.C. 231m(b)) is amended by adding at the end the following:

"(3)(i) Payments made pursuant to paragraph (2) of this subsection shall not require that the employee be entitled to an annuity under section 2(a)(1) of this Act: Provided, however, That where an employee is not entitled to such an annuity, payments made pursuant to paragraph (2) may not begin before the month in which the following three conditions are satisfied:

"(A) The employee has completed ten years of service in the railroad industry or, five years of service all of which accrues after December 31, 1995.

"(B) The spouse or former spouse attains age 62.

"(C) The employee attains age 62 (or if deceased, would have attained age 62).

"(ii) Payments made pursuant to paragraph (2) of this subsection shall terminate upon the death of the spouse or former spouse, unless the court document provides for termination at an earlier date. Notwithstanding the language in a court order, that portion of payments made pursuant to paragraph (2) which represents payments computed pursuant to section 3(f)(2) of this Act shall not be paid after the death of the employee.

"(iii) If the employee is not entitled to an annuity under section 2(a)(1) of this Act, payments made pursuant to paragraph (2) of this subsection shall be computed as though the employee were entitled to an annuity.".

(2) Subsection (d) of section 5 of the Railroad Retirement Act (45 U.S.C. 231d) is repealed.

(b) EFFECTIVE DATES.—

(1) SUBSECTION (a)(1).—The amendment made by subsection (a)(1) shall apply with respect to payments due for months after August 2007. If, prior to the effective date of such amendment, payment pursuant to paragraph (2) of section 14(b) of the Railroad Retirement Act of 1974 (45 U.S.C. 231m(b)) was terminated because of the employee's death, payment to the former spouse may be reinstated for months after August 2007.

(2) SUBSECTION (a)(2).—The amendment made by subsection (a)(2) shall take effect upon the date of the enactment of this Act.

SEC. 12. AMENDMENTS RELATED TO TITLE XI.

(a) AMENDMENT RELATED TO SECTION 1104.—Section 1104(d)(1) of the 2006 Act is amended by striking "Act" the first place it appears and inserting "section".

(b) AMENDMENTS RELATED TO SECTION 1105.—Section 3304(a) of the 1986 Code is amended—

(1) in paragraph (15)—

(A) by redesignating clauses (i) and (ii) of subparagraph (A) as subclauses (I) and (II),

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii),

(C) by striking the semicolon at the end of clause (ii) (as so redesignated) and inserting ", and",

(D) by striking "(15)" and inserting "(15)(A) subject to subparagraph (B),", and

(E) by adding at the end the following:

"(B) the amount of compensation shall not be reduced on account of any payments of governmental or other pensions, retirement or retired pay, annuity, or other similar payments which are not includible in the gross income of the individual for the taxable year in which it was paid because it was part of a rollover distribution;", and

(2) by striking the last sentence.

(c) AMENDMENTS RELATED TO SECTION 1106.—Section 3(37)(G) of ERISA is amended by—

(1) striking "paragraph" each place it appears in clauses (ii), (iii), and (v)(I) and inserting "subparagraph",

(2) striking "subclause (i)(II)" in clause (iii) and inserting "clause (i)(II)",

(3) striking "subparagraph" in clause (v)(II) and inserting "clause", and

(4) by striking "section 101(b)(4)" in clause (v)(III) and inserting "section 101(b)(1)".

SEC. 13. AMENDMENT RELATED TO TITLE XII.

Section 408(d)(8)(D) of the 1986 Code is amended by striking "all amounts distributed from all individual retirement plans were treated as 1 contract under paragraph (2)(A) for purposes of determining the inclusion of such distribution under section 72" and inserting "all amounts in all individual retirement plans of the individual were distributed during such taxable year and all such plans were treated as 1 contract for purposes of determining under section 72 the aggregate amount which would have been so includible".

SEC. 14. OTHER PROVISIONS.

(a) AMENDMENTS RELATED TO SECTIONS 102 AND 112.—

(1) AMENDMENT OF ERISA.—The last sentence of section 303(g)(3)(B) of ERISA is amended to read as follows: "Any such averaging shall be adjusted for contributions, distributions, and expected earnings (as determined by the plan's actuary on the basis of an assumed earnings rate specified by the actuary but not in excess of the third segment rate applicable under subsection (h)(2)(C)(iii)), as specified by the Secretary of the Treasury.".

(2) AMENDMENT OF 1986 CODE.—The last sentence of section 430(g)(3)(B) of the 1986 Code is amended to read as follows: "Any such averaging shall be adjusted for contributions, distributions, and expected earnings (as determined by the plan's actuary on the basis of an assumed earnings rate specified by the actuary but not in excess of the third segment rate applicable under subsection (h)(2)(C)(iii)), as specified by the Secretary.".

(b) AMENDMENTS RELATED TO SECTION 1004.—

(1) AMENDMENT OF ERISA.—Paragraph (2) of section 205(d) of ERISA is amended by adding at the end the following:

"(C) Notwithstanding subparagraph (B), the applicable percentage is any percentage greater than or equal to 66⅔ percent but not more than 75 percent if—

"(i) the plan is a defined contribution plan maintained for its employees by an employer which is either exempt from tax under section 501(a) of the Internal Revenue Code of 1986 or aggregated under subsection (b), (c), (m), or (o) of section 414 of such Code with an organization that is exempt from tax under section 501(a) of such Code,

"(ii) the survivor annuity percentage for the plan's qualified joint and survivor annuity is 50 percent, and

"(iii) each participant may elect (subject to the requirements of subsection (a)) an annuity for the life of the participant with a survivor annuity for the life of the spouse which is equal to 100 percent of the amount of the annuity which is payable during the joint lives of the participant and spouse and which is the actuarial equivalent of a single annuity for the life of the participant.".

(2) AMENDMENT OF 1986 CODE.—Subsection (g) of section 417 of the 1986 Code is amended by adding at the end the following:

"(3) ALTERNATIVE METHOD OF COMPLIANCE.—Notwithstanding paragraph (2), the applicable percentage is any percentage greater than or equal to 66⅔ percent but not more than 75 percent if—

"(A) the plan is a defined contribution plan maintained for its employees by an employer which is either exempt from tax under section 501(a) or aggregated under subsection (b), (c), (m), or (o) of section 414 with an organization that is exempt from tax under section 501(a),

"(B) the survivor annuity percentage for the plan's qualified joint and survivor annuity is 50 percent, and

"(C) each participant may elect (subject to the requirements of subsection (a)) an annuity for the life of the participant with a survivor annuity for the life of the spouse which is equal to 100 percent of the amount of the annuity which is payable during the joint lives of the participant and spouse and which is the actuarial equivalent of a single annuity for the life of the participant.".

SEC. 15. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by this Act shall take effect as if included in the provisions of the 2006 Act to which the amendments relate.

SA 3892. Mr. REID (for Mr. LAUTENBERG) proposed an amendment to the bill H.R. 3432, to establish the Commission on the Abolition of the Transatlantic Slave Trade; as follows:

On page 15, strike lines 3 through 5.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Thursday, January 24, 2008, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of this oversight hearing is to receive testimony on Reform of the Mining Law of 1872.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by e-mail to Gina_Weinstock@energy.senate gov.

For further information, please contact Patty Beneke at (202) 224-5451, Angela Becker-Dippman at (202) 224-5269 or Gina Weinstock at (202) 224-5684.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on Wednesday, December 19, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building, for the purpose of conducting a hearing.

The primary focus of the hearing will be on the Federal Motor Carrier Safety Administration's, FMCSA, interim final rule, IFR, governing truck driver HOS. This IFR is in response to a July 2007 U.S. Court of Appeals decision vacating key aspects of the FMCSA's 2005 HOS rule. The Subcommittee will receive testimony on the IFR and related truck driver fatigue and truck safety matters from the FMCSA, truck safety advocates and the motor carrier industry. Subcommittee Chairman Frank R. Lautenberg will preside.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, December 19, 2007, at 9:30 a.m. in order to hold a nomination hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. WYDEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, December 19, 2007, at 11 a.m. hold a briefing on Kosovo.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WYDEN. Mr. President, I ask unanimous consent that the Senate Committee on the Judiciary be authorized to meet during the session of the Senate in order to conduct a hearing entitled "Executive Nominations" on Wednesday, December 19, 2007 at 10 a.m. in room SD-226 of the Dirksen Senate Office Building.

Witness list

Mark R. Filip, of Illinois, to be Deputy Attorney General, Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REED. Mr. President, I ask unanimous consent that a fellow in my office, Melissa Fiffer, be granted floor privileges for the remainder of this session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent that Gregory Hinrichsen, a fellow in my office, be allowed to come on to the floor for my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENDERS OF FREEDOM TAX RELIEF ACT OF 2007

Mr. REID. Mr. President, I ask the Chair to lay before the Senate a message from the House with respect to H.r. 3997.

The legislative clerk read as follows:

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 3997) entitled "An Act to amend the Internal Revenue Code of 1986 to provide earnings assistance and tax relief to members of the uniformed services, volunteer firefighters, and Peace Corps volunteers, and for other purposes", with an amendment.

Mr. BAUCUS. Mr. President, as the Christmas season approaches, it is important to pause and reflect on the sacrifices that our men and women in uniform make for us every day.

Fully 1.4 million American service men and women have served in Iraq, Afghanistan, or both. Nearly 30,000 troops have been wounded in action.

In September, I took a trip to Iraq. I was so impressed by what an amazing job our troops are doing. I met many Montanans from small towns like Roundup and Townsend. Despite all of the hardships that they face—all the danger—they keep at it every day. I saw firsthand what a heavy burden our troops bear for all of us.

Today, one small way to support them in their efforts is to make the Tax Code a little more troop-friendly. We can extend the special tax rules that make sense for our military that expire in 2007 and 2008. And we can eliminate roadblocks in the current tax laws that present difficulties to veterans and servicemembers.

For example, family members of fallen soldiers killed in the line of duty receive a death gratuity benefit of $100,000, but the Tax Code restricts the survivors from contributing this benefit into a Roth IRA. Today we can make sure that the family members of fallen soldiers may take advantage of tax-favored accounts.

Another hazard in the tax laws impeding our disabled veterans is the statute of limitations for filing a tax refund. Most VA disability claims filed by veterans are quickly resolved. But many disability awards are delayed due to lost paperwork or the appeals of rejected claims. Once a disabled vet finally gets a favorable award, the good news is that the disability award is tax-free. But the bad news is that many of these disabled veterans get ambushed by a statute that bars them from filing a tax refund claim. Today, we can give disabled veterans an extra year to claim their tax refunds.

Most troops doing the heavy lifting in combat situations are the lower ranking, lower income bracket soldiers. Their income needs to count towards computing the earned income tax credit, or EITC. But the provision that makes EITC work for combat troops expires at the end of 2007. The EITC is a very beneficial tax provision available to working Americans. And it makes no sense to deny it to our troops. Today we can make combat duty income count for EITC purposes and make this change to the Tax Code permanent.

I should mention that these tax provisions are fully paid for. A change in the Tax Code makes sure that any individual relinquishing their U.S. citizenship is still on the hook to pay for their fair share of U.S. taxes.

A soldier's rucksack is heavy enough as it is without loading it down with tax burdens. We owe the Americans fighting in our armed forces an enormous debt of gratitude.

That's why today I am asking for these important tax reforms. They are one small way that we can salute our men and women in uniform for all they do.

Also included in this package are a series of tax technical corrections. These noncontroversial provisions contain corrections to various tax acts from 1999, 2001, 2003, 2004, 2005 and 2006.

These technical changes include clarifications on the contributions of fractional interests in tangible property, modification of the active business definition under section 355, timing of claims for excess alternative fuel, and the treatment of losses on positions in identified straddles.

The technical corrections package also includes a number of clerical and conforming amendments, including amendments correcting typographical errors. This package makes sense and adds clarity to the code, which we desperately need as we head into the 2007 filing season.

Mr. REID. Mr. President, I ask unanimous consent that the Senate concur in the House amendment to the Senate amendments with an amendment, which is at the desk, and that the amendment be agreed to, the motion to reconsider be laid upon the table, and that the previous order with respect to this bill remain in effect.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 3890) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments.")

PENSION PROTECTION TECHNICAL CORRECTIONS ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 333, S. 1974.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1974) to make technical corrections related to the Pension Protection Act of 2006.

There being no objection, the Senate proceeded to consider the bill.

Mr. BAUCUS. Mr. President, in connection with S. 1974, the Pension Protection Technical Corrections Act of 2007, the ranking Republican member of the Finance Committee, Senator GRASSLEY, and I have prepared a joint statement that contains an explanation of the bill. This explanation expresses the Senate Finance Committee's understanding of the provisions of the bill and serves as a reference in understanding the legislative intent behind this important legislation.

I ask unanimous consent that this joint statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT STATEMENT OF SENATORS MAX BAUCUS AND CHUCK GRASSLEY

The Pension Protection Act of 2006 arguably marks the most sweeping changes to the pension laws since the enactment of the Employee Retirement Income Security Act of 1974. In general, the Act, which was signed into law on August 17, 2006, changes the funding rules for single-employer defined benefit pension plans, expands the deduction limits for contributions to such plans, modifies the rules for determining lump sum distributions, and provides clarification and adds new rules for cash balance pension plans. The Act also provides special funding rules for plans maintained by airlines and airline catering companies, provides new rules for multiemployer pension plans, and requires increased disclosure of pension plan information. In the defined contribution plan area, the Pension Act adds rules relating to automatic enrollment plans, eliminating legal impediments to such arrangements and providing incentives for plan sponsors to adopt these arrangements. There were modifications to prohibited transactions and other fiduciary rules under ERISA, particularly with regard to the provision of investment advice. A welcome addition to the Act was the elimination of the expiration date of the tax provisions added as part of the Economic Growth and Tax Relief Reconciliation Act of 2001, so that the increases in contribution limits to IRAs, 401(k), 403(b), and 457 plans, the catch-up contribution and the Roth 401(k), will continue to apply and not sunset in 2010.

Like many complicated pieces of legislation, technical corrections to the law must be made. Technical corrections to the law are often time sensitive. That is, many of them must be passed by both Houses of Congress before the effective date of the statute. Like many of the rules under the Pension Act, the funding rules for single-employer defined benefit pension plans are effective January 1, 2008. If technical corrections to the single-employer defined benefit plan funding rules are not passed by year-end, the pension community and the Department of Treasury—the agency tasked with interpreting the statute and providing the necessary details on how the new law works—will be placed in a very tough spot. That is, the Department of Treasury will not have the necessary corrections and clarifications of the original intent of the Act to sufficiently issue the details necessary to allow the pension community to achieve proper compliance. This is not fair to the pension community or the Treasury Department. Failing to pass a pension technical corrections bill by December 31, 2007, would therefore be irresponsible.

It has come to the Senate's attention that the House of Representatives does not share the Senate's sense of urgency about these time-sensitive pension technical corrections. We don't understand this position. Perhaps, the House majority wants to re-negotiate the Pension Act, which could be accomplished by delaying the effective date of the statute for 1 year. We would like to remind everyone that the Senate passed the Act by a 93 to 5 vote. It is clear that a bipartisan majority of the Senate thinks the Pension Act is good pension policy. It is also clear that the Senate does not and would not support delaying effective date of the statute. That is a non-starter.

So we urge the House to heed the warnings from the pension community that pension plan participants could be adversely affected without the necessary corrections and clarifications of the Pension Act. We urge the House to pass S. 1974 before Congress adjourns. Failure to pass a pension technical corrections package would send the wrong message to plan sponsors and pension plan participants.

Mr. REID. Mr. President, I ask unanimous consent that the amendment at the desk be considered and agreed to, the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table; that any statements relating to this matter be printed in the RECORD; that upon passage, the bill remain at the desk until such time the Senate receives a companion measure from the House; that the Senate then proceed to its consideration; that all after the enacting clause be stricken, the text of S. 1974, as amended, be inserted in lieu thereof, the bill advanced to third reading, passed, and the motion to reconsider be laid upon the table without further intervening action or debate, and that S. 1974 be returned to the calendar.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 3891) was agreed to.

(The amendment is printed in today's RECORD under "Text of Amendments."

The bill was ordered to be engrossed for a third reading and was read the third time.

The bill (S. 1974), as amended, was read the third time and passed, as follows:

S. 1974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES TO ACTS.

(a) IN GENERAL.—This Act may be cited as the "Pension Protection Technical Corrections Act of 2007".

(b) REFERENCES TO ACTS.—For purposes of this Act—

(1) AMENDMENT OF 1986 CODE.—The term "1986 Code" means the Internal Revenue Code of 1986.

(2) AMENDMENT OF ERISA.—The term "ERISA" means the Employee Retirement Income Security Act of 1974.

(3) 2006 ACT.—The term "2006 Act" means the Pension Protection Act of 2006.

SEC. 2. AMENDMENTS RELATED TO TITLE I.

(a) AMENDMENTS RELATED TO SECTIONS 101 AND 111.—

(1) AMENDMENTS TO ERISA.—

(A) Clause (i) of section 302(c)(1)(A) of ERISA is amended by striking "the plan is" and inserting "the plan are".

(B) Section 302(c)(7) of ERISA is amended by inserting "which reduces the accrued benefit of any participant" after "subsection (d)(2)" in subparagraph (A).

(C) Section 302(d)(1) of ERISA is amended by striking ", the valuation date,".

(2) AMENDMENTS TO 1986 CODE.—

(A) Clause (i) of section 412(c)(1)(A) of the 1986 Code is amended by striking "the plan is" and inserting "the plan are".

(B) Section 412(c)(7) of the 1986 Code is amended by inserting "which reduces the accrued benefit of any participant" after "subsection (d)(2)" in subparagraph (A).

(C) Section 412(d)(1) of the 1986 Code is amended by striking ", the valuation date,".

(b) AMENDMENTS RELATED TO SECTIONS 102 AND 112.—

(1) AMENDMENTS TO ERISA.—

(A) Section 303(b) of ERISA is amended to read as follows:

"(b) TARGET NORMAL COST.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in subsection (i)(2) with respect to plans in at-risk status, the term 'target normal cost' means, for any plan year, the excess of—

"(A) the sum of—

"(i) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, plus

"(ii) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

"(B) the amount of mandatory employee contributions expected to be made during the plan year.

"(2) SPECIAL RULE FOR INCREASE IN COMPENSATION.—For purposes of this subsection, if any benefit attributable to services performed in a preceding plan year is increased by reason of any increase in compensation during the current plan year, the increase in such benefit shall be treated as having accrued during the current plan year.".

(B) Section 303(c)(5)(B)(iii) of ERISA is amended by inserting "beginning" before "after 2008".

(C) Section 303(c)(5)(B)(iv)(II) of ERISA is amended by inserting "for such year" after "beginning in 2007)".

(D) Section 303(f)(4)(A) of ERISA is amended by striking "paragraph (2)" and inserting "paragraph (3)".

(E) Section 303(h)(2)(F) of ERISA is amended—

(i) by striking "section 205(g)(3)(B)(iii)(I)) for such month" and inserting "section 205(g)(3)(B)(iii)(I) for such month)", and

(ii) by striking "subparagraph (B)" and inserting "subparagraph (C)".

(F) Section 303(i) of ERISA is amended—

(i) in paragraph (2)—

(I) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) the excess of—

"(i) the sum of—

"(I) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, determined using the additional actuarial assumptions described in paragraph (1)(B), plus

"(II) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

"(ii) the amount of mandatory employee contributions expected to be made during the plan year, plus", and

(II) in subparagraph (B), by striking "the target normal cost (determined without regard to this paragraph) of the plan for the plan year" and inserting "the amount determined under subsection (b)(1)(A)(i) with respect to the plan for the plan year", and

(ii) by striking "subparagraph (A)(ii)" in the last sentence of paragraph (4)(B) and inserting "subparagraph (A)".

(G) Section 303(j)(3) of ERISA—

(i) is amended by adding at the end of subparagraph (A) the following new sentence: "In the case of plan years beginning in 2008, the funding shortfall for the preceding plan year may be determined using such methods of estimation as the Secretary of the Treasury may provide.",

(ii) by adding at the end of subparagraph (E) the following new clause:

"(iii) PLAN WITH ALTERNATE VALUATION DATE.—The Secretary of the Treasury shall prescribe regulations for the application of this paragraph in the case of a plan which has a valuation date other than the first day of the plan year.", and

(iii) by striking "AND SHORT YEARS" in the heading of subparagraph (E) and inserting ", SHORT YEARS, AND YEARS WITH ALTERNATE VALUATION DATE".

(H) Section 303(k)(6)(B) of ERISA is amended by striking ", except" and all that follows and inserting a period.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 430(b) of the 1986 Code is amended to read as follows:

"(b) TARGET NORMAL COST.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in subsection (i)(2) with respect to plans in at-risk status, the term 'target normal cost' means, for any plan year, the excess of—

"(A) the sum of—

"(i) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, plus

"(ii) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

"(B) the amount of mandatory employee contributions expected to be made during the plan year.

"(2) SPECIAL RULE FOR INCREASE IN COMPENSATION.—For purposes of this subsection, if any benefit attributable to services performed in a preceding plan year is increased by reason of any increase in compensation during the current plan year, the increase in such benefit shall be treated as having accrued during the current plan year.".

(B) Section 430(c)(5)(B)(iii) of the 1986 Code is amended by inserting "beginning" before "after 2008".

(C) Section 430(c)(5)(B)(iv)(II) of the 1986 Code is amended by inserting "for such year" after "beginning in 2007)".

(D) Section 430(f) of the 1986 Code is amended—

(i) by striking "as of the first day of the plan year" the second place it appears in the first sentence of paragraph (3)(A),

(ii) by striking "paragraph (2)" in paragraph (4)(A) and inserting "paragraph (3)",

(iii) by striking "paragraph (1), (2), or (4) of section 206(g)" in paragraph (6)(B)(iii) and inserting "subsection (b), (c), or (e) of section 436",

(iv) by striking "the sum of" in paragraph (6)(C), and

(v) by striking "of the Treasury" in paragraph (8).

(E) Section 430(h)(2) of the 1986 Code is amended—

(i) by inserting "and target normal cost" after "funding target" in subparagraph (B),

(ii) by striking "liabilities" and inserting "benefits" in subparagraph (B),

(iii) by striking "section 417(e)(3)(D)(i)) for such month" in subparagraph (F) and inserting "section 417(e)(3)(D)(i) for such month)", and

(iv) by striking "subparagraph (B)" in subparagraph (F) and inserting "subparagraph (C)".

(F) Section 430(i) of the 1986 Code is amended—

(i) in paragraph (2)—

(I) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) the excess of—

"(i) the sum of—

"(I) the present value of all benefits which are expected to accrue or to be earned under the plan during the plan year, determined using the additional actuarial assumptions described in paragraph (1)(B), plus

"(II) the amount of plan-related expenses expected to be paid from plan assets during the plan year, over

"(ii) the amount of mandatory employee contributions expected to be made during the plan year, plus", and

(II) in subparagraph (B), by striking "the target normal cost (determined without regard to this paragraph) of the plan for the plan year" and inserting "the amount determined under subsection (b)(1)(A)(i) with respect to the plan for the plan year", and

(ii) by striking "subparagraph (A)(ii)" in the last sentence of paragraph (4)(B) and inserting "subparagraph (A)".

(G) Section 430(j)(3) of the 1986 Code is amended—

(i) by adding at the end of subparagraph (A) the following new sentence: "In the case of plan years beginning in 2008, the funding shortfall for the preceding plan year may be determined using such methods of estimation as the Secretary may provide.",

(ii) by striking "section 302(c)" in subparagraph (D)(ii)(II) and inserting "section 412(c)",

(iii) by adding at the end of subparagraph (E) the following new clause:

"(iii) PLAN WITH ALTERNATE VALUATION DATE.—The Secretary shall prescribe regulations for the application of this paragraph in the case of a plan which has a valuation date other than the first day of the plan year.", and

(iv) by striking "AND SHORT YEARS" in the heading of subparagraph (E) and inserting ", SHORT YEARS, AND YEARS WITH ALTERNATE VALUATION DATE".

(H) Section 430(k) of the 1986 Code is amended—

(i) by inserting "(as provided under paragraph (2))" after "applies" in paragraph (1), and

(ii) by striking ", except" and all that follows in paragraph (6)(B) and inserting a period.

(c) AMENDMENTS RELATED TO SECTIONS 103 AND 113.—

(1) AMENDMENTS TO ERISA.—

(A) Section 101(j) of ERISA is amended—

(i) in paragraph (2), by striking "section 206(g)(4)(B)" and inserting "section 206(g)(4)(A)"; and

(ii) by adding at the end the following: "The Secretary of the Treasury, in consultation with the Secretary, shall have the authority to prescribe rules applicable to the notices required under this subsection.".

(B) Section 206(g)(1)(B)(ii) of ERISA is amended by striking "a funding" and inserting "an adjusted funding".

(C) The heading for section 206(g)(1)(C) of ERISA is amended by inserting "BENEFIT" after "EVENT".

(D) Section 206(g)(3)(E) of ERISA is amended by adding at the end the following new flush sentence:

"Such term shall not include the payment of a benefit which under section 203(e) may be immediately distributed without the consent of the participant.".

(E) Section 206(g)(5)(A)(iv) of ERISA is amended by inserting "adjusted" before "funding".

(F) Section 206(g)(9)(C) of ERISA is amended—

(i) by striking "without regard to this subparagraph and" in clause (i), and

(ii) in clause (iii)—

(I) by striking "without regard to this subparagraph" and inserting "without regard to the reduction in the value of assets under section 303(f)(4)", and

(II) by inserting "beginning" before "after" each place it appears.

(G) Section 206(g) of ERISA is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

"(10) SECRETARIAL AUTHORITY FOR PLANS WITH ALTERNATE VALUATION DATE.—In the case of a plan which has designated a valuation date other than the first day of the plan year, the Secretary of the Treasury may prescribe rules for the application of this subsection which are necessary to reflect the alternate valuation date.".

(H) Section 502(c)(4) of ERISA is amended by striking "by any person" and all that follows through the period and inserting "by any person of subsection (j), (k), or (l) of section 101 or section 514(e)(3).".

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 436(b)(2) of the 1986 Code is amended—

(i) by striking "section 303" and inserting "section 430" in the matter preceding subparagraph (A), and

(ii) by striking "a funding" and inserting "an adjusted funding" in subparagraph (B).

(B) Section 436(b)(3) of the 1986 Code is amended—

(i) by inserting "BENEFIT" after "EVENT" in the heading, and

(ii) by striking "any event" in subparagraph (B) and inserting "an event".

(C) Section 436(d)(5) of the 1986 Code is amended by adding at the end the following new flush sentence:

"Such term shall not include the payment of a benefit which under section 411(a)(11) may be immediately distributed without the consent of the participant.".

(D) Section 436(f) of the 1986 Code is amended—

(i) by inserting "adjusted" before "funding" in paragraph (1)(D), and

(ii) by striking "prefunding balance under section 430(f) or funding standard carryover balance" in paragraph (2) and inserting "prefunding balance or funding standard carryover balance under section 430(f)".

(E) Section 436(j)(3) of the 1986 Code is amended—

(i) in subparagraph (A)—

(I) by striking "without regard to this paragraph and",

(II) by striking "section 430(f)(4)(A)" and inserting "section 430(f)(4)", and

(III) by striking "paragraph (1)" and inserting "paragraphs (1) and (2)", and

(ii) in subparagraph (C)—

(I) by striking "without regard to this paragraph" and inserting "without regard to the reduction in the value of assets under section 430(f)(4)", and

(II) by inserting "beginning" before "after" each place it appears.

(F) Section 436 of the 1986 Code is amended by redesignating subsection (k) as subsection (m) and by inserting after subsection (j) the following new subsections:

"(k) SECRETARIAL AUTHORITY FOR PLANS WITH ALTERNATE VALUATION DATE.—In the case of a plan which has designated a valuation date other than the first day of the plan year, the Secretary may prescribe rules for the application of this section which are necessary to reflect the alternate valuation date.

"(l) SINGLE-EMPLOYER PLAN.—For purposes of this section, the term 'single-employer plan' means a plan which is not a multiemployer plan.".

(3) AMENDMENTS TO 2006 ACT.—Sections 103(c)(2)(A)(ii) and 113(b)(2)(A)(ii) of the 2006 Act are each amended—

(A) by striking "subsection" and inserting "section", and

(B) by striking "subparagraph" and inserting "paragraph".

(d) AMENDMENTS RELATED TO SECTIONS 107 AND 114.—

(1) AMENDMENTS TO ERISA.—

(A) Section 103(d) of ERISA is amended—

(i) in paragraph (3), by striking "the normal costs, the accrued liabilities" and inserting "the normal costs or target normal costs, the accrued liabilities or funding target", and

(ii) by striking paragraph (7) and inserting the following new paragraph:

"(7) A certification of the contribution necessary to reduce the minimum required contribution determined under section 303, or the accumulated funding deficiency determined under section 304, to zero.".

(B) Section 4071 of ERISA is amended by striking "as section 303(k)(4) or 307(e)" and inserting "or section 303(k)(4),".

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 401(a)(29) of the 1986 Code is amended by striking "ON PLANS IN AT-RISK STATUS" in the heading.

(B) Section 401(a)(32)(C) of the 1986 Code is amended—

(i) by striking "section 430(j)" and inserting "section 430(j)(3)", and

(ii) by striking "paragraph (5)(A)" and inserting "section 430(j)(4)(A)".

(C) Section 401(a)(33) of the 1986 Code is amended—

(i) by striking "section 412(c)(2)" in subparagraph (B)(iii) and inserting "section 412(d)(2)", and

(ii) by striking "section 412(b)(2) (without regard to subparagraph (B) thereof)" in subparagraph (D) and inserting "section 412(b)(1), without regard to section 412(b)(2)".

(D) Section 411 of the 1986 Code is amended—

(i) by striking "section 412(c)(2)" in subsection (a)(3)(C) and inserting "section 412(d)(2)", and

(ii) by striking "section 412(e)(2)" in subsection (d)(6)(A) and inserting "section 412(d)(2)".

(E) Section 414(l)(2)(B)(i)(I) of the 1986 Code is amended to read as follows:

"(I) the sum of the funding target and target normal cost determined under section 430, over".

(F) Section 4971 of the 1986 Code is amended—

(i) by striking "required minimum" in subsection (b)(1) and inserting "minimum required",

(ii) by inserting "or unpaid minimum required contribution, whichever is applicable" after "accumulated funding deficiency" each place it appears in subsections (c)(3) and (d)(1), and

(iii) by striking “section 412(a)(1)(A)” in subsection (e)(1) and inserting “section 412(a)(2)”.

(3) AMENDMENT TO 2006 ACT.—Section 114 of the 2006 Act is amended by adding at the end the following new subsection:

“(g) EFFECTIVE DATES.—

“(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after 2007.

“(2) EXCISE TAX.—The amendments made by subsection (e) shall apply to taxable years beginning after 2007, but only with respect to plan years described in paragraph (1) which end with or within any such taxable year.”.

(e) AMENDMENT RELATED TO SECTION 116.—Section 409A(b)(3)(A)(ii) of the 1986 Code is amended by inserting “to an applicable covered employee” after “under the plan”.

SEC. 3. AMENDMENTS RELATED TO TITLE II.

(a) AMENDMENT RELATED TO SECTIONS 201 AND 211.—Section 201(b)(2)(A) of the 2006 Act is amended by striking “has not used” and inserting “has not adopted, or ceased using,”.

(b) AMENDMENTS RELATED TO SECTIONS 202 AND 212.—

(1) AMENDMENTS TO ERISA.—

(A) Section 305(b)(3)(C) of ERISA is amended by striking “section 101(b)(4)” and inserting “section 101(b)(1)”.

(B) Section 305(b)(3)(D) of ERISA is amended by striking “The Secretary” in clause (iii) and inserting “The Secretary of the Treasury, in consultation with the Secretary”.

(C) Section 305(c)(7) of ERISA is amended—

(i) by striking “to agree on” and all that follows in subparagraph (A)(ii) and inserting “to adopt a contribution schedule with terms consistent with the funding improvement plan and a schedule from the plan sponsor,”, and

(ii) by striking subparagraph (B) and inserting the following new subparagraph:

“(B) DATE OF IMPLEMENTATION.—The date specified in this subparagraph is the date which is 180 days after the date on which the collective bargaining agreement described in subparagraph (A) expires.”, and

(iii) by adding at the end the following new subparagraph:

“(C) FAILURE TO MAKE SCHEDULED CONTRIBUTIONS.—Any failure to make a contribution under a schedule of contribution rates provided under this paragraph shall be treated as a delinquent contribution under section 515 and shall be enforceable as such.”.

(D) Section 305(e) of ERISA is amended—

(i) in paragraph (3)(C)—

(I) by striking all that follows “to adopt a” in clause (i)(II) and inserting “to adopt a contribution schedule with terms consistent with the rehabilitation plan and a schedule from the plan sponsor under paragraph (1)(B)(i),”,

(II) by striking clause (ii) and inserting the following new clause:

“(ii) DATE OF IMPLEMENTATION.—The date specified in this clause is the date which is 180 days after the date on which the collective bargaining agreement described in clause (i) expires.”, and

(III) by adding at the end the following new clause:

“(iii) FAILURE TO MAKE SCHEDULED CONTRIBUTIONS.—Any failure to make a contribution under a schedule of contribution rates provided under this subsection shall be treated as a delinquent contribution under section 515 and shall be enforceable as such.”,

(ii) in paragraph (4)—

(I) by striking “the date of” in subparagraph (A)(ii), and

(II) by striking “and taking” in subparagraph (B) and inserting “but taking”,

(iii) in paragraph (6)—

(I) by striking “paragraph (1)(B)(i)” and inserting “the last sentence of paragraph (1)”, and

(II) by striking “established” and inserting “establish”,

(iv) in paragraph (8)(C)(iii)—

(I) by striking “the Secretary” in subclause (I) and inserting “the Secretary of the Treasury, in consultation with the Secretary”, and

(II) by striking “Secretary” in the last sentence and inserting “Secretary of the Treasury”, and

(v) by striking “an employer’s withdrawal liability” in paragraph (9)(B) and inserting “the allocation of unfunded vested benefits to an employer”.

(E) Section 305(g) of ERISA is amended by inserting “under subsection (c)” after “funding improvement plan” the first place it appears.

(F) Section 302(b)(3) of ERISA is amended by striking “the plan adopts” and inserting “the plan sponsor adopts”.

(G) Section 502(c)(2) of ERISA is amended by striking “101(b)(4)” and inserting “101(b)(1)”.

(H) Section 502(c)(8)(A) of ERISA is amended by inserting “plan” after “multiemployer”.

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 432(b)(3)(C) of the 1986 Code is amended by striking “section 101(b)(4)” and inserting “section 101(b)(1)”.

(B) Section 432(b)(3)(D)(iii) of the 1986 Code is amended by striking “The Secretary of Labor” and inserting “The Secretary, in consultation with the Secretary of Labor”.

(C) Section 432(c) of the 1986 Code is amended—

(i) in paragraph (3), by striking “section 304(d)” in subparagraph (A)(ii) and inserting “section 431(d)”, and

(ii) in paragraph (7)—

(I) by striking “to agree on” and all that follows in subparagraph (A)(ii) and inserting “to adopt a contribution schedule with terms consistent with the funding improvement plan and a schedule from the plan sponsor,”, and

(II) by striking subparagraph (B) and inserting the following new subparagraph:

“(B) DATE OF IMPLEMENTATION.—The date specified in this subparagraph is the date which is 180 days after the date on which the collective bargaining agreement described in subparagraph (A) expires.”.

(D) Section 432(e) of the 1986 Code is amended—

(i) in paragraph (3)(C)—

(I) by striking all that follows “to adopt a” in clause (i)(II) and inserting “to adopt a contribution schedule with terms consistent with the rehabilitation plan and a schedule from the plan sponsor under paragraph (1)(B)(i),”, and

(II) by striking clause (ii) and inserting the following new clause:

“(ii) DATE OF IMPLEMENTATION.—The date specified in this clause is the date which is 180 days after the date on which the collective bargaining agreement described in clause (i) expires.”,

(ii) in paragraph (4)—

(I) by striking “the date of” in subparagraph (A)(ii), and

(II) by striking “and taking” in subparagraph (B) and inserting “but taking”,

(iii) in paragraph (6)—

(I) by striking “paragraph (1)(B)(i)” and inserting “the last sentence of paragraph (1)”, and

(II) by striking “established” and inserting “establish”,

(iv) in paragraph (8)—

(I) by striking “section 204(g)” in subparagraph (A)(i) and inserting “section 411(d)(6)”,

(II) by inserting “of the Employee Retirement Income Security Act of 1974” after “4212(a)” in subparagraph (C)(i)(II),

(III) by striking “the Secretary of Labor” in subparagraph (C)(iii)(I) and inserting “the Secretary, in consultation with the Secretary of Labor”, and

(IV) by striking “the Secretary of Labor” in the last sentence of subparagraph (C)(iii) and inserting “the Secretary”, and

(v) by striking “an employer’s withdrawal liability” in paragraph (9)(B) and inserting “the allocation of unfunded vested benefits to an employer”.

(E) Section 432(f)(2)(A)(i) of the 1986 Code is amended by striking “section 411(b)(1)(A)” and inserting “section 411(a)(9)”.

(F) Section 432(g) of the 1986 Code is amended by inserting “under subsection (c)” after “funding improvement plan” the first place it appears.

(G) Section 432(i) of the 1986 Code is amended—

(i) by striking “section 412(a)” in paragraph (3) and inserting “section 431(a)”, and

(ii) by striking paragraph (9) and inserting the following new paragraph:

“(9) PLAN SPONSOR.—For purposes of this section, section 431, and section 4971(g)—

“(A) IN GENERAL.—The term ‘plan sponsor’ means, with respect to any multiemployer plan, the association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the plan.

“(B) SPECIAL RULE FOR SECTION 404(c) PLANS.—In the case of a plan described in section 404(c) (or a continuation of such plan), such term means the bargaining parties described in paragraph (1).”.

(H) Section 412(b)(3) of the 1986 Code is amended by striking “the plan adopts” and inserting “the plan sponsor adopts”.

(I) Section 4971(g)(4) of the 1986 Code is amended—

(i) in subparagraph (B)(ii), by striking “first day of” and inserting “day following the close of”, and

(ii) by striking clause (ii) of subparagraph (C) and inserting the following new clause:

“(ii) PLAN SPONSOR.—For purposes of clause (i), the term ‘plan sponsor’ has the meaning given such term by section 432(i)(9).”.

(3) AMENDMENTS TO 2006 ACT.—

(A) Section 212(b)(2) of the 2006 Act is amended by striking “Section 4971(c)(2) of such Code” and inserting “Section 4971(e)(2) of such Code”.

(B) Section 212(e)(1) of the 2006 Act is amended by inserting “, except that the amendments made by subsection (b) shall apply to taxable years beginning after 2007, but only with respect to plan years beginning after 2007 which end with or within any such taxable year” before the period at the end.

(C) Section 212(e)(2) of the 2006 Act is amended by striking “section 305(b)(3) of the Employee Retirement Income Security Act of 1974” and inserting “section 432(b)(3) of the Internal Revenue Code of 1986”.

SEC. 4. AMENDMENTS RELATED TO TITLE III.

(a) AMENDMENT RELATED TO SECTION 301.—Clause (ii) of section 101(c)(2)(A) of the Pension Funding Equity Act of 2004, as amended by section 301(c) of the 2006 Act, is amended by striking “2008” and inserting “2009”.

(b) AMENDMENTS RELATED TO SECTION 302.—

(1) AMENDMENT TO ERISA.—Section 205(g)(3)(B)(iii)(II) of ERISA is amended by striking "section 205(g)(3)(B)(iii)(II)" and inserting "section 205(g)(3)(A)(ii)(II)".

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 417(e)(3)(D)(i) of the 1986 Code is amended by striking "clause (ii)" and inserting "subparagraph (C)".

(B) Section 415(b)(2)(E)(v) of the 1986 Code is amended to read as follows:

"(v) For purposes of adjusting any benefit or limitation under subparagraph (B), (C), or (D), the mortality table used shall be the applicable mortality table (within the meaning of section 417(e)(3)(B)).".

SEC. 5. AMENDMENTS RELATED TO TITLE IV.

(a) AMENDMENT RELATED TO SECTION 401.—Section 4006(a)(3)(A)(i) of ERISA is amended by striking "1990" and inserting "2005".

(b) AMENDMENT RELATED TO SECTION 402.—Section 402(c)(1)(A) of the 2006 Act is amended by striking "commercial airline" and inserting "commercial".

(c) AMENDMENT RELATED TO SECTION 408.—Section 4044(e) of ERISA, as added by section 408(b)(2) of the 2006 Act, is redesignated as subsection (f).

(d) AMENDMENTS RELATED TO SECTION 409.—Section 4041(b)(5)(A) of ERISA is amended by striking "subparagraph (B)" and inserting "subparagraphs (B) and (D)".

(e) AMENDMENTS RELATED TO SECTION 410.—Section 4050(d)(4)(A) of ERISA is amended—

(1) by striking "and" at the end of clause (i), and

(2) by striking clause (ii) and inserting the following new clauses:

"(ii) which is not a plan described in paragraph (2), (3), (4), (6), (7), (8), (9), (10), or (11) of section 4021(b), and

"(iii) which, was a plan described in section 401(a) of the Internal Revenue Code of 1986 which includes a trust exempt from tax under section 501(a) of such Code, and".

SEC. 6. AMENDMENTS RELATED TO TITLE V.

(a) AMENDMENT RELATED TO SECTION 501.—Section 101(f)(2)(B)(ii) of ERISA is amended—

(1) by striking "for which the latest annual report filed under section 104(a) was filed" in subclause (I)(aa) and inserting "to which the notice relates", and

(2) by striking subclause (II) and inserting the following new subclause:

"(II) in the case of a multiemployer plan, a statement, for the plan year to which the notice relates and the preceding 2 plan years, of the value of the plan assets (determined both in the same manner as under section 304 and under the rules of subclause (I)(bb)) and the value of the plan liabilities (determined in the same manner as under section 304 except that the method specified in section 305(i)(8) shall be used),".

(b) AMENDMENTS RELATED TO SECTION 502.—

(1) Section 101(k)(2) of ERISA is amended by filing at the end the following new flush sentence:

"Subparagraph (C)(i) shall not apply to individually identifiable information with respect to any plan investment manager or adviser, or with respect to any other person (other than an employee of the plan) preparing a financial report required to be included under paragraph (1)(B).".

(2) Section 4221 of ERISA is amended by striking subsection (e) and by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(c) AMENDMENTS RELATED TO SECTION 503.—

(1) AMENDMENTS TO ERISA.—

(A) Section 104(b)(3) of ERISA is amended by—

(i) striking "section 103(f)" and inserting "section 101(f)", and

(ii) striking "the administrators" and inserting "the administrator".

(B) Section 104(d)(1)(E)(ii) of ERISA is amended by inserting "funding" after "plan's".

(2) AMENDMENTS TO 2006 ACT.—Section 503(e) of the 2006 Act is amended by striking "section 101(f)" and inserting "section 104(d)".

(d) AMENDMENT RELATED TO SECTION 505.—Section 4010(d)(2)(B) of ERISA is amended by striking "section 302(d)(2)" and inserting "section 303(d)(2)".

(e) AMENDMENTS RELATED TO SECTION 506.—

(1) Section 4041(c)(2)(D)(i) of ERISA is amended by striking "subsection (a)(2)" the second place it appears and inserting "subparagraph (A) or the regulations under subsection (a)(2)".

(2) Section 4042(c)(3)(C)(i) of ERISA is amended—

(A) by striking "and plan sponsor" and inserting ", the plan sponsor, or the corporation", and

(B) by striking "subparagraph (A)(i)" and inserting "subparagraph (A)".

(f) AMENDMENTS RELATED TO SECTION 508.—Section 209(a) of ERISA is amended—

(1) in paragraph (1)—

(A) by striking "regulations prescribed by the Secretary" and inserting "such regulations as the Secretary may prescribe", and

(B) by striking the last sentence and inserting "The report required under this paragraph shall be in the same form, and contain the same information, as periodic benefit statements under section 105(a).", and

(2) by striking paragraph (2) and inserting the following:

"(2) If more than one employer adopts a plan, each such employer shall furnish to the plan administrator the information necessary for the administrator to maintain the records, and make the reports, required by paragraph (1). Such administrator shall maintain the records, and make the reports, required by paragraph (1)."

(g) AMENDMENT RELATED TO SECTION 509.—Section 101(i)(8)(B) of ERISA is amended to read as follows:

"(B) ONE-PARTICIPANT RETIREMENT PLAN.—For purposes of subparagraph (A), the term 'one-participant retirement plan' means a retirement plan that on the first day of the plan year—

"(i) covered only one individual (or the individual and the individual's spouse) and the individual (or the individual and the individual's spouse) owned 100 percent of the plan sponsor (whether or not incorporated), or

"(ii) covered only one or more partners (or partners and their spouses) in the plan sponsor.".

SEC. 7. AMENDMENTS RELATED TO TITLE VI.

(a) AMENDMENTS RELATED TO SECTION 601.—

(1) AMENDMENTS TO ERISA.—

(A) Section 408(g)(3)(D)(ii) of ERISA is amended by striking "subsection (b)(14)(B)(ii)" and inserting "subsection (b)(14)(A)(ii)".

(B) Section 408(g)(6)(A)(i) of ERISA is amended by striking "financial adviser" and inserting "fiduciary adviser".

(C) Section 408(g)(11)(A) of ERISA is amended—

(i) by striking "the participant" each place it appears and inserting "a participant", and

(ii) by striking "section 408(b)(4)" in clause (ii) and inserting "subsection (b)(4)".

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 4975(d)(17) of the 1986 Code, in the matter preceding subparagraph (A), is amended by striking "and that permits" and inserting "that permits".

(B) Section 4975(f)(8) of the 1986 Code is amended—

(i) in subparagraph (A), by striking "subsection (b)(14)" and inserting "subsection (d)(17)",

(ii) in subparagraph (C)(iv)(II), by striking "subsection (b)(14)(B)(ii)" and inserting "(d)(17)(A)(ii)",

(iii) in subparagraph (F)(i)(I), by striking "financial adviser" and inserting "fiduciary adviser,",

(iv) in subparagraph (I), by striking "section 406" and inserting "subsection (c)", and

(v) in subparagraph (J)(i)—

(I) by striking "the participant" each place it appears and inserting "a participant",

(II) in the matter preceding subclause (I), by inserting "referred to in subsection (e)(3)(B)" after "investment advice", and

(III) in subclause (II), by striking "section 408(b)(4)" and inserting "subsection (d)(4)".

(3) AMENDMENT TO 2006 ACT.—Section 601(b)(4) of the 2006 Act is amended by striking "section 4975(c)(3)(B)" and inserting "section 4975(e)(3)(B)".

(b) AMENDMENTS RELATED TO SECTION 611.—

(1) AMENDMENT TO ERISA.—Section 408(b)(18)(C) of ERISA is amended by striking "or less".

(2) AMENDMENTS TO 1986 CODE.—Section 4975(d) of the 1986 Code is amended—

(A) in the matter preceding subparagraph (A) of paragraph (18)—

(i) by striking "party in interest" and inserting "disqualified person", and

(ii) by striking "subsection (e)(3)(B)" and inserting "subsection (e)(3)",

(B) in paragraphs (19), (20), and (21), by striking "party in interest" each place it appears and inserting "disqualified person", and

(C) by striking "or less" in paragraph (21)(C).

(c) AMENDMENTS RELATED TO SECTION 612.—Section 4975(f)(11)(B)(i) of the 1986 Code is amended by—

(1) inserting "of the Employee Retirement Income Security Act of 1974" after "section 407(d)(1)", and

(2) inserting "of such Act" after "section 407(d)(2)".

(d) AMENDMENTS RELATED TO SECTION 621.—Section 404(c)(1) of ERISA is amended—

(1) by inserting "(or any period that would be a blackout period but for the fact that it is a period of 3 consecutive business days or less)" after "blackout period" in subparagraph (A)(ii), and

(2) by inserting the following new sentence at the end of subparagraph (B): "In the case of any period that would be a blackout period but for the fact that it is a period of 3 consecutive business days or less, the preceding sentence shall apply to such period if the person referred to in subparagraph (A)(ii) meets the requirements described in the preceding sentence with respect to such period in the same manner as if it were a blackout period."

(e) AMENDMENTS RELATED TO SECTION 624.—Section 404(c)(5) of ERISA is amended by striking "participant" each place it appears and inserting "participant or beneficiary".

SEC. 8. AMENDMENTS RELATED TO TITLE VII.

(1) AMENDMENTS TO ERISA.—

(A) Section 203(f)(1)(B) of ERISA is amended to read as follows:

"(B) the requirements of section 204(c) or 205(g), or the requirements of subsection (e), with respect to accrued benefits derived from employer contributions,".

(B) Section 204(b)(5) of ERISA is amended—

(i) by striking "clause" in subparagraph (A)(iii) and inserting "subparagraph", and

(ii) by inserting "otherwise" before "allowable" in subparagraph (C).

(C) Subclause (II) of section 204(b)(5)(B)(i) of ERISA is amended to read as follows:

"(II) PRESERVATION OF CAPITAL.—An applicable defined benefit plan shall be treated as failing to meet the requirements of paragraph (1)(H) unless the plan provides that an interest credit (or equivalent amount) of less than zero shall in no event result in the account balance or similar amount being less than the aggregate amount of contributions credited to the account.".

(2) AMENDMENTS TO 1986 CODE.—

(A) Section 411(b)(5) of the 1986 Code is amended—

(i) by striking "clause" in subparagraph (A)(iii) and inserting "subparagraph", and

(ii) by inserting "otherwise" before "allowable" in subparagraph (C).

(B) Section 411(a)(13)(A) of the 1986 Code is amended—

(i) by striking "paragraph (2)" in clause (i) and inserting "subparagraph (B)",

(ii) by striking clause (ii) and inserting the following new clause:

"(ii) the requirements of subsection (a)(11) or (c), or the requirements of section 417(e), with respect to accrued benefits derived from employer contributions,", and

(iii) by striking "paragraph (3)" in the matter following clause (ii) and inserting "subparagraph (C)".

(C) Subclause (II) of section 411(b)(5)(B)(i) of the 1986 Code is amended to read as follows:

"(II) PRESERVATION OF CAPITAL.—An applicable defined benefit plan shall be treated as failing to meet the requirements of paragraph (1)(H) unless the plan provides that an interest credit (or equivalent amount) of less than zero shall in no event result in the account balance or similar amount being less than the aggregate amount of contributions credited to the account.".

(3) AMENDMENTS TO 2006 ACT.—

(A) Section 701(d)(2) of the 2006 Act is amended by striking "204(g)" and inserting "205(g)".

(B) Section 701(e) of the 2006 Act is amended—

(i) by inserting "on or" after "period" in paragraph (3),

(ii) in paragraph (4)—

(I) by inserting "the earlier of" after "before" in the matter preceding subparagraph (A), and

(II) by striking "earlier" and inserting "later" in subparagraph (A),

(iii) by inserting "on or" before "after" each place it appears in paragraph (5), and

(iv) by adding at the end the following new paragraph:

"(6) SPECIAL RULE FOR VESTING REQUIREMENTS.—The requirements of section 203(f)(2) of the Employee Retirement Income Security Act of 1974 and section 411(a)(13)(B) of the Internal Revenue Code of 1986 (as added by this Act)—

"(A) shall not apply to a participant who does not have an hour of service after the effective date of such requirements (as otherwise determined under this subsection); and

"(B) in the case of a plan other than a plan described in paragraph (3) or (4), shall apply to plan years ending on or after June 29, 2005.".

SEC. 9. AMENDMENTS RELATED TO TITLE VIII.

(a) AMENDMENTS RELATED TO SECTION 801.—

(1) Section 404(o) of the 1986 Code is amended—

(A) by striking "430(g)(2)" in paragraph (2)(A)(ii) and inserting "430(g)(3)", and

(B) by striking "412(f)(4)" in paragraph (4)(B) and inserting "412(d)(3)".

(2) Section 404(a)(7)(A) of the 1986 Code is amended—

(A) by striking the next to last sentence, and

(B) by striking "the plan's funding shortfall determined under section 430" in the last sentence and inserting "the excess (if any) of the plan's funding target (as defined in section 430(d)(1)) over the value of the plan's assets (as determined under section 430(g)(3))".

(b) AMENDMENT RELATED TO SECTION 803.—Clause (iii) of section 404(a)(7)(C) of the 1986 Code is amended to read as follows:

"(iii) LIMITATION.—In the case of employer contributions to 1 or more defined contribution plans—

"(I) if such contributions do not exceed 6 percent of the compensation otherwise paid or accrued during the taxable year to the beneficiaries under such plans, this paragraph shall not apply to such contributions or to employer contributions to the defined benefit plans to which this paragraph would otherwise apply by reason of contributions to the defined contribution plans, and

"(II) if such contributions exceed 6 percent of such compensation, this paragraph shall be applied by only taking into account such contributions to the extent of such excess.

For purposes of this clause, amounts carried over from preceding taxable years under subparagraph (B) shall be treated as employer contributions to 1 or more defined contributions plans to the extent attributable to employer contributions to such plans in such preceding taxable years.".

(c) AMENDMENTS RELATED TO SECTION 824.—

(1) Section 408A(c)(3)(B) of the 1986 Code, as in effect after the amendments made by section 824(b)(1) of the 2006 Act, is amended—

(A) by striking the second "an" before "eligible",

(B) by striking "other than a Roth IRA", and

(C) by adding at the end the following new flush sentence:

"This subparagraph shall not apply to a qualified rollover contribution from a Roth IRA or to a qualified rollover contribution from a designated Roth account which is a rollover contribution described in section 402A(c)(3)(A)."

(2) Section 408A(d)(3)(B), as in effect after the amendments made by section 824(b)(2)(B) of the 2006 Act, is amended by striking "(other than a Roth IRA)" and by inserting at the end the following new sentence: "This paragraph shall not apply to a distribution which is a qualified rollover contribution from a Roth IRA or a qualified rollover contribution from a designated Roth account which is a rollover contribution described in section 402A(c)(3)(A)".

(d) AMENDMENT TO SECTION 827.—The first sentence of section 72(t)(2)(G)(iv) of the 1986 Code is amended by inserting "on or" before "before".

(e) AMENDMENTS RELATED TO SECTION 829.—

(1) Section 402(c)(11) of the 1986 Code is amended—

(A) by inserting "described in paragraph (8)(B)(iii)" after "eligible retirement plan" in subparagraph (A), and

(B) by striking "trust" before "designated beneficiary" in subparagraph (B).

(2)(A) Section 402(f)(2)(A) of the 1986 Code is amended by adding at the end the following new sentence: "Such term shall include any distribution which is treated as an eligible rollover distribution by reason of section 403(a)(4)(B), 403(b)(8)(B), or 457(e)(16)(B)."

(B) Clause (i). of section 402(c)(11) of the 1986 Code is amended by striking "for purposes of this subsection".

(C) The amendments made by this paragraph shall apply with respect to plan years beginning after December 31, 2008.

(f) AMENDMENT RELATED TO SECTION 832.—Section 415(f) of the 1986 Code is amended by striking paragraph (2) and by redesignating paragraph (3) as paragraph (2).

(g) AMENDMENTS RELATED TO SECTION 833.—

(1) Section 408A(c)(3)(C) of the 1986 Code, as added by section 833(c) of the 2006 Act, is redesignated as subparagraph (E).

(2) In the case of taxable years beginning after December 31, 2009, section 408A(c)(3)(E) of the 1986 Code (as redesignated by paragraph (1))—

(A) is redesignated as subparagraph (D), and

(B) is amended by striking "subparagraph (C)(ii)" and inserting "subparagraph (B)(ii)".

(h) AMENDMENTS RELATED TO SECTION 841.—

(1) Section 420(c)(1)(A) of the 1986 Code is amended by adding at the end the following new sentence: "In the case of a qualified future transfer or collectively bargained transfer to which subsection (f) applies, any assets so transferred may also be used to pay liabilities described in subsection (f)(2)(C)."

(2) Section 420(f)(2) of the 1986 Code is amended by striking "such" before "the applicable" in subparagraph (D)(i)(I).

(3) Section 4980(c)(2)(B) of the 1986 Code is amended by striking "or" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", or", and by adding at the end the following new clause:

"(iii) any transfer described in section 420(f)(2)(B)(ii)(II).".

(i) AMENDMENTS RELATED TO SECTION 845.—

(1) Subsection (l) of section 402 of the 1986 Code is amended—

(A) in paragraph (1)—

(i) by inserting "maintained by the employer described in paragraph (4)(B)" after "an eligible retirement plan", and

(ii) by striking "of the employee, his spouse, or dependents (as defined in section 152)",

(B) in paragraph (4)(D), by—

(i) inserting "(as defined in section 152)" after "dependents", and

(ii) striking "health insurance plan" and inserting "health plan", and

(C) in paragraph (5)(A), by striking "health insurance plan" and inserting "health plan".

(2) Subparagraph (B) of section 402(l)(3) of the 1986 Code is amended by striking "all amounts distributed from all eligible retirement plans were treated as 1 contract for purposes of determining the inclusion of such distribution under section 72" and inserting "all amounts to the credit of the eligible public safety officer in all eligible retirement plans maintained by the employer described in paragraph (4)(B) were distributed during such taxable year and all such plans were treated as 1 contract for purposes of determining under section 72 the aggregate amount which would have been so includible".

(j) AMENDMENTS RELATED TO SECTION 854.—

(1) Section 3121(b)(5)(E) of the 1986 Code is amended by striking "or special trial judge".

(2) Section 210(a)(5)(E) of the Social Security Act is amended by striking "or special trial judge".

(k) AMENDMENTS RELATED TO SECTION 856.—Section 856 of the 2006 Act, and the amendments made by such section, are hereby repealed, and the Internal Revenue Code of 1986 shall be applied and administered as if such sections and amendments had not been enacted.

(l) AMENDMENT RELATED TO SECTION 864.—Section 864(a) of the 2006 Act is amended by striking "Reconciliation".

SEC. 10. AMENDMENTS RELATED TO TITLE IX.

(a) AMENDMENT RELATED TO SECTION 901.—Section 401(a)(35)(E)(iv) of the 1986 Code is amended to read as follows:

"(iv) ONE-PARTICIPANT RETIREMENT PLAN.—For purposes of clause (iii), the term 'one-participant retirement plan' means a retirement plan that on the first day of the plan year—

"(I) covered only one individual (or the individual and the individual's spouse) and the individual (or the individual and the individual's spouse) owned 100 percent of the plan sponsor (whether or not incorporated), or

"(II) covered only one or more partners (or partners and their spouses) in the plan sponsor.".

(b) AMENDMENTS RELATED TO SECTION 902.—

(1) Section 401(k)(13)(D)(i)(I) of the 1986 Code is amended by striking "such compensation as exceeds 1 percent but does not" and inserting "such contributions as exceed 1 percent but do not".

(2) Sections 401(k)(8)(E) and 411(a)(3)(G) of the 1986 Code are each amended—

(A) by striking "an erroneous automatic contribution" and inserting "a permissible withdrawal", and

(B) by striking "ERRONEOUS AUTOMATIC CONTRIBUTION" in the heading and inserting "PERMISSIBLE WITHDRAWAL".

(3) Section 402(g)(2)(A)(ii) of the 1986 Code is amended by inserting "through the end of such taxable year" after "such amount".

(4) Section 414(w)(3) of the 1986 Code is amended—

(A) in subparagraph (B), by inserting "and" after the comma at the end,

(B) by striking subparagraph (C), and

(C) by redesignating subparagraph (D) as subparagraph (C).

(5) Section 414(w)(5) of the 1986 Code is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting a comma, and by adding at the end the following:

"(D) a simplified employee pension the terms of which provide for a salary reduction arrangement described in section 408(k)(6), and

"(E) a simple retirement account (as defined in section 408(p)).".

(6) Section 414(w)(6) of the 1986 Code is amended by inserting "or for purposes of applying the limitation under section 402(g)(1)" before the period at the end.

(c) AMENDMENTS RELATED TO SECTION 903.—

(1) AMENDMENT OF 1986 CODE.—Section 414(x)(1) of the 1986 Code is amended by adding at the end of paragraph (1) the following new sentence: "In the case of a termination of the defined benefit plan and the applicable defined contribution plan forming part of an eligible combined plan, the plan administrator shall terminate each such plan separately."

(2) AMENDMENTS OF ERISA.—Section 210(e) of ERISA is amended—

(A) by adding at the end of paragraph (1) the following new sentence: "In the case of a termination of the defined benefit plan and the applicable defined contribution plan forming part of an eligible combined plan, the plan administrator shall terminate each such plan separately.", and

(B) by striking paragraph (3) and by redesignating paragraphs (4), (5), and (6) as paragraphs (3), (4), and (5), respectively.

(d) AMENDMENTS RELATED TO SECTION 906.—

(1) Section 906(b)(1)(B)(ii) of the 2006 Act is amended by striking "paragraph (1)" and inserting "paragraph (10)".

(2) Section 4021(b) of ERISA is amended by inserting "or" at the end of paragraph (12), by striking "; or" at the end of paragraph (13) and inserting a period, and by striking paragraph (14).

SEC. 11. AMENDMENTS RELATED TO TITLE X.

(a) AMENDMENTS TO RAILROAD RETIREMENT ACT.—

(1) Section 14(b) of the Railroad Retirement Act of 1974 (45 U.S.C. 231m(b)) is amended by adding at the end the following:

"(3)(i) Payments made pursuant to paragraph (2) of this subsection shall not require that the employee be entitled to an annuity under section 2(a)(1) of this Act: Provided, however, That where an employee is not entitled to such an annuity, payments made pursuant to paragraph (2) may not begin before the month in which the following three conditions are satisfied:

"(A) The employee has completed ten years of service in the railroad industry or, five years of service all of which accrues after December 31, 1995.

"(B) The spouse or former spouse attains age 62.

"(C) The employee attains age 62 (or if deceased, would have attained age 62).

"(ii) Payments made pursuant to paragraph (2) of this subsection shall terminate upon the death of the spouse or former spouse, unless the court document provides for termination at an earlier date. Notwithstanding the language in a court order, that portion of payments made pursuant to paragraph (2) which represents payments computed pursuant to section 3(f)(2) of this Act shall not be paid after the death of the employee.

"(iii) If the employee is not entitled to an annuity under section 2(a)(1) of this Act, payments made pursuant to paragraph (2) of this subsection shall be computed as though the employee were entitled to an annuity.".

(2) Subsection (d) of section 5 of the Railroad Retirement Act (45 U.S.C. 231d) is repealed.

(b) EFFECTIVE DATES.—

(1) SUBSECTION (a)(1).—The amendment made by subsection (a)(1) shall apply with respect to payments due for months after August 2007. If, prior to the effective date of such amendment, payment pursuant to paragraph (2) of section 14(b) of the Railroad Retirement Act of 1974 (45 U.S.C. 231m(b)) was terminated because of the employee's death, payment to the former spouse may be reinstated for months after August 2007.

(2) SUBSECTION (a)(2).—The amendment made by subsection (a)(2) shall take effect upon the date of the enactment of this Act.

SEC. 12. AMENDMENTS RELATED TO TITLE XI.

(a) AMENDMENT RELATED TO SECTION 1104.—Section 1104(d)(1) of the 2006 Act is amended by striking "Act" the first place it appears and inserting "section".

(b) AMENDMENTS RELATED TO SECTION 1105.—Section 3304(a) of the 1986 Code is amended—

(1) in paragraph (15)—

(A) by redesignating clauses (i) and (ii) of subparagraph (A) as subclauses (I) and (II),

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii),

(C) by striking the semicolon at the end of clause (ii) (as so redesignated) and inserting ", and",

(D) by striking "(15)" and inserting "(15)(A) subject to subparagraph (B),", and

(E) by adding at the end the following:

"(B) the amount of compensation shall not be reduced on account of any payments of governmental or other pensions, retirement or retired pay, annuity, or other similar payments which are not includible in the gross income of the individual for the taxable year in which it was paid because it was part of a rollover distribution;", and

(2) by striking the last sentence.

(c) AMENDMENTS RELATED TO SECTION 1106.—Section 3(37)(G) of ERISA is amended by—

(1) striking "paragraph" each place it appears in clauses (ii), (iii), and (v)(I) and inserting "subparagraph",

(2) striking "subclause (i)(II)" in clause (iii) and inserting "clause (i)(II)",

(3) striking "subparagraph" in clause (v)(II) and inserting "clause", and

(4) by striking "section 101(b)(4)" in clause (v)(III) and inserting "section 101(b)(1)".

SEC. 13. AMENDMENT RELATED TO TITLE XII.

Section 408(d)(8)(D) of the 1986 Code is amended by striking "all amounts distributed from all individual retirement plans were treated as 1 contract under paragraph (2)(A) for purposes of determining the inclusion of such distribution under section 72" and inserting "all amounts in all individual retirement plans of the individual were distributed during such taxable year and all such plans were treated as 1 contract for purposes of determining under section 72 the aggregate amount which would have .been so includible".

SEC. 14. OTHER PROVISIONS.

(a) AMENDMENTS RELATED TO SECTIONS 102 AND 112.—

(1) AMENDMENT OF ERISA.—The last sentence of section 303(g)(3)(B) of ERISA is amended to read as follows: "Any such averaging shall be adjusted for contributions, distributions, and expected earnings (as determined by the plan's actuary on the basis of an assumed earnings rate specified by the actuary but not in excess of the third segment rate applicable under subsection (h)(2)(C)(iii)), as specified by the Secretary of the Treasury.".

(2) AMENDMENT OF 1986 CODE.—The last sentence of section 430(g)(3)(B) of the 1986 Code is amended to read as follows: "Any such averaging shall be adjusted for contributions, distributions, and expected earnings (as determined by the plan's actuary on the basis of an assumed earnings rate specified by the actuary but not in excess of the third segment rate applicable under subsection (h)(2)(C)(iii)), as specified by the Secretary.".

(b) AMENDMENTS RELATED TO SECTION 1004.—

(1) AMENDMENT OF ERISA.—Paragraph (2) of section 205(d) of ERISA is amended by adding at the end the following:

"(C) Notwithstanding subparagraph (B), the applicable percentage is any percentage greater than or equal to 66⅔ percent but not more than 75 percent if—

"(i) the plan is a defined contribution plan maintained for its employees by an employer which is either exempt from tax under section 501(a) of the Internal Revenue Code of 1986 or aggregated under subsection (b), (c), (m), or (o) of section 414 of such Code with an organization that is exempt from tax under section 501(a) of such Code,

"(ii) the survivor annuity percentage for the plan's qualified joint and survivor annuity is 50 percent, and

"(iii) each participant may elect (subject to the requirements of subsection (a)) an annuity for the life of the participant with a survivor annuity for the life of the spouse which is equal to 100 percent of the amount of the annuity which is payable during the joint lives of the participant and spouse and which is the actuarial equivalent of a single annuity for the life of the participant.".

(2) AMENDMENT OF 1986 CODE.—Subsection (g) of section 417 of the 1986 Code is amended by adding at the end the following:

"(3) ALTERNATIVE METHOD OF COMPLIANCE.—Notwithstanding paragraph (2), the applicable percentage is any percentage greater than or equal to 66⅔ percent but not more than 75 percent if—

"(A) the plan is a defined contribution plan maintained for its employees by an employer which is either exempt from tax under section 501(a) or aggregated under subsection (b), (c), (m), or (o) of section 414 with an organization that is exempt from tax under section 501(a),

"(B) the survivor annuity percentage for the plan's qualified joint and survivor annuity is 50 percent, and

"(C) each participant may elect (subject to the requirements of subsection (a)) an annuity for the life of the participant with a survivor annuity for the life of the spouse which is equal to 100 percent of the amount of the annuity which is payable during the joint lives of the participant and spouse and which is the actuarial equivalent of a single annuity for the life of the participant.".

SEC. 15. EFFECTIVE DATE.

Except as otherwise provided in this Act, the amendments made by this Act shall take effect as if included in the provisions of the 2006 Act to which the amendments relate.

MEASURES DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Homeland Security and Governmental Affairs Committee be discharged en bloc from consideration of the following and that the Senate then proceed en bloc to their consideration: S. 2478, H.R. 3470, H.R. 3569, H.R. 3974, and H.R. 4009.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent the bills be read a third time, passed, the motions to reconsider be laid upon the table en bloc; that the consideration of these items appear separately in the record with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CAPTAIN JONATHAN D. GRASSBAUGH POST OFFICE

The bill (S. 2478) to designate the facility of the United States Postal Service located at 59 Colby Corner in East Hampstead, New Hampshire, as the "Captain Jonathan D. Grassbaugh Post Office", was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 2478

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CAPTAIN JONATHAN D. GRASSBAUGH POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 59 Colby Corner in East Hampstead, New Hampshire, shall be known and designated as the "Captain Jonathan D. Grassbaugh Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Captain Jonathan D. Grassbaugh Post Office".

JOHN SIDNEY 'SID' FLOWERS POST OFFICE BUILDING

The bill (H.R. 3470) to designate the facility of the United States Postal Service located at 744 West Oglethorpe Highway in Hinesville, Georgia, as the "John Sidney 'Sid' Flowers Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

Mr. ISAKSON. Mr. President, I rise before you today to pay tribute to Sidney Flowers. Mr. Flowers was the respected Solicitor General for Liberty County, GA, a popular member of the community, a loving family man and a true Southern gentleman.

After high school, Sid Flowers gave 2 years of service to his country by enlisting in the Army. He then went on to study law at Mercer University law school in Macon, GA, before heading back to live and work in his hometown in Liberty County, GA.

The community was always at the center of Sid's life. He was chairman of the Liberty County Cancer Society, a member of the Lions Club, the Masonic Lodge and the American Legion, as well as an honorary member of the Georgia Sheriff's Association. He was also a committed elder at the First Presbyterian Church, to which he gave not only his time, but also his legal expertise.

The Senate has passed H.R. 3470, a bill naming the post office in Hinesville, GA, as the Sidney 'Sid' Flowers Post Office Building. It will stand as a reminder of one man's exceptional contribution to his community.

BEATRICE E. WATSON POST OFFICE BUILDING

The bill (H.R. 3569) to designate the facility of the United States Postal Service located at 16731 Santa Ana Avenue in Fontana, California, as the "Beatrice E. Watson Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

MARINE CORPS CORPORAL STEVEN P. GILL POST OFFICE BUILDING

The bill (H.R. 3974) to designate the facility of the United States Postal Service located at 797 Sam Bass Road in Round Rock, Texas, as the "Marine Corps Corporal Steven P. Gill Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

TURRILL POST OFFICE BUILDING

A bill (H.R. 4009) to designate the facility of the United States Postal Service located at 567 West Nepessing Street in Lapeer, Michigan, as the "Turrill Post Office Building," was considered, ordered to a third reading, read the third time, and passed.

GEORGE HOWARD, JR. FEDERAL BUILDING AND UNITED STATES COURTHOUSE

NEAL SMITH FEDERAL BUILDING

Mr. REID. Mr. President, I ask unanimous consent the Environment and Public Works Committee be discharged en bloc from consideration of the following and the Senate then proceed en bloc to their consideration: H.R. 2011 and H.R. 1045.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

There being no objection, the Senate proceeded to consider the bills.

Mr. REID. I ask unanimous consent the bills be read a third time, passed, the motions to reconsider be laid on the table en bloc, and that the consideration of these items appear separately in the RECORD with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bills (H.R. 2011 and H.R. 1045) were ordered to be read a third time, were read the third time and passed, en bloc.

TO AMEND THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to H.R. 3571.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3571) to amend the Congressional Accountability Act of 1995 to permit individuals who have served as employees of the Office of Compliance to serve as Executive Director, Deputy Executive Director, or General Counsel of the Office, and to permit individuals appointed to such positions to serve one additional term.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read three times, passed, the motion to reconsider be laid on the table with no intervening action or debate, and any statements be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 3571) was ordered to be read a third time, was read the third time and passed.

COMMISSION ON THE ABOLITION OF THE TRANSATLANTIC SLAVE TRADE

Mr. REID. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of H.R. 3432 and the Senate proceed to its immediate consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3432) to establish the Commission on the Abolition of the Transatlantic Slave Trade.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent a Lautenberg amendment at the desk be agreed to, the bill, as amended, be read a third time, passed, the motion to reconsider be laid on the table with no intervening action or debate, and any statements be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 3892) was agreed to, as follows:

(Purpose: To strike the authorization of appropriations)

On page 15, strike lines 3 through 5.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 3432), as amended, was read the third time and passed.

COMMEMORATING THE 25TH ANNIVERSARY OF THE AIR FORCE SPACE COMMAND

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be discharged from further consideration and the Senate proceed to S. Res 389.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 389) commemorating the 25th Anniversary of the United States Air Force Space Command headquartered at Peterson Air Force Base, Colorado.

There being no objection, the Senate proceeded to consider the resolution.

U.S. AIR FORCE SPACE COMMAND

Mr. ALLARD. Mr. President, this year marks the 25th anniversary of the U.S. Air Force Space Command. In 1982, the U.S. Air Force created the U.S. Air Force Space Command to defend North America through its space and intercontinental ballistic operations. Since its creation, Air Force Space Command has become a leader in defense capabilities. They provide a significant portion of U.S. Strategic Command's warfighting capabilities, including missile warning, strategic deterrence, and space-based surveillance capabilities. They now monitor space radars providing vital information on the location of satellites and space debris for the Nation and the world.

Today, nearly 25 years after the establishment of U.S. Air Force Space Command, space plays an even more important role in national security. The current war on terror requires extensive use of space-based communications, GPS and meteorological data to effectively prosecute military operations. The United States relies on space for warfighting capabilities, missile defense, and strategic deterrence. Air Force Space Command has been a leader in this area and remains a critical component of national security.

I would also like to recognize the men and women of Air Force Space Command. Their hard work and dedication provide vital support to our military and the security of this Nation. They have been instrumental in disaster relief and homeland defense. I thank them for their service to the Nation.

Mr. President, I am proud ask that the Senate unanimously pass this resolution today recognizing the contributions and achievements of Air Force Space Command over the past 25 years.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 389) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 389

Whereas, on September 1, 1982, the United States Air Force created the United States Air Force Space Command to defend North America through its space and intercontinental ballistic missile operations;

Whereas 2007 marks the 25th year of excellence and service of Air Force Space Command to the United States of America;

Whereas the mission of Air Force Space Command is to deliver trained and ready airmen with unrivaled space capabilities to defend the United States;

Whereas Air Force Space Command organizes, trains, and equips forces to supply combatant commanders with the space and intercontinental ballistic missile capabilities to defend the United States and its national interests;

Whereas Air Force Space Command's ground-based radar and Defense Support Program satellites monitor ballistic missile launches around the world to guard against a surprise missile attack on North America;

Whereas Air Force Space Command provides a significant portion of United States Strategic Command's war fighting capabilities, including missile warning, strategic deterrence, and space-based surveillance capabilities;

Whereas Air Force Space Command space radar provide vital information on the location of satellites and space debris for the Nation and the world;

Whereas the current war on terror requires extensive use of space-based communications, global positioning systems, and meteorological data to effectively prosecute military operations;

Whereas Air Force Space Command provides war fighters with "high ground" through satellite communications and positioning and timing data for ground and air operations and weapons delivery;

Whereas Air Force Space Command deployed helicopters to the Gulf Coast region during the aftermath of Hurricane Katrina to deliver meals, water, and medical supplies and to conduct search and rescue operations;

Whereas the work done by the men and women of Air Force Space Command is vital to our military, making the Nation more combat effective and helping save lives every day; and

Whereas Air Force Space Command advocates space capabilities and systems for all unified commands and military services, and collectively provides space capabilities America needs today and in the future: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the contributions made by Air Force Space Command to the security of the United States; and

(2) commemorates Air Force Space Command's 25 years of excellence and service to the Nation.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MAKING TECHNICAL CORRECTIONS TO THE INTERNAL REVENUE CODE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4839.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4839) to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. BAUCUS. Mr. President, in connection with H.R. 4839, the Tax Technical Corrections Act of 2007, the nonpartisan Joint Committee on Taxation is making available to the public a document that contains a technical explanation of the bill. This technical explanation expresses the Senate Finance Committee's understanding of the tax and other provisions of the bill and serves as a useful reference in understanding the legislative intent behind this important legislation.

I ask unanimous consent to have this technical explanation printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

I. TAX TECHNICAL CORRECTIONS ACT OF 2007

The bill includes technical corrections to recently enacted tax legislation. Except as otherwise provided, the amendments made by the technical corrections contained in the bill take effect as if included in the original legislation to which each amendment relates.

Amendment Related to the Tax Relief and Health Care Act of 2006

Individuals with long-term unused credits under the alternative minimum tax (Act sec. 402 of Division A).—Under present law, an individual's minimum tax credit allowable for any taxable year beginning after December 20, 2006, and before January 1, 2013, is not less than the "AMT refundable credit amount." The AMT refundable credit amount is the greater of (1) the lesser of $5,000 or the long-term unused minimum tax credit, or (2) 20 percent of the long-term unused minimum tax credit. The long-term unused minimum tax credit for any taxable year means the portion of the minimum tax credit attributable to the adjusted net minimum tax for taxable years before the 3rd taxable year immediately preceding the taxable year (assuming the credits are used on a first-in, first-out basis). In the case of an individual whose adjusted gross income for a taxable year exceeds the threshold amount (within the meaning of section 151(d)(3)(C)), the AMT refundable credit amount is reduced by the applicable percentage (within the meaning of section 151(d)(3)(B)). The additional credit allowable by reason of this provision is refundable.

The provision amends the definition of the AMT refundable credit amount. The provision provides that the AMT refundable credit amount (before any reduction by reason of adjusted gross income) is an amount (not in excess of the long-term unused minimum tax credit) equal to the greater of (1) $5,000, (2) 20 percent of the long-term unused minimum tax credit, or (3) the AMT refundable credit amount (if any) for the prior taxable year (before any reduction by reason of adjusted gross income).

The provision may be illustrated by the following example: Assume an individual, whose adjusted gross income for all taxable years is less than the threshold amount, has a long-term unused minimum tax credit for 2007 of $100,000 and has no other minimum tax credits. The individual's AMT refundable credit amount under present law is $20,000 in 2007, $16,000 in 2008, $10,240 in 2009, $8,192 in 2010, $6,554 in 2011, and $5,243 in 2012. Under the provision, the individual's AMT refundable credit amount is $20,000 for 2007 (as under present law), and in each of the taxable years 2008 thru 2011 the AMT refundable credit amount is also $20,000. The minimum tax credit in 2012 is zero.

Amendments Related to Title XII of the Pension Protection Act of 2006 (Provisions Relating to Exempt Organizations)

Tax-free distributions from individual retirement plans for charitable purposes (Act sec. 1201).—Under the provision, when determining the portion of a distribution that would otherwise be includible in income, the otherwise includible amount is determined as if all amounts were distributed from all of the individual's IRAs.

Contributions of appreciated property by S corporations (Act sec. 1203).—Under present law (sec. 1366(d)), the amount of losses and deductions which a shareholder of an S corporation may take into account in any taxable year is limited to the shareholder's adjusted basis in his stock and indebtedness of the corporation. The provision provides that this basis limitation does not apply to a contribution of appreciated property to the extent the shareholder's pro rata share of the contribution exceeds the shareholder's pro rata share of the adjusted basis of the property. Thus, the basis limitation of section 1366(d) does not apply to the amount of deductible appreciation in the contributed property. The provision does not apply to contributions made in taxable years beginning after December 31, 2007.

For example, assume that in taxable year 2007, an S corporation with one shareholder makes a charitable contribution of a capital asset held more than one year with an adjusted basis of $200 and a fair market value of $500. Assume the shareholder's adjusted basis of the stock (as determined under section 1366(d)(1)(A)) is $300. For purposes of applying the limitation under section 1366(d) to the contribution, the limitation does not apply to the $300 of appreciation and since the $300 adjusted basis of the stock exceeds the $200 adjusted basis of the contributed property, the limitation does not apply at all to the contribution. Thus, the shareholder is treated as making a $500 charitable contribution. The shareholder reduces the basis of the S corporation stock by $200 to $100 (pursuant to section 1367(a)(2)).

Recapture of tax benefit for charitable contributions of exempt use property not used for an exempt use (Act sec. 1215).—The Act permits a charitable deduction in the amount of the fair market value (not the donor's basis) for tangible personal property if an officer of the donee organization certifies upon disposition of the donated property that the use of the property was related to the purpose or function constituting the basis of the donee's tax-exempt status. It was not intended that the donee's use, though so related, not also be substantial. The provision adds to the certification requirement that the officer certify that use of the property by the donee was substantial.

Contributions of fractional interests in tangible personal property (Act sec. 1218).—The Act added an income tax provision providing for treatment of contributions of fractional interests in tangible personal property. A special valuation rule is provided under this rule that creates unintended consequences under the estate and gift tax. The provision therefore strikes the special valuation rule for estate and gift tax purposes.

Time for assessment of penalty relating to substantial and gross valuation misstatements attributable to incorrect appraisals (Act section 1219).—Section 1219 of the Act added a penalty for substantial and gross valuation misstatements attributable to incorrect appraisals (Code sec. 6695A). First, the Act omitted to apply the penalty with respect to substantial valuation misstatements for estate and gift tax purposes, and the provision clarifies that the penalty applies for such purposes. Second, in the cross references for the penalty, the language of Code section 6696(d)(1), relating to the time period for assessment of the penalty, was not properly described. The provision adds a cross reference to section 6695A in section 6696(d).

Expansion of the base of tax on private foundation net investment income (Act sec. 1221).—The Act expands the base of the tax on net investment income of private foundations.

The provision clarifies that capital gains from appreciation are included in this tax base. This clarification conforms the statutory language to the technical explanation.

Public disclosure of information relating to unrelated business income tax returns (Act sec. 1225).—The Act added a provision requiring that section 501(c)(3) organizations make publicly available their unrelated business income tax returns. However, as drafted, the requirement that, with respect to a Form 990, an organization make publicly available only the last three years of returns (sec. 6104(d)(2)) does not apply to disclosure of Form 990–T, because Form 990–T is required by section 6011, not by section 6033. The provision clarifies that the 3-year limitation on making returns publicly available applies to Form 990–T. The provision clarifies that the IRS is required to make Form 990–T publicly available, subject to redaction procedures applicable to Form 990 under section 6104(b).

Donor advised funds (Act 1231).—The Act imposed excise taxes in the event of certain taxable distributions (Code sec. 4966) and on the provision of certain prohibited benefits (sec. 4967), but does not cross refer to these provisions in the section 4962 definition of qualified first tier taxes for purposes of tax abatement (though a cross reference to them is included in section 4963). The provision adds a cross reference to them in Code section 4962 (relating to abatement).

Excess benefit transactions involving supporting organizations (Act sec. 1242).—New Code section 4958(c)(3) provides that certain transactions involving supporting organizations are treated as excess benefit transactions for purposes of the intermediate sanctions rules. Under the Code, certain organizations described in Code sections 501(c)(4), (5) or (6) are treated as supported organizations, although they are not public charities or safety organizations. The provision provides that the excess benefit transaction rules of the Act generally do not apply to transactions between a supporting organization and its supported organization that is described in section 501(c)(4), (5), or (6).

Amendments Related to the Tax Increase Prevention and Reconciliation Act of 2005

Look-through treatment and regulatory authority (Act sec. 103(b)).—Under the Act, for taxable years beginning after 2005 and before 2009, dividends, interest (including factoring income which is treated as equivalent to interest under sec. 954(c)(1)(E)), rents, and royalties received by one controlled foreign corporation ("CFC") from a related CFC are not treated as foreign personal holding company income to the extent attributable or properly allocable to non-subpart F income of the payor (the "TIPRA look-through rule").

The provision clarifies the treatment of deficits in earnings and profits. Under the provision, the TIPRA look-through rule does not apply to any interest, rent, or royalty to the extent that such interest, rent, or royalty creates (or increases) a deficit which under section 952(c) may reduce the subpart F income of the payor or another CFC. The provision parallels the rule applicable to interest, rents, or royalties that would otherwise qualify for exclusion from foreign personal holding company income under the "same country" exception (sec. 954(c)(3)(B)). Thus interest, rents, and royalties will be treated as subpart F income, notwithstanding the general TIPRA look-through rule, if the payment creates or increases a deficit of the payor corporation and that deficit is from an activity that could reduce the payor's subpart F income under the accumulated deficit rule (sec. 952(c)(1)(B)), or could reduce the income of a qualified chain member under the chain deficit rule (sec. 952(c)(1)(C)). For example, under the provision, items that do not qualify for the "same country" exception because they meet the terms of section 954(c)(3)(B) will also not qualify under the TIPRA look-through rule.

Modification of active business definition under section 355 (Act sec. 202).—The provision revises Code sections 355(b)(2)(A) and 355(b)(3) to reflect that the provision modifying the active business definition that was enacted by section 202 of the Act was made permanent by section 410 of the Tax Relief and Health Care Act of 2006. Conforming amendments are made as a result of this change.

The provision clarifies that if a corporation became a member of a separate affiliated group as a result of one or more transactions in which gain or loss was recognized in whole or in part, any trade or business conducted by such corporation (at the time that such corporation became such a member) is treated for purposes of section 355(b)(2) as acquired in a transaction in which gain or loss was recognized in whole or in part. Accordingly, such an acquisition is subject to the provisions of section 355(b)(2)(C), and may qualify as an expansion of an existing active trade or business conducted by the distributing corporation or the controlled corporation, as the case may be.

The provision clarifies that the Treasury Department shall prescribe regulations that provide for the proper application of sections 355(b)(2)(B), (C), and (D) in the case of any corporation that is tested for active business under the separate affiliated group rule, and that modify the application of section 355(a)(3)(B) in the case of such a corporation in a manner consistent with the purposes of the provision.

The provision further clarifies that the rule regarding the application of the new rules to determine the continued qualification under section 355 of a distribution that occurred before the effective date of the new rules, shall apply only if such application results in continued qualification and is not intended to require application of the new rules in a manner that would disqualify any distribution that satisfied the active business requirements of section 355 under prior law that was applicable to the distribution.

Computation of tax for individuals with income excluded under the foreign earned income exclusion (Act sec. 515).—The provision clarifies that in computing the tentative minimum tax on nonexcluded income, the computation of tax is made before reduction for the alternative minimum tax foreign tax credit. This conforms the computation of the tentative minimum tax to the computation of the regular tax, so that both computations are made before the application of the foreign tax credit.

The provision also corrects an error in present law in the case where a taxpayer has net capital gain in excess of taxable income. Under the provision, if a taxpayer's net capital gain (within the meaning of section 1(h)) exceeds taxable income, in computing the tax on the taxable income as increased by the excluded income, the amount of net capital gain which otherwise be taken into account is reduced by the amount of that excess. The excess first reduces the amount of net capital gain without regard to qualified dividend income, and then qualified dividend income. Also, in computing adjusted net capital gain, unrecaptured section 1250 gain, and 28-percent rate gain, the amount of the excess is treated in the same manner as an increase in the long-term capital loss carried to the taxable year.

Similar rules apply in computing the tentative minimum tax where a taxpayer's net capital gain exceeds the taxable excess.

The provision is effective for taxable years beginning after December 31, 2006.

The following examples illustrate the provision:

Example 1.—For taxable year 2007, an unmarried individual has $80,000 excluded from gross income under section 911(a), $30,000 gain from the sale of a capital asset held more than one year, and $20,000 deductions. The taxpayer's taxable income is $10,000. Under the provision, the regular tax is the excess of (i) the amount of tax computed under section 911(f)(1)(A)(i) on taxable income of $90,000 ($10,000 taxable income plus $80,000 excluded income), over (ii) the amount of tax computed under section 911(f)(1)(A)(ii) on taxable income of $80,000 (excluded income). In applying section 1(h) to determine the tax under section 911(f)(1)(A)(i), the net capital gain and the adjusted net capital gain are each $10,000. The regular tax is $1,500, which is equal to a tax at the rate of 15 percent on $10,000 of adjusted net capital gain.

Example 2.—For taxable year 2007, an unmarried individual has $90,000 excluded from gross income under section 911(a), $5,000 gain from the sale of a capital asset held more than one year, $25,000 unrecaptured section 1250 gain, and $20,000 deductions. The taxpayer's taxable income is $10,000. Under the provision, the regular tax is the excess of (i) the amount of tax computed under section 911(f)(1)(A)(i) on taxable income of $100,000 ($10,000 taxable income plus $90,000 excluded income), over (ii) the amount of tax computed under section 911(f)(1)(A)(ii) on taxable income of $90,000 (excluded income). In applying section 1(h) to determine the tax under section 911(f)(1)(A)(i), the net capital gain is $10,000. $5,000 is unrecaptured section 1250 gain ($25,000 less $20,000) and $5,000 is adjusted net capital gain. The regular tax is $2,000, which is equal to a tax at the rate of 15 percent on $5,000 of adjusted net capital gain and a tax at the rate of 25 percent on $5,000 of unrecaptured section 1250 gain.

Amendments Related to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users

Timing of claims for excess alternative fuel (not in a mixture) credit (Act sec. 11113).—Present law provides that the alternative fuel (not in a mixture) credit is refundable. Code section 6427(i)(3) permits claims to be filed on a weekly basis with respect to alcohol, biodiesel, and alternative fuel mixtures if certain requirements are met. This rule, however, does not refer to the alternative fuel credit (for alternative fuel not in a mixture). The provision clarifies that the same rules for filing claims with respect to fuel mixtures apply to the alternative fuel credit.

Definition of alternative fuel (Act sec. 11113).—Code section 6426(d)(2) defines alternative fuel to include "liquid hydrocarbons from biomass" for purposes of the alternative fuel excise tax credit and payment provisions under sections 6426 and 6427. The statute does not define liquid hydrocarbons, which has led to questions as to whether it is permissible for such a fuel to contain other elements, such as oxygen, or whether the fuel must consist exclusively of hydrogen and carbon. It was intended that biomass fuels such as fish oil, which is not exclusively made of hydrogen and carbon, qualify for the credit. The provision changes the reference in section 6426 from "liquid hydrocarbons" to "liquid fuel" for purposes of the alternative fuel excise tax credit and payment provisions.

Amendments Related to the Energy Policy Act of 2005

Credit for production from advanced nuclear power facilities (Act sec. 1306).—The provision clarifies that the national capacity limitation of 6,000 megawatts represents the total number of megawatts that the Secretary has authority to allocate under section 45J.

Clarify limitation on the credit of installing alternative fuel refueling property (Act sec. 1342).—The present-law credit for qualified alternative fuel vehicle refueling property for a taxable year is limited to $30,000 per property subject to depreciation, and $1,000 for other property (sec. 30C(b)). The provision clarifies that the $30,000 and $1,000 limitations apply to all alternative fuel vehicle refueling property placed in service by the taxpayer at a location. The provision is consistent with similar deduction limitations imposed under section 179A(b)(2)(A) (relating to the deduction for clean-fuel vehicles and certain refueling property).

In addition, Code section 30C(c)(1) provides that qualified alternative fuel vehicle refueling property has the meaning given to the term by section 179A(d). However, section 179A(d) defines a different term. The provision modifies the language of section 30C(c)(1) to refer to the correct term.

Clarify that research eligible for the energy research credit is qualified research (Act sec. 1351).—The energy research credit is available with respect to certain amounts paid or incurred to an energy research consortium. The provision clarifies that the credit is available with respect to such amounts paid or incurred to an energy research consortium provided they are used for energy research that is qualified research.

Double taxation of rail and inland waterway fuel resulting from the use of dyed fuel on which the Leaking Underground Storage Tank Trust Fund tax has already been imposed; off-highway business use (Act sec. 1362).—Section 4081(a)(2)(B) of the Code imposes tax at the Leaking Underground Storage Tank Trust Fund financing tax rate of 0.1 cent per gallon on diesel fuel at the time it is removed from a terminal. Section 4082(a) provides that none of the generally applicable exemptions other than the exemption for export apply to this removal even if the fuel is dyed. When dyed fuel is used or sold for use in a diesel powered highway vehicle or train (sec. 4041), or such fuel is subject to the inland waterway tax (sec. 4042), the Code inadvertently imposes the Leaking Underground Storage Tank Trust Fund tax a second time. Section 6430 prohibits the refund of taxes imposed at the Leaking Underground Storage Tank Trust Fund financing rate, except in the case of fuel destined for export. The provision eliminates the imposition of the 0.1 cent tax a second time if the Leaking Underground Storage Tank Trust Fund financing tax rate previously was imposed under section 4081. The provision permits a refund in the amount of the Leaking Underground Storage Tank Trust Fund financing rate if such tax was imposed a second time under 4041 or 4042 from October 1, 2005 through the date of enactment. The provision also clarifies that off-highway business use is not exempt from the Leaking Underground Storage Tank Trust Fund Financing rate. For administrative reasons associated with collecting the tax, the off-highway business use clarification is effective for fuel sold for use or used after the date of enactment.

Exemption from the Leaking Underground Storage Tank Trust Fund financing rate for aircraft and vessels engaged in foreign trade (Act sec. 1362).—Fuel supplied in the United States for use in aircraft engaged in foreign trade is exempt from U.S. customs duties and internal revenue taxes, so long as, where the aircraft is registered in a foreign State, the State of registry provides substantially reciprocal privileges for U.S.-registered aircraft. However, the Energy Policy Act of 2005 imposed, without exemption, the Leaking Underground Storage Tank Trust Fund financing rate on all taxable fuels, except in the case of export. As a result, aviation fuel is no longer exempt from the Leaking Underground Storage Tank Trust Fund financing rate. According to the State Department, almost all of the United States' bilateral air services agreements contain provisions exempting from taxation all fuel supplied in the territory of one party for use in the aircraft of the other party. The United States has interpreted these provisions to prohibit the taxation, in any form, of aviation fuel supplied in the United States to the aircraft of airlines of the foreign countries that are parties to these air services agreements. The amendment provides that fuel for use in vessels (including civil aircraft) employed in foreign trade or trade between the United States and any of its possessions is exempt from the Leaking Underground Storage Tank Trust Fund financing rate.

Amendments Related to the American Jobs Creation Act of 2004

Interaction of rules relating to credit for low sulfur diesel fuel (Act sec. 339).—Section 45H of the Code allows a credit at the rate of 5 cents per gallon for low sulfur diesel fuel produced at certain small business refineries. The aggregate credit with respect to any refinery is limited to 25 percent of the costs of the type deductible under section 179B of the Code. Section 179B allows a deduction for 75 percent of certain costs paid or incurred with respect to these refineries. The basis of the property is reduced by the amount of any credit determined with respect to any expenditure (sec. 45H(d)). Further, no deduction is allowed for the expenses otherwise allowable as a deduction in an amount equal to the amount of the credit under section 45H (sec. 280C(d)). The interaction of these provisions is unclear, and the basis reduction and deduction denial rules may have an unintentionally duplicative effect. Under the provision, deductions are denied in an amount equal to the amount of the credit under section 45H, and the provisions of present law reducing basis and denying a deduction are repealed.

Eliminate the open-loop biomass segregation requirement in section 45(c)(3)(A)(ii) (Act sec. 710).—For purposes of the credit for electricity produced from certain renewable resources, section 45(c)(3)(A)(ii) defines open-loop biomass to include any solid, nonhazardous, cellulosic waste material or any lignin material that is segregated from other waste materials, and that meets other requirements. The Act added municipal solid waste to the category of qualified energy resources giving rise to the credit. Thus, both open-loop biomass and municipal solid waste can be treated as qualified energy resources. The provision therefore strikes the requirement that open-loop biomass be segregated from other waste materials in order to be treated as qualified energy resources.

Clarification of proportionate limitation applicable to closed-loop biomass (Act sec. 710).—Section 45(d)(2)(B)(ii) provides that when closed-loop biomass is co-fired with other fuels, the credit is limited to the otherwise allowable credit multiplied by the ratio of the thermal content of the closed-loop biomass to the thermal content of all fuel used. This limitation duplicates a similar limitation in section 45(a), which provides that the credit is equal to 1.5 cents multiplied by the kilowatt hours of electricity produced by the taxpayer from qualified energy resources (and meeting other criteria). The present-law section 45(a) rule has the effect of limiting the credit (or duration of the credit) to the appropriate portion of the fuel that constitutes qualified energy resources, in the situations in which qualified energy resources are permitted to be co-fired with each other, or are permitted to be co-fired with other fuels. The provision clarifies that the limitation applies only once, not twice, to closed-loop biomass co-fired with other fuels, by striking the duplicate limitation in section 45(d)(2)(B)(ii).

Treatment of partnerships under the limitation on deductions allocable to property used by governments or other tax-exempt entities (Act sec. 848).—Code section 470 generally applies loss deferral rules in the case of property leased to tax-exempt entities. This rule applies with respect to tax-exempt use property, which for this purpose generally has the meaning given to the term by section 168(h) (with exceptions specified in section 470(c)(2)). The manner of application of section 470 in the case of property owned by a partnership in which a tax-exempt entity is a partner is unclear.

The provision provides that tax-exempt use property does not include any property that would be tax-exempt use property solely by reason of section 168(h)(6). The provision refers to section 7701(e) for circumstances in which a partnership is treated as a lease to which section 168(h) applies. Thus, if a partnership is recharacterized as a lease pursuant to section 7701(e), and a provision of section 168(h) (other than section 168(h)(6)) applies to cause the property characterized as leased to be treated as tax-exempt use property, then the loss deferral rules of section 470 apply.

Under section 7701(e)(2), a partnership may be treated as a lease, taking into account all relevant factors, including factors similar to those set forth in section 7701(e)(1) (relating to service contracts treated as leases). In the case of property of a partnership in which a tax-exempt entity is a partner, factors similar to those in section 7701(e)(1) (and in the legislative history of that section) that are relevant in determining whether a partnership is properly treated as a lease of property held by the partnership include (1) a tax-exempt partner maintains physical possession or control or holds the benefits and burdens of ownership with respect to such property, (2) there is insignificant equity investment by any taxable partner, (3) the transfer of such property to the partnership does not result in a change in use of such property, (4) such property is necessary for the provision of government services, (5) a disproportionately large portion of the deductions for depreciation with respect to such property are allocated to one or more taxable partners relative to such partner's risk of loss with respect to such property or to such partner's allocation of other partnership items, and (6) amounts payable on behalf of the tax-exempt partner relating to the property are defeased or funded by set-asides or expected set-asides. It is intended that Treasury regulations or guidance may provide additional factors that can be taken into account in determining whether a partnership with taxable and tax-exempt partners is an arrangement that resembles a lease of property under which section 470 defers the allowance of losses.

The provision is effective as if included in the provision of the American Jobs Creation Act of 2004 to which it relates. It is not intended that the provision supercede the rules set forth by the Treasury Department in Notice 2005–29, 2005–13 I.R.B. 796, Notice 2006–2, 2006–2 I.R.B. 1, and Notice 2007–4, 2007–1 I.R.B. 260, with respect to the application of section 470 in the case of partnerships for taxable years of partnerships beginning in 2004, 2005, and 2006. These notices state that the Internal Revenue Service will not apply section 470 to disallow losses associated with property that is treated as tax-exempt use property solely as a result of the application of section 168(h)(6), and that abusive transactions involving partnerships an other pass-through entities remain subject to challenge by the Internal Revenue Service under other provisions of the tax law. Accordingly, for partnership taxable years beginning in 2004, 2005, and 2006, the Internal Revenue Service may apply section 470 to a partnership that would be treated as a lease under section 7701(e)(2).

Treatment of losses on positions in identified straddles (Act sec. 888).—Under Code section 1092, the term "straddle" means offsetting positions in actively traded personal property. Generally, a loss on a position in a straddle may be recognized only to the extent the amount of the loss exceeds the unrecognized gain (if any) in offsetting positions in the straddle (sec. 1092(a)(1)(A)). Special rules for identified straddles provide a different treatment of losses and also provide that any position that is not part of an identified straddle is not treated as offsetting with respect to any position that is part of the identified straddle. A taxpayer is permitted to treat a straddle as an identified straddle only if, among other requirements, the straddle is not part of a larger straddle.

Before the enactment of the Act, the rules for treating a straddle as an identified straddle required that all the positions of the straddle were acquired on the same day and either that all of the positions were disposed of on the same day in a taxable year or that none of the positions were disposed of as of the close of the taxable year. A loss on a position in an identified straddle was not subject to the loss deferral rule described above but instead was taken into account when all the positions making up the straddle were disposed of.

The Act changed the rules for identified straddles by providing, among other things, that if there is a loss on a position in an identified straddle, the loss is applied to increase the basis of the offsetting positions in that identified straddle. Under section 1092(a)(2)(A)(ii), the basis of each offsetting position in an identified straddle is increased by an amount that equals the product of the amount of the loss multiplied by the ratio of the amount of unrecognized straddle period gain in that offsetting position to the aggregate amount of unrecognized straddle period gain in all offsetting positions. The Act also provided that any loss described in section

1092(a)(2)(A)(ii) is not otherwise taken into account for Federal tax purposes.

The Act left unclear the treatment of a loss on a position in an identified straddle in at least two circumstances: first, when there are no offsetting positions in the identified straddle with unrecognized straddle period gain, and, second, when an offsetting position in the identified straddle is or has been a liability to the taxpayer.

The provision addresses the treatment of losses in these two circumstances. In general, the provision reaffirms that a loss on a position in an identified straddle is not permitted to be recognized currently and also is not permanently disallowed.

The provision provides that if the application of section 1092(a)(2)(A)(ii) does not result in a basis increase in any offsetting position in the identified straddle (because there is no unrecognized straddle period gain in any offsetting position), the basis of each offsetting position in the identified straddle must be increased in a manner that (1) is reasonable, is consistent with the purposes of the identified straddle rules, and is consistently applied by the taxpayer, and (2) allocates to offsetting positions the full amount of the loss (but no more than the full amount of the loss). At the time a taxpayer adopts an allocation method under this rule, the taxpayer is expected to describe that method in its books and records.

Under the provision, unless the Secretary of the Treasury provides otherwise, similar rules apply for purposes of the identified straddle rules when there is a loss on a position in an identified straddle and an offsetting position in the identified straddle is or has been a liability or an obligation (including, for instance, a debt obligation issued by the taxpayer, a written option, or a notional principal contract entered into by the taxpayer). Under this rule, if a taxpayer, for example, receives $1 to enter into a five-year short forward contract and the next day $100 of loss is allocated to that position, the resulting basis of the contract is $99.

Under present law, a straddle is treated as an identified straddle only if, among other requirements, it is clearly identified on the taxpayer's records as an identified straddle before the earlier of (1) the close of the day on which the straddle is acquired, or (2) a time that the Secretary of the Treasury may prescribe by regulations. The provision clarifies that for purposes of this identification requirement, a straddle is clearly identified only if the identification includes an identification of the positions in the straddle that are offsetting with respect to other positions in the straddle. Consequently, taxpayers are required to identify not only the positions that make up an identified straddle but also which positions in that identified straddle are offsetting with respect to one another. The offsetting positions identification requirement added by the provision is effective for straddles acquired after the date of enactment.

The provision provides that regulations or other guidance prescribed by the Secretary for carrying out the purposes of the identified straddle rules may include the rules for the application of section 1092 to a position that is or has been a liability or an obligation. Regulations or other guidance also may include safe harbor basis allocation methods that satisfy the requirements that an allocation other than under section 1092(a)(2)(A)(ii) must be reasonable, consistent with the purposes of the identified straddle rules, and consistently applied by the taxpayer.

Amendments Related to the Economic Growth Tax Relief Reconciliation Act of 2001

Application of special elective deferral limit to designated Roth contributions (Act sec. 617).—Code section 402(g)(7) provides a special rule allowing certain employees to make additional elective deferrals to a tax-sheltered annuity, subject to (1) an annual limit of $3,000, and (2) a cumulative limit of $15,000 minus the amount of additional elective deferrals made in previous years under the special rule. Present law provides a rule to coordinate the cumulative limit with the ability to make designated Roth contributions, but inadvertently reduces the $15,000 amount by all designated Roth contributions made in previous years. The provision clarifies that the $15,000 amount is reduced only by additional designated Roth contributions made under the special rule.

Application of FICA taxes to designated Roth contributions (Act sec. 617).—Under Code section 3121(v)(1)(A), elective deferrals are included in wages for purposes of social security and Medicare taxes. The provision clarifies that wage treatment applies also to elective deferrals that are designated as Roth contributions.

Amendments Related to the Tax Relief Extension Act of 1999

Renewable electricity sold to utilities under certain contracts (Act sec. 507).—Code section 45(e)(7) provides that a wind energy facility placed in service by the taxpayer after June 30, 1999, does not qualify for the section 45 production tax credit if the electricity generated at the facility is sold to a utility pursuant to certain pre-1987 contracts. The provision clarifies that facilities placed in service prior to June 30, 1999, that sell electricity under applicable pre-1987 contracts are not denied the section 45 production tax credit solely by reason of a change in ownership after June 30, 1999.

Treatment of income and services provided by taxable REIT subsidiaries (Act sec. 542).—The provision clarifies that the transient basis language in the definition of a lodging facility applies only in determining whether an establishment other than a hotel or motel qualifies as a lodging facility.

Amendment Related to the Internal Revenue Service Restructuring and Reform Act of 1998

Redactions for background documents related to Chief Counsel Advice documents (Act sec. 3509).—The Internal Revenue Service Restructuring and Reform Act of 1998 established a structured process by which the IRS makes certain work products, designated Chief Counsel advice ("CCA"), open to public inspection. To afford additional protection for certain governmental interests implicated by CCAs, section 6110(i)(3) governs redactions that may be made to CCAs, including the exemptions or exclusions available under the Freedom of Information Act, 5 U.S.C. 552(b) and (c) (except that the provision for redaction under a Federal statute excludes Title 26), as well as the exemptions pertaining to taxpayer identity information described in section 6110(c)(1). Section 6110(i)(3) does not expressly address redactions to the "background file documents" related to a CCA. The provision clarifies that the CCA background file documents are governed by the same redactions as CCAs.

Clerical corrections

The bill includes a number of clerical and conforming amendments, including amendments correcting typographical errors.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 4839) was ordered to be read a third, was read the third time, and passed.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. REID. Mr. President, I ask unanimous consent that during the recess or adjournment of the Senate, Senate committees may file committee-reported Legislative and Executive Calendar business on Tuesday, January 8, during the hours of 10 a.m. to 12 noon.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

APPOINTMENT AUTHORIZATION

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 1200

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, January 22, 2008, following a period of morning business, the Senate then proceed to the consideration of Calendar No. 421, S. 1200, the Indian health legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 2483

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to Calendar No. 546, S. 2483, the energy lands bills, at a time to be determined by the majority leader, following consultation with the Republican leader, and that when considered, it be considered under the following limitations: that the only amendments in order be five related amendments to be offered by Senator COBURN; that upon disposition of all amendments, the bill be read a third time, and the Senate proceed to vote on passage of the bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I mentioned this morning that we are going to do Indian health, FISA, and then we can to go this bill that I just got consent on dealing with energy.

MEASURE READ THE FIRST TIME—H.R. 4040

Mr. REID. There is a bill at the desk due for its first reading. It is the consumer product commission.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4040) to establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission.

Mr. REID. I now ask for its second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The ACTING PRESIDENT pro tempore. Objection is heard.

The bill will receive its second reading on the next legislative day.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

H.R. 1216 AND H.R. 1254

Mr. REID. Mr. President, I have two consent requests that I have been asked to propound on behalf of Members on our side. These two bills are very important. There are objections on the Republican side. I would propound the requests, but I have been told the Republicans would have to bring somebody here, and there would be an objection, so I am not going to make that necessary.

The bills are H.R. 1216, Kids and Cars Safety Act of 2007, and H.R. 1254, the Presidential Library bill. These two pieces of legislation are important to Senators CLINTON and LIEBERMAN.

I would like to announce today that when the Senate returns for business in January, we will ask the consents again, and I hope at that time the minority, who are now objecting, will not be here to lodge those objections.

THANKING SENATOR CASEY

Mr. REID. Mr. President, so it does not pass my mind, I want to express the appreciation of everyone involved here for the Presiding Officer spending so much time here today. We thought we would be out of here by 3 o'clock this afternoon. It is 8:30, and we are still not finished our work.

I can remember when I was a new Member of the House of Representatives, and it was a time about like this, and I was asked to preside. Now, remember, there are 435 Members of the House of Representatives, and I was a freshman. Oh, was I happy—a great big podium and a great big gavel, which I did not have to use. I would not have known how to anyway. But I look back with a lot of fond memories to that 25 years ago.

But we appreciate the Senator being here today. Most of this work of this Senate is completed, and we have to have someone who is presiding. The Senator has been very patient with all of us. We appreciate it very much. But this speaks of who you are. You are always a very patient person. I am grateful to you, as we all are.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NOMINATIONS STATUS QUO

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that, the provisions of rule XXXI notwithstanding, all nominations remain in status quo except the following: from the Armed Services Committee, Colonels Larry Arnett, Otis Morris, and Gilberto Pena to be brigadier generals; Colonel Marc L. Warren to be brigadier general; Colonel Mark W. Tillman to be brigadier general; Anita K. Blair, of Virginia, to be an Assistant Secretary of the Navy; from the Committee on the Judiciary, Steven G. Bradbury, of Maryland, to be an Assistant Attorney General.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar Nos. 117, 372, 377, 393, 408, 409, 411, 412 through 427, 433 through 438, and all the nominations on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid on the table, and the President be immediately notified of the Senate's action.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

FEDERAL ENERGY REGULATORY COMMISSION

Joseph Timothy Kelliher, of the District of Columbia, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2012.

DEPARTMENT OF HOMELAND SECURITY

Julie L. Myers, of Kansas, to be Assistant Secretary of Homeland Security.

FEDERAL EMERGENCY MANAGEMENT AGENCY

W. Ross Ashley, III, of Virginia, to be an Assistant Administrator of the Federal Emergency Management Agency, Department of Homeland Security.

DEPARTMENT OF COMMERCE

Todd J. Zinser, of Virginia, to be Inspector General, Department of Commerce.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Benjamin Eric Sasse, of Nebraska, to be an Assistant Secretary of Health and Human Services.

Christina H. Pearson, of Maryland, to be an Assistant Secretary of Health and Human Services.

FEDERAL ENERGY REGULATORY COMMISSION

Jon Wellinghoff, of Nevada, to be a Member of the Federal Energy Regulatory Commission for the term expiring June 30, 2013.

DEPARTMENT OF DEFENSE

James Shinn, of New Jersey, to be an Assistant Secretary of Defense.

Mary Beth Long, of Virginia, to be an Assistant Secretary of Defense.

John H. Gibson, of Texas, to be an Assistant Secretary of the Air Force.

Craig W. Duehring, of Minnesota, to be an Assistant Secretary of the Air Force.

IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Roger A. Brady, 6581

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Richard Y. Newton, III, 8008

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Walter D. Givhan, 4773

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. William L. Shelton, 0678

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. Allyson R. Solomon, 1378

The following named officers for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Col. Christopher F. Burne, 2139

Col. Dwight D. Creasy, 0424

IN THE ARMY

The following named officers for appointment to the grade indicated in the United States Army under title 10, U.S.C., section 624:

To be brigadier general

Colonel Robert B. Abrams, 0429
Colonel Ralph O. Baker, 1784
Colonel Allen W. Batschelet, 3064
Colonel Peter C. Bayer, Jr., 4267
Colonel Arnold N.G. Bray, 2301
Colonel Jeffrey S. Buchanan, 2774
Colonel Robert A. Carr, 8041
Colonel Gary H. Cheek, 5138
Colonel Kendall P. Cox, 8942
Colonel William T. Crosby, 8622
Colonel Anthony G. Crutchfield, 9770
Colonel Joseph P. Disalvo, 9884
Colonel Brian J. Donahue, 0140
Colonel Patrick J. Donahue, II, 6240
Colonel Peter N. Fuller, 3244
Colonel William K. Fuller, 4797
Colonel Walter M. Golden, Jr., 3792
Colonel Patrick M. Higgins, 6649
Colonel Frederick B. Hodges, 7686
Colonel Brian R. Layer, 6190
Colonel Richard C. Longo, 4173
Colonel Alan R. Lynn, 8649
Colonel David L. Mann, 8247
Colonel Lloyd Miles, 7819
Colonel Mark A. Milley, 6104
Colonel John W. Nicholson, Jr., 6582
Colonel Henry J. Nowak, 8712
Colonel Raymond P. Palumbo, 9347
Colonel Gary S. Patton, 6191
Colonel Mark W. Perrin, 7150
Colonel William E. Rapp, 4511
Colonel Thomas J. Richardson, 5539
Colonel Steven L. Salazar, 0710
Colonel Raymond A. Thomas, III, 0142
Colonel Paul L. Wentz, 3661
Colonel Larry D. Wyche, 9416

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. R. Steven Whitcomb, 7058

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. John A. Macdonald, 0573

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., sections 624 and 3064:

To be brigadier general

Col. Dana K. Chipman, 5098

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. Dennis L. Celletti, 9486

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. David P. Valcourt, 6455

DEPARTMENT OF TRANSPORTATION

Francis Mulvey, of Maryland, to be a Member of the Surface Transportation Board for a term expiring December 31, 2012.

Carl T. Johnson, of Virginia, to be Administrator of the Pipeline and Hazardous Materials Safety Administration, Department of Transportation.

IN THE COAST GUARD

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Michael R. Seward, 2642

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral (lower half)

Capt. Joseph R. Castillo, 3894
Capt. Daniel R. May, 4862
Capt. Peter V. Neffenger, 7652
Capt. Charles W. Ray, 8584

The following named officers for appointment in the United States Coast Guard to the grade indicated under title 14, U.S.C., section 271:

To be rear admiral

Rear Adm. (lh) William D. Baumgartner, 0425
Rear Adm. (lh) Manson K. Brown, 6734
Rear Adm. (lh) Cynthia A. Coogan, 3505

DEPARTMENT OF HOMELAND SECURITY

Robert D. Jamison, of Virginia, to be an Under Secretary of Homeland Security.

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN1121 AIR FORCE nomination of Joseph V. Treanor III, which was received by the Senate and appeared in the Congressional Record of December 6, 2007.

PN1122 AIR FORCE nomination of Pamala L. Browngrayson, which was received by the Senate and appeared in the Congressional Record of December 6, 2007.

PN1123 AIR FORCE nomination of Alicia J. Edwards, which was received by the Senate and appeared in the Congressional Record of December 6, 2007.

PN1124 AIR FORCE nominations (2) beginning THERESA D. BROWNDOONQUAH, and ending CHERYL A. JOHNSON, which nominations were received by the Senate and appeared in the Congressional Record of December 6, 2007.

PN1125 AIR FORCE nominations (3) beginning JEFFREY J. HOFFMANN, and ending GERALD B. WHISLER III, which nominations were received by the Senate and appeared in the Congressional Record of December 6, 2007.

PN1126 AIR FORCE nominations (3) beginning KELLEY A. BROWN, and ending MARK A. NIELSEN, which nominations were received by the Senate and appeared in the Congressional Record of December 6, 2007.

PN1144 AIR FORGE nominations (3) beginning JOHN R. SHAW, and ending NATALIE L. RESTIVO, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2007.

IN THE ARMY

PN1056 ARMY nominations (40) beginning WILLIAM E. ACKERMAN, and ending MARK A. VAITKUS, which nominations were received by the Senate and appeared in the Congressional Record of November 15, 2007.

PN1057 ARMY nominations (22) beginning RACHEL A. ARMSTRONG, and ending VERONICA A. THURMOND, which nominations were received by the Senate and appeared in the Congressional Record of November 15, 2007.

PN1058 ARMY nominations (6) beginning VIVIAN T. HUTSON, and ending LAURIE E. SWEET, which nominations were received by the Senate and appeared in the Congressional Record of November 15, 2007.

PN1059 ARMY nominations (7) beginning GARY D. COLEMAN, and ending PAUL E. WHIPPO, which nominations were received by the Senate and appeared in the Congressional Record of November 15, 2007.

PN1060 ARMY nomination of Lillian L. Landrigan, which was received by the Senate and appeared in the Congressional Record of November 15, 2007.

PN1093 ARMY nominations (2) beginning SARAH B GOLDMAN, and ending MICHEAL B. MOORE, which nominations were received by the Senate and appeared in the Congressional Record of December 3, 2007.

PN1094 ARMY nominations (3) beginning RICKY A. THOMAS, and ending JOSEPH PUSKAR, which nominations were received by the Senate and appeared in the Congressional Record of December 3, 2007.

PN1095 ARMY nomination of Tarnjit S. Saini, which was received by the Senate and appeared in the Congressional Record of December 3, 2007.

PN1096 ARMY nomination of Bockarie Sesay, which was received by the Senate and appeared in the Congressional Record of December 3, 2007.

PN1097 ARMY nomination of Deborah Minnickshearin, which was received by the Senate and appeared in the Congressional Record of December 3, 2007.

PN1098 ARMY nomination of Stephen L. Franco, which was received by the Senate and appeared in the Congressional Record of December 3, 2007.

PN1099 ARMY nomination of George Quiroa, which was received by the Senate and appeared in the Congressional Record of December 3, 2007.

PN1100 ARMY nominations (4) beginning DAVID N. GERESKI, and ending CLINT E. WALKER, which nominations were received by the Senate and appeared in the Congressional Record of December 3, 2007.

PN1101 ARMY nomination of Kimberly K. Johnson, which was received by the Senate and appeared in the Congressional Record of December 3, 2007.

PN1102 ARMY nominations (4) beginning ALAN JONES, and ending CHANTAY P. WHITE, which nominations were received by the Senate and appeared in the Congressional Record of December 3, 2007.

PN1103 ARMY nominations (18) beginning MARIAN AMREIN, and ending D060583, which nominations were received by the Senate and appeared in the Congressional Record of December 3, 2007.

PN1127 ARMY nomination of Daniel J. Judge, which was received by the Senate and appeared in the Congressional Record of December 6, 2007.

PN1128 ARMY nominations (2) beginning RICHARD HARRISON, and ending GREGORY W. WALTER, which nominations were received by the Senate and appeared in the Congressional Record of December 6, 2007.

PN1129 ARMY nominations (3) beginning JOE R. WARDLAW, and ending NICKOLAS KARAJOHN, which nominations were received by the Senate and appeared in the Congressional Record of December 6, 2007.

PN1130 ARMY nominations (2) beginning VANESSA M. MEYER, and ending JAMES E. ADAMS, which nominations were received by the Senate and appeared in the Congressional Record of December 6, 2007.

PN1145 ARMY nomination of Quindola M. Crowley, which was received by the Senate and appeared in the Congressional Record of December 11, 2007.

PN1146 ARMY nominations (3) beginning PAUL A. MABRY, and ending ROBERT PERITO, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2007.

PN1147 ARMY nominations (147) beginning JOSEPH M. ADAMS, and ending D060256, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2007.

PN1148 ARMY nominations (241) beginning ANTHONY J. ABATI, and ending D060260, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2007.

PN1149 ARMY nominations (142) beginning DAVID P. ACEVEDO, and ending X1408, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2007.

COAST GUARD

PN1119 COAST GUARD nomination of Robert A. Stohlman, which was received by the Senate and appeared in the Congressional Record of December 6, 2007.

PN1120 COAST GUARD nomination of Raymond S. Kingsley, which was received by the Senate and appeared in the Congressional Record of December 6, 2007.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PN1014 NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION nominations (16) beginning Llian G. K Breen, and ending Anna-Elizabeth B. Villard-Howe, which nominations were received by the Senate and appeared in the Congressional Record of November 1, 2007.

IN THE NAVY

PN1061 NAVY nomination of Horace E. Gilchrist, which was received by the Senate and appeared in the Congressional Record of November 15, 2007.

PN1106 NAVY nominations (15) beginning RICHARD W. SISK, and ending JOHN T. SCHOFIELD, which nominations were received by the Senate and appeared in the Congressional Record of December 3, 2007.

PN1150 NAVY nominations (23) beginning STEPHEN W. ALDRIDGE, and ending KRISTOFER J. WESTPHAL, which nominations were received by the Senate and appeared in the Congressional Record of December 11, 2007.

NOMINATIONS DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged of the following nominations: foreign service nominations listed as follows: PN 877, PN 955, PN 1006, PN 1007, PN 1015, PN 1034; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF STATE

Cedra Danielle Eaton, of Maryland

For appointment as Foreign Service Officer of Class Four, Consular Officer and Secretary in the Diplomatic Service of the United States of America:

DEPARTMENT OF STATE

S. Nausher M. Ali, of California
Christopher Charles Ashe, of Pennsylvania
Kimberly K. Atkinson, of South Dakota
Deidra Di Anne Avendasora, of Minnesota
Tiffany M. Bartish, of Illinois
Christopher Graydon Beard, of Florida
Jennifer L. Becker, of Kansas
Nancy R. Biasi, of Oregon
Sheryl J. Bistransky, of Virginia
Michael A. Bradecamp, of Virginia
Cheryl R. Bruner, of South Dakota
Mark Colbourne Carlson, of Washington
Landry Joseph Carr, of Louisiana
Michael Albert Chung, of Washington
Sara M. Cobb, of Florida
Kathleen Marie Corey, of Washington
John C. Corrao, of Indiana
Sonata N. Coulter, of Washington
Joanne Held Cummings, of Texas
Paul Michael Cunningham, of Connecticut
Christopher M. Deutsch, of Virginia
Janet E. Deutsch, of Illinois
Beverli J. DeWalt, of Washington
Sarah A. Duffy, of Illinois
David Clifford Edginton, of Iowa
Ellen Beth Eiseman, of New York
Jill Foster, of California
Eric Geelan, of New York
Kathleen D. Gibilisco, of California
John H. Gimbel IV, of Nevada
Carla A. Gonneville, of California
Christopher R. Green, of Texas
John R. Groch, of Texas
H. Rebecca Grutz, of Texas
Traver Gudie, of Florida
Richard F. Hanrahan, Jr., of Illinois
Cash A. Herbolich, of Arizona
Anny Chi-Jin Ho, of Virginia
Robert F. Hommowun, of California
Amy J. Hood, of Virginia
Jessica Marie Franz Huaracayo, of California
Dorian Hurtado, of Florida
Mollie Jax Jackson, of Oregon
Theodore Evan Jasik, of New York
Alma Musanovic Johnson, of New Hampshire
Tiffney J. Johnson, of Texas
Wendy Annette Kahler, of Virginia
Deborah J. Kanarek, of California
Mary Virginia Kane, of Maryland
Wendy A. Kennedy, of Washington
Jason B. Khile, of Illinois
Julie Kim-Johnson, of Washington
Emily L. King, of Virginia
Brian P. Klein, of Pennsylvania
Richard W. La Roche, Jr., of California
Guy M. Lawson, of Texas
Paula I. L'Ecuyer, of Virginia
Paul A. Loh, of New York
Leon C. Lowder III, of New York
Laura deNelle Lucas, of Idaho
Mary Elizabeth Madden, of Oregon
Guy Margalith, of New York
Berenice Mariscal, of Texas
Robert M. Marks, of Florida
Hagen Davis Maroney, of New York
Melissa E. Martinez, of New Mexico
Partha Mazumdar, of Pennsylvania
Lissa Mei-lin McAtee, of Washington
P. Christopher McCabe, of Colorado
Nancy Hillery McCarthy, of Texas
Catherine E. McGeary, of Florida
Aud-Frances McKernan, of California
Cristina Marie Marko Meaney, of Arizona
Ann Meceda, of California
Sara M. Mercado, of California
Kristian G. Moore, of Colorado
John K. Moyer, of Pennsylvania
Eshel William Murad, of Virginia
Kevin T. Murakami, of Virginia
Megan Thana Myers, of Minnesota
Jeremy Nathan, of Illinois
Jenifer Lynn Neidhart de Ortiz, of Florida
Thu M. Nguyen, of Virginia
Briana L. Olsen, of Washington
Douglas S. O'Neill, of Florida
Swati Mansukh Patel, of Alabama
Coney Patterson, of Florida
Timothy Eugene Peltier, of Virginia
Steven Perry, of Virginia
Brian R Peterson, of Washington
Christopher R. Reynolds, of New Jersey
Christine Riehl, of Maryland
Michael R. Roberts, of New Jersey
Richard W. Roesing III, of Pennsylvania
Meredith Leigh Rubin, of Virginia
Joseph H. Runyon, of Florida
Trina D. Saha, of California
Anne Lee Seshadri, of New Hampshire
Charles H. Sewall, of Florida
Preeti Vikas Shah, of Michigan
Kim Shaw, of California
Patrick Isamu Smeller, of Maryland
Jeffrey Brian Smith, of Texas
Steven T. Smith, of New Hampshire
John Thomas Speaks III, of Texas
Debra A. Steigerwalt, of Virginia
Scott Adam Sternberg, of Florida
Stephen Bruce Stewart, of California
Erinn C. Stott, of Texas
Andrea V. Strano, of New York
Paul M. Stronski, of New York
Joseph A. Strzalka, of Michigan
Rachel Sunden, of Texas
Kathleen S. Szpila, of Massachusetts
Debra Taylor, of Washington
Victoria Jean Taylor, of Missouri
Chad Alan Thornberry, of California
Jennifer L. Vieira, of Texas
Thomas Joseph Wallis, of Virginia
Drake A. Weisert, of Texas
Adam P. West, of Illinois
Joel Robert Wiegert, of Nebraska
Patrick R. Wingate, of Texas
Ellen Wong, of Missouri
Danielle K. Wood, of Oregon
Jean Thomas Woynicki, of Pennsylvania
Daniela Zadrozny, of Texas

DEPARTMENT OF STATE

Wendy P. Lyle, of Virginia

Secretary in the Diplomatic Service of the United States of America:

DEPARTMENT OF TREASURY

Christopher Adams, of California

Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Peter D. Liston, of Florida

DEPARTMENT OF STATE

Mary E. Alexander, of Texas
Logan Alschbach, of Virginia
Robert T. Alter, of the District of Columbia
Sandra E. Ambrose-Shem, of Virginia
Robert Anderson, of Oregon
Asha B. Andrews, of California
David Avery, of New Mexico
D. Heath Bailey, of Nevada
Debra A. Barbessi, of Virginia
Alexandra Lara Baumgartner, of West Virginia
Shari Alyson Berke, of the District of Columbia
Rachel E. Birthisel, of Virginia
Brandon L. Borkowicz, of Illinois
Donald A. Brown, of Louisiana
Leslie E. Brown, of the District of Columbia
Lindsay H. Bush, of Virginia
Daniel J. Byrne, of Virginia
Eric Camus, of Oregon
Steven W. Carroll, of California
Charles Coxwell Carson, of Virginia
Christopher Ronald Carver, of Oregon
Michael D. Christie, of Virginia
Daniel Y. Chu, of California
Daniel R. Cisek, of Illinois
Alfonso Cortes, of New York
John Edward Crippen, of Arkansas

Ramona S. Crippen, of Arkansas
Thomas P. Dalton, of Texas
Susan V. Dankovich, of Pennsylvania
Nathalie Jordan Davis, of Maryland
Wayne Charles Davis, of Virginia
Nathaniel P. Delemarre, of Virginia
Lawanda B. Dixon, of Maryland
Michael Stephen Doumitt, of Virginia
Monique A. Downs, of Maryland
Scott Driskel, of Virginia
Janet Marie Elbert, of Virginia
David Aaron Epstein, of New York
Nancy Ann Eyde, of Michigan
Kellee A. Farmer, of Kansas
David Kip Francis, of Georgia
Kevin W Friloux, of Texas
Edward A. Gallagher, of Virginia
Nicole E. Gallagher, of Maryland
Juan Jaime Gamboa, of Texas
James C. Gessler, of Virginia
Kristin Michele Gilmore, of California
Stephen Glaser, of California
Barry S. Greenberg, of Maryland
Lawrence James Grossback, of Virginia
Rebecca Haas, of Pennsylvania
Greg A. Hall, of Maryland
Mercedes Ruth Hammer, of Virginia
Sarah J. Hansen, of Virginia
Robert W. Hareland, of Nevada
Anthony P. Harman, of Maryland
S. Evan Harper, of the District of Columbia
Megan Alice Harris, of Virginia
Justin Matthew Hekel, of New York
Paul E. Hickernell, of Virginia
Rebecca Katherine Hunter, of Florida
Kareem N. Jamjoom, of Mssouri
James J. Jay, Jr, of Illinois
Michael H. Johnson, Jr., of Virginia
Nicole G Johnson, of Wisconsin
Eric A. Jordan, of Kansas
Przemyslaw Robert Kaczorowski, of Maryland
George R. Kanekkeberg, of Virginia
Megan M. Katin, of Virginia
Elizabeth C. Kaufman, of Virginia
James Brennan Kelly, of the District of Columbia
Keely Zwart Kilburg, of Texas
Eric Michael Kline, of Virginia
Scott O. Koenig, of California
Timothy R. Kraemer, of Virginia
Jeanne Brennan Land, of Virginia
Susan P. Larson, of Virginia
Elizabeth K. Lee, of California
Leslie A. Linnemeier, of Virginia
Mary LoFrisco-McClure, of Maryland
Billy Malone, of Virginia
Bruce G. Mangum, of Maryland
David Matthew Mark, of Virginia
Charles Martin, of Kentucky
Paul J. Martinek, of Massachusetts
Marjorie A. Mathelus, of Virginia
George D. Mathews, of Virginia
Catherine Jean McFarland, of Florida
Grant L. McMurran, of Virginia
Richard Bruce Mddlebrooks, of Virginia
Benjamin Edward Miller, of California
Thomas Miniaci, of Virginia
Blake W. Mobley, of the District of Columbia
Kimberlee Moore, of Virginia
Matthew Abraham Myers, Sr., of Florida
William R. Nelson, of Wisconsin
Nicole A. Nucelli, of Virginia
Aaron P. Ong, of Virginia
Robert C. Palmer, of California
Brandy L. Pankau, of West Virginia
Megan M. Phaneuf, of the District of Columbia
Justin A. Ponchak, of Virginia
Michael Hugh Quinn, of Alaska
Jamie William Ravetz, of Pennsylvania
Robin Reichenbach, of Virginia
Christopher Rhoton, of Virginia
Meredith Robertson, of Virginia
Carolyn Rodal, of Virginia
Timothy R. Roman, of Maryland
Aaron John Rupert, of Ohio
Manju K. Sadarangani, of New York
Marco G. Sailors, of Pennsylvania
Susan M. Sakraida, of Pennsylvania
Marcelyn E. Sanchez, of California
Cheryl Anderson Saus, of Virginia
Kevi E. Sechrest, of Virginia
David P. Segalini, of Virginia
Anjalina Sen, of New York
D. Alexandra Shuey, of the District of Columbia
Richard R. Silver, of California
Theodora S. Smith, of Maryland
Timothy J. Smith, of Maryland
Andrew D. Snodgrass, of Virginia
Jimmi Nicole Sommer, of Idaho
Jorge Patrick Sowers, of Virginia
Paul Glen Stahle, of Maryland
Wade B. Stanton, of Virginia
Sharla Stephenson, of Virginia
Sarah C. Stewart, of Arizona
Erin C. Stuart, of Virginia
Mary E. Stuessy, of Ohio
Huguette Thornton, of Florida
Peter J. Thrapp, of Illinois
Benjamin Tietz, of Virginia
Joseph Anthony Tordella, of Florida
Rubani I. Trimiew, of New Jersey
Nguyen C. Trinh, of Maryland
Kristine M. Tuori, of Maryland
Cynthia Jean Turner, of Florida
Ariel Rebecca Vaagen, of Texas
Michelle R. Vassar, of Virginia
Jessica R. Vielhuber, of Virginia
Heidi B. Vierow, of Virginia
Timothy S. Wade, of the District of Columbia
Kerry Merkl Wald, of Connecticut
Michele Wells, of California
Richard Whitten, of Florida
Whitney Scott Wiedeman, of Texas
Stewart A.S. Wight, of Virginia
Todd Andrew Wilder, of Washington
Michelle Marie Wildman, of Indiana
Suzanne M. Yountchi, of California

The following-named Career Members of the Senior Foreign Service of the Department of Agriculture/APHIS for promotion within and into the Senior Foreign Service to the classes indicated: Career Member of the Senior Foreign Service, Class of Career Minister:

Danny J. Sheesley, of Colorado

DEPARTMENT OF STATE

Julia A. Stewart, of Virginia

The following-named Members of the Foreign Service to be Consular Officers and/or Secretaries in the Diplomatic Service of the United States of America, as indicated:

Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Paul S. Cushman, of Florida

DEPARTMENT OF STATE

Jessica Lynn Adams, of Ohio
Gregory David Aurit, of Nevada
Mark J. Bosse, of California
Roberta R. Burns, of New York
Lydia Beth Butts, of Texas
Lisa Arunee Buzenas, of the District of Columbia
Daniel C. Callahan, of Virginia
Thomas L. Card, of Virginia
Michael Carney, of Georgia
Mary Karol Cline, of the District of Columbia
Marc S. Cook, of the District of Columbia
Michael Albert Daschbach, of Arizona
Thomas R. De Bor, of Pennsylvania
Kristen Fresonke, of New York
Lawrence H. Gemmell, of Maine
Lewis Gitter, of Pennsylvania
Kristofor E. Graf, of Texas
Sean S. Greenley, of South Carolina
Michael William Hale, of Virginia
Paul Allen Hinshaw, of Mississippi
A. Diane Holcombe, of Maryland
Richard B. Johns, of Virginia
Steve M. Kenoyer, of California
Richard Morris, of Colorado
Andrea Jane Parsons, of the District of Columbia
Miranda A. Rinaldi, of the District of Columbia
Amy E. Roth, of Louisiana
Erik Martinas Ryan, of Arkansas
Denise Shen, of Virginia
Joan Renee Sinclair, of California
Diana Maria Sitt, of California
Elizabeth A. Sunday, of Pennsylvania
Mary C. Thompson, of Texas
Laura A. Till, of Colorado
Miriam Elise Tokumasu, of Washington
Nyree Tripptree, of Georgia
Christopher Van Bebber, of California
Angela Raye Ventling, of New York
Vaida Vidugiris, of New York
Zebulun Q Weeks, of Nevada
Diane Whitten, of Nebraska
Brandon L Wilson, of Virginia
Deborah Winters, of the District of Columbia

Career Member of the Senior Foreign Service, Class of Career Minister:

Anne H. Aarnes, of Vermont
Hilda Marie Arellano, of Texas
Karen Dene-Turner, of the District of Columbia

Career Member of the Senior Foreign Service, Class of Minister-Counselor:

Deborah K. Kennedy-Iraheta, of Virginia
Erma Willis Kerst, of the District of Columbia
Howard Jeffrey Sumka, of Maryland
Leon S. Waskin, Jr., of Florida
Paul E. Weisenfeld, of the District of Columbia
Susumu Ken Yamashita, of Florida

Career Member of the Senior Foreign Service, Class of Counselor;

Jennifer Adams, of New York
John A. Beed, of Maryland
Beth Ellen Cypser-Kim, of New York
Thomas R. Delaney, of Pennsylvania
Dona M. Dinkler, of Virginia
Gary Flynn Fuller, of California
Lawence Hardy II, of Washington
Michael T. Harvey, of Texas
James M Harmon, of Maryland
Edith Fayssoux-Jones Humphreys, of Florida
Brooke Andrea Isham, of Washington
David Leong, of Virginia
Bobbie E. Myers, of Florida
Charles Eric North, of Virginia
Martha Erin Solo, of Virginia
Dennis J. Weller, of Illinois
Melissa Ann Williams, of Virginia

Career Members of the Senior Foreign Service of the United States of America, Class of Career Minister:

Pamela E. Bridgewater, of Maryland
Steven A. Browning, of Texas
Jeremy F. Curtin, of Maryland
Daniel Fried, of California
Francis Joseph Ricciardone, Jr., of New Hampshire

Career Members of the Senior Foreign Service of the United States of America, Class of Minister-Counselor:

Bernadette Mary Allen, of Maryland
Betsy Lynn Anderson, of Virginia
Claudia E. Anyaso, of the District of Columbia

Edmund Earl Atkins, of California
Joyce A. Barr, of Washington
Kevin Michael Barry, of Virginia
Leslie Ann Bassett, of California
Donna M. Blair, of Louisiana
Anne Taylor Callaghan, of Virginia
Arnold A. Chac, of New York
Michael Hugh Corbin, of California
Gene Allan Cretz, of New York
Michael Joseph Darmiento, of Virginia
Jonathan D. Farrar, of California
Philip S. Goldberg, of New York
Gary A. Grappo, of Florida
Charles H. Grover, of New Hampshire
David M. Hale, of New Jersey
Robert Porter Jackson, of Virginia
Tracey Ann Jacobson, of the District of Columbia
Stuart E. Jones, of Pennsylvania
Peter Graham Kaestner, of Florida
Susan E. Keogh, of California
Nabeel A. Khoury, of New York
Lisa Jean Kubiske, of Virginia
Joseph Estey MacManus, of New York
Haynes Richardson Mahoney III, of Massachusetts
M. Lee McClenny, of Washington
Nancy E. McEldowney, of Florida
Christopher J. McMullen, of the District of Columbia
James Desmond Melville, Jr., of New Jersey
William H. Moser, of Florida
Sandra M. Muench, of Florida
Anthony Muse, of Tennessee
Geraldine H. O'Brien, of Massachusetts
James A. Paige, of Ohio
Isiah L. Parnell, of Florida
Michael Bernard Regan, of New Jersey
Paul Edward Rowe, of Virginia
Larry Schwartz, of Washington
Justine M. Sincavage, of Pennsylvania
Jay Thomas Smith, of Indiana
Barbara J. Stephenson, of Florida
Agu Suvari, of Rhode Island
Teddy B. Taylor, of Maryland
Donald Gene Teitelbaum, of Virginia
Margaret A. Uyehara, of Virginia
James B. Warlick, Jr., of California
Kevin Michael Whitaker, of Virginia
Mary Jo Wills, of Virginia
Marie L. Yovanovitch, of Connecticut

Career Members of the Senior Foreign Service of the United States of America, Class of Counselor:

Gregory Adams, of Arizona
Susan Elaine Alexander, of Washington
Richard Hanson Appleton, of California
Michael Lee Bajek, of Texas
Robert David Banks, of Virginia
John R. Bass II, of New York
Robert Stephen Beecroft, of California
Robert I. Blau, of Virginia
Thurmond H. Borden, of Texas
Philip Jackson Breeden, Jr., of California
Matthew J. Bryza, of California
Piper Anne-Wind Campbell, of New York
Thomas H. Casey, Jr., of New Jersey
Karen Lise Christensen, of Virginia
Robert John Clarke, of Florida
John Alan Connerley, of California
Thomas Frederick Daughton, of New York
Robert Richard Downes, of Texas
Susan Marsh Elliott, of Virginia
Laura Patricia Faux-Gable, of Virginia
Julie A. Furuta-Toy, of California
Gonzalo Rolando Gallegos, of Texas
Peggy Ann Gennatiempo, of Washington
Thomas Henry Goldberger, of New Jersey
Robert Daniel Griffiths, of Nevada
Eva Jane Groening, of New Jersey
Ted William Halstead, of Virginia
D. Brent Hardt, of Florida
Clifford Awtrey Hart, Jr., of Virginia
Francisca Thomas Helmer, of California
Simon Henshaw, of Massachusetts
Leslie C. High, of Pennsylvania
Anthony Alonzo Hutchinson, of Washington
Dorothy Senger Imwold, of Florida
Tina S. Kaidanow, of New York
Ann N. Kambara, of California
David Joel Katz, of Washington
Neil R. Klopfenstein, of Iowa
Christopher A. Lambert, of Virginia
John Charles Law, of Virginia
Frank Joseph Ledahawsky, of New Jersey
Lewis Alan Lukens, of Vermont
Carol Lynn MacCurdy, of Virginia
Kevin K. Maher, of Virginia
John A. Matel, of Washington
Robin Hill Matthewman, of Washington
Matthew John Matthews, of Virginia
Louis Mazel, of New Hampshire
Michael William McClellan, of Kentucky
Kenneth H. Merten, of Virginia
Lawrence Mire, of California
Michael Chase Mullins, of New Hampshire
Richard Walter Nelson, of California
Virginia E. Palmer, of Virginia
Robert Patterson, of Pennsylvania
Claire A. Pierangelo, of California
H. Dean Pittman, of Mississippi
Robert Glenn Rapson, of New Hampshire
Philip Thomas Reeker, of New York
Gary D. Robbins, of Washington
Todd David Robinson, of New Jersey
Matthew M. Rooney, of Texas
Dorothea-Maria Rosen, of California
Andrew T. Simkin, of Washington
Pamela Leora Spratlen, of California
William Ralph Stewart, of Texas
Stephanie Sanders Sullivan, of Maryland
Susan M. Sutton, of Virginia
Alaina Teplitz, of the District of Columbia
Heather Ann Townsend, of the District of Columbia
Jeffrey Stewart Alexander Tunis, of Florida
Thomas E. Williams, Jr., of Virginia
Bisa Williams-Manigault, of Texas
Mary Hillers Witt, of Pennsylvania
Robert A. Wood, of New York

Career Members of the Senior Foreign Service, Class of Counselor, and Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Cheryl L. Alston, of Texas
Robert Douglas Barton, of Texas
Kevin W. Bauer, of Virginia
Stephen P. Brunette, of Virginia
Scott P. Bultrowicz, of Ohio
Kenneth B. Dekleva, of Texas
Loren F. File, Jr., of Virginia
Gregory V. Gavagan, of Florida
Joseph G. Hays III, of Virginia
John F. Hernly, of Maryland
Kibby Felecia Jorgensen, of Florida
George G. Lambert, of Indiana
Phillip S. Louh, of New Jersey
James P. McDermott, of Maryland
Bill A. Miller, of Georgia
Richard A. Nicholas, of Colorado
Robert A. Riley, of Florida
Michael H. Ross, of Virginia
Eric N. Rumpf, of Washington
Donald A. Schenck, of Virginia
John W. Schilling, of Virginia
Conrad V. Schmitt, of Texas
James E. Vanderpool, of California
Frontis B. Wiggins, of Virginia

AGENCY FOR INTERNATIONAL DEVELOPMENT

Jeffery A. Lifur, of Nevada

For appointment as Foreign Service Officer of Class Three, Consular Officer and Secretary in the Diplomatic Service of the United States of America:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Sabinus Fyne Anaele, of Texas
Yohannes A. Araya, of Virginia
Jeff Richard Bryan, of Florida
Samuel Carter, Jr., of Virginia
Thaddeus S. Corley, of Nevada
Linda S. Crawford, of Florida
Matthew R. Drake, of California
Steven DeVane Edminster, of Maryland
Steven M. Fondriest, of the District of Columbia
Wayne A. Frank, of Hawaii
Jeffery T. Goebel, of the District of Columbia
David Gosney, of California
Stephen F. Herbaly, of Montana
Nicholas B. Higgins, of the District of Columbia
Michelle A. Jennings, of California
Melissa A. Jones, of California
Terence Ernest Jones, of Florida
Jessica J. Jordan, of Florida
Erin Austin Krasik, of Ohio
Akua N. Kwateng-Addo, of Maryland
Lisa Magno, of Virginia
Michael Richard McCord, of Maryland
Erin Nicholson Pacific, of the District of Columbia
Sheila R. Roquitte, of Washington
Daniel Sanchez-Bustamante, of Maryland
Nancy M. Shalala, of New Jersey
Jeffry B. Sharp, of Illinois
Jason Kennedy Singer, of the District of Columbia
Kathyrine R. Soliven, of Maryland
Michael B. Stewart, of South Dakota
Aye Aye Thwin, of Virginia
Sara R. Walter, of Kansas
James Matthew Pye Weatherill, of New Jersey

The following-named Members of the Foreign Service to be Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Thomas P. Cassidy III, of Texas
Tanya Cole, of California
Nasir Khan, of Virginia
Ashley Miller, of Maryland

DEPARTMENT OF STATE

Brian D. Adkins, of Ohio
Nushin Sadik Alloo, of California
Laura E. Anderson, of South Carolina
Kathleen N. Astorita, of Virginia
Alfredo Ayuso, of Virginia
Adam Christopher Bacon, of Virginia
Alexander M. Bailey, of Virginia
Jennifer M. Bailey, of Virginia
Steven C. Barlow, of Virginia
Joseph George Bergen, of South Carolina
James T. Berry, of Virginia
Sarah E Bobbin, of Virginia
Darren Paul Bologna, of Virginia
Brian Andrew Bresnan, of Virginia
Kendrick Bennett Brown, of Virginia
Marcy S. Brown, of New York
Matthew Crane Buffington, of Utah
Meagan Call, of New Mexico
Anne M. Camus, of Virginia
Lindsay K. Campbell, of Maryland
Dean D. Caras, of the District of Columbia
James Michael Cichon, of Virginia
William Percy Cobb, Jr., of the District of Columbia
Henry Clay Constantine IV, of Virginia
Christopher L. Cook, of Texas
L.A. Cordero, of California
Andrea D. Corey, of Colorado
Brian F. Corteville, of Michigan
Jeffrey A. Courtemanche, of Virginia
Angela Vernet Dalrymple, of New York
Ralph Dixon III, of Virginia
Meera Doraiswamy, of Virginia
Damon DuBord, of the District of Columbia
Khashayar Ghashghai, of Texas
Fonta J. Gilliam, of North Carolina

Sandrine Susan Goffard, of Florida
Andrea Lauren Gottlich, of Kansas
Teresa L. Grantham, of Arizona
Andrea G. Hall, of Virginia
Thomas Neal Halphen, of Louisiana
Harry J. Handlin, of Maryland
Kathryn Hartmere, of Maryland
Brendan Kyle Hatcher, of Tennessee
Heidi S. Hattenbach, of Colorado
Cristin Heinbeck, of Michigan
Prashant Hemady, of Pennsylvania
Jacquelyn E. Henderson, of Indiana
Annalis Hermann, of Virginia
Norma C. Hernandez, of California
Roy Arturo Hines, of California
Winifred Loop Hofstetter, of Colorado
Mark W. Hopkins, of Virginia
Charles Phillip Hornbostel, of Virginia
Matthew Lane Horner, of Oregon
Eric S. Huguley, of Maryland
Francine I. Kalnoske, of Maryland
Zoraida Tarifa Kelley, of Virginia
James Sean Kennedy, of California
Colleen M. Kenning, of the District of Columbia
Anna M. Klimaszewska, of Virginia
Rachel R Kutzley, of Ohio
Tye M. Lageman, of Virginia
James G. Lankford, of Texas
Eric James Legallais, of Virginia
Maria del Carmen Liautaud, of Virginia
Brian Jay Luster, of Virginia
Margaret Grace MacLeod, of New York
Denise M. Malone, of Florida
Jeff D. Malsam, of Virginia
Amanda Joy Mansour, of the District of Columbia
Sara Elizabeth Martz, of Virginia
Pamela S. Miller, of Virginia
James Alexander Moore, of Virginia
Matthew A. Morrow, of Ohio
Victor G. Myers, of Maryland
Victoria A. Nestor, of Pennsylvania
Tyler Ross Nicholes, of Virginia
Siobhan Colby Oat-Judge, of Connecticut
Craig P. Osth, of Virginia
Steven Lynn Ovard, of Utah
Matthew R. Petersen, of Virginia
Garry Pierrot, of Florida
Sharon L. Pollard, of Virginia
Kathryn E. Porter, of Alabama
Brandon Possin, of Wisconsin
Rachel E. Quiroga, of Virginia
Amy J. Reardon, of Washington
Richard N. Reilly, of Florida
Charles A. Reynolds, of Georgia
David Reynolds, of Rhode Island
Kristin Marie Roberts, of Virginia
Michael Rosenthal, of the District of Columbia
Lindsey L. Rothenberg, of the District of Columbia
Samuel Flom Rothenberg, of the District of Columbia
Sarah A. Sadow, of Virginia
Alexander Rafael Schaper, of Virginia
Jacob Taylor Schultz, of Florida
Frank Erick Sellin, of Virginia
Ami U. Shah, of New Jersey
Philip Lee Shaw, of Virginia
David C. Shiao, of Virginia
Beth Nichole Skubis, of Virginia
Rhonda Lynn Slusher, of Kansas
Lachrisha D. Smith, of Maryland
John Steven Soltys, of Virginia
Jonathan W. Spitzer, of Virginia
Kimberly M Strollo, of Florida
Nikhil P. Sudame, of Connecticut
Erin P. Sweeney, of New Jersey
Michael J. Sweet, of Virginia
Justen Allen Thomas, of Wisconsin
Scott VanBeuge, of Washington
Nancy Taylor VanHorn, of Texas
Marian C. Walker, of Utah
Dineen B. Willats, of Virginia
Timothy Lee Witkiewicz, of Virginia
Daniel Wallace Wright, of Virginia
Kevin S. Yates, of North Carolina
Zainab Zaid, of Maryland
Marwa Zeini, of Florida

DEPARTMENT OF STATE

S. Najlaa Abdus-Samad, of New York
J. Andrew Abell, of the District of Columbia
Anthony W. Alexander, of California
Christopher Campbell Allison, of Missouri
Erfana Andrabi, of Washington
Faris Y. Asad, of Ohio
Forest Grady Atkinson, of California
Benjamin Seth Bailey, of Washington
Anne Elizabeth Baker, of Washington
Chelsea M.H. Bakken, of Washington
Daniela A. Ballard, of California
Ann Barrow, of Florida
Alistair Charles Baskey, of Texas
Todd Michael Bate-Poxon, of Florida
Matthew Kenneth Beh, of New York
Mariju Libo-on Bofill, of West Virginia
Scott Charles Bolz, of Washington
Pauline Nicole Borderies, of California
Jennifer F. Bosworth, of the District of Columbia
Tobias Alyn Bradford, of Texas
Staci A. Brothers-Jackson, of Georgia
Christopher Charles Brown, of Wisconsin
D.A. Brown, of Florida
Justin Patrick Brown, of California
Thomas E. Brown, Jr., of Maryland
Timothy Patrick Buckley, of New York
Dayle Rebecca Carden, of Texas
Lyra Sharon Carr, of Nevada
Cassandra Carraway, of California
Michael J. Carver, of Texas
Eric Catalfamo, of Florida
Ethan Daniel Chorin, of California
Lewis A. Clark, of Texas
Christopher T. Cortese, of Florida
Kim D'Auria-Vazira, of California
Timmy T. Davis, of California
Frank DeParis, of Virginia
Shelly J. Dittmar, of New York
Katya Dmitrieva, of New York
Andrea Susana M. Donnally, of Florida
Jed Taro Dornburg, of the District of Columbia
Daniel S. Duane, of New York
Julie A. Eadeh, of Michigan
Michael G. Edwards, of Washington
Kiera Lacey Emmons, of California
Richard J. Faillace, of New Jersey
Joseph T. Farrelly, of the District of Columbia
Yuriy R. Fedkiw, of Ohio
Julia C. Fendrick, of Maryland
Timothy J. Fingarson, of Maryland
Andrea Finnegan, of New York
Rees M. Fischer, of Florida
Michael Kevin Fitzpatrick, of Maryland
Christopher T. Friefeld, of Virginia
Thomas Barry Fullerton, Jr., of Tennessee
Enrique Rodrigo Gallego, of Illinois
Angela Louise Gemza, of Minnesota
Anita Ghildyal, of Missouri
Matthew Bryant Golden, of California
Candace A. Graves, of North Carolina
John H. Gregg, of Alabama
Jason Kamata Hackworth, of Washington
Daniel E. Hall, of Arizona
Scott William Hansen, of Virginia
Alexander K. Hardin, of Ohio
Danielle Alisa Harms, of Pennsylvania
Scott Edward Hartmann, of the District of Columbia
Lesley M. Hayden, of Minnesota
Rich Heaton, of California
Maria Herbst Richart, of Alaska
Priscilla A. Hernandez, of Texas
Kary I. Hintz-Tate, of Virginia
Courtney Houk, of Florida
Jerry S. Ismail, of Virginia
Joseph Samuel Jacanin, of Indiana
Richard C. Jao, of New York
Judith M. Johnson, of Texas
Todd M. Katschke, of Illinois
Pamela R. Kazi, of Minnesota
Mary Elizabeth Knapp-Rasay, of Florida
Elizabeth J. Konick, of New York
Bryan K. Koontz, Jr., of Virginia
Stephen Gyula Kovacsics, of Florida
Eric J. Kramp, of Florida
Marybeth Krumm, of California
Jamie Tyler La More, of Arizona
Marsha Ann Lance, of Florida
John C. Letvin, of Florida
Adham Zibas Loutfi, of California
Christian J Lynch, of New York
Thomas H. Lyons, of Tennessee
Michael H. Margolies, of Louisiana
Ann L. Mason, of Michigan
Jennifer J. McAlpine, of Minnesota
Evan McCarthy, of Rhode Island
Robert A. McCutcheon, of Maryland
Shannon Tovan McDaniel, of Missouri
Jason McInerney, of California
John T. McNamara, of New York
Bernadette M. Meehan, of New York
Richard Conrad Michaels, of Arizona
Matthew J. Miller, of Wyoming
Anthony Miranda, of Washington
Rebecca Shira Morgan, of Illinois
Eric G. Morin, of Florida
James M. Morris, of Massachusetts
Joshua C. Morris, of Washington
Oliver John Moss III, of Florida
Junaid Mazhar Munir, of Michigan
Fahez Ahmad Nadi, of New York
Ari Nathan, of California
James Patrick Neel, of Nevada
Peter Neisuler, of Massachusetts
Phillip B. Nervig, of New York
David C. Ng, of Arizona
Sadia Niazi, of Virginia
Sean Patrick O'Hara, of Virginia
Trevor R. Olson, of Idaho
Adam Daniel Packer, of Indiana
Christine D. Parker, of Illinois
Walter Parrs III, of New York
Dexter C. Payne, of Virginia
Jonathan R. Peccia, of Illinois
Robert Patrick Peck, of Florida
Elizabeth Lynne Perry, of Massachusetts
Timothy C. Phillips, of California
Michael Edward Pignatello, of the District of Columbia
Cynthia L. Plath, of California
Mary Elizabeth Rose Polley, of Virginia
Jennifer Kathleen Purl, of California
Sara M. Revell, of Texas
Jason Bradley Rieff, of the District of Columbia
Bernadette Eileen Roberts, of Michigan
Benedict Robinette, of Virginia
Scott Ashton Robinson, of California
Jacquelyn Burke Rosholt, of Minnesota
Adam Douglas Ross, of Connecticut
Jeff Rotering, of North Dakota
Ruth Ellen Rudzinski, of Colorado
Emmett J. Ryan, Jr., of Montana
Kirk Harris Samson, of Wisconsin
Janet Nicole Sanders, of Arkansas
Gabrielle Hayes Sarrano, of Virginia
Briana L.M. Saunders, of Minnesota
Karen P. Schinnerer, of Michigan
J. Michelle Schohn, of North Carolina
Dawn M. Schrepel, of Texas
Vanessa A. Schulz, of the District of Columbia
Shelly A. Seaver, of Florida
June A. Shin, of California
John H. Silson, of Ohio
Daniel E. Slaven, of Texas
Patrick T. Lowinski, of Texas
Beth Moser Smith, of Virginia

Brian Kenneth Stimmler, of Florida
Christy Melicia Watkins Stoner, of Virginia
Amy L. Storrow, of Texas
Bryan Richard Switzer, of California
Matthew Alan Taylor, of Florida
Paul S. Thomas, of Colorado
Anthony Dean Tranchina, of New York
Shawn Harris Tribe, of California
Karen K. Tsai, of New York
Frank F. Tu, of California
Michael Turner, of California
Susan Lea Unruh, of Texas
Adam Richard Vogelzang, of Michigan
Jason Vorderstrasse, of California
Jocelyn Ann Vossler, of California
Sharon Ann Weber-Rivera, of New York
Helaena Wossum White, of Tennessee
Scott Lee Whitmore, of New Hampshire
John David Wilcock, of Virginia
Emily L. Williams, of Minnesota
Patrick C. Williams III, of West Virginia
Rachel Elizabeth Wolfe, of Virginia
Carson H. Wu, of Virginia
Michael H. Young, of California
Stacie Zerdecki, of Texas
Melanie Anne Zimmerman, of Maryland
Jim Zix, of Oregon

The following-named Members of the Foreign Service to be Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

DEPARTMENT OF COMMERCE

Lawrence G. Johnson, of California
Tracy T. Perrelli, of the District of Columbia
Lisa Rigoli, of Virginia

The following-named Career Members of the Foreign Service of the Department of State for promotion into the Senior Foreign Service, and for appointment as Consular Officers and Secretaries in the Diplomatic Service, as indicated:

Career Member of the Senior Foreign Service of the United States of America, Class of Counselor:

Kurt Walter Tong, of Virginia

Career Member of the Senior Foreign Service, Class of Counselor, and Consular Officer and Secretary in the Diplomatic Service of the United States of America:

Lonnie J. Price, of Virginia

Mr. REID. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged of the following nominations: Mary Ann Glendon to be Ambassador to the Holy See, PN 1028; Charles Larson to be Ambassador to Latvia, PN 1087; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF STATE

Mary Ann Glendon, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Holy See.

Charles W. Larson, Jr., of Iowa, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Latvia.

Mr. REID. Mr. President, I ask unanimous consent that the Homeland Security Committee be discharged from the following nominations: Steven Murdock to be Director of the census, PN 660; Jeffrey Runge to be Assistant Secretary for the Health Affairs and Chief Medical Officer, PN 826; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF COMMERCE

Steven H. Murdock, of Texas, to be Director of the Census.

DEPARTMENT OF HOMELAND SECURITY

Jeffrey William Runge, of North Carolina, to be Assistant Secretary for Health Affairs and Chief Medical Officer, Department of Homeland Security.

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee and the Banking Committee be discharged of the following nominations:

Scott Burns, to be Deputy Director of National Drug Control Policy, PN692; Cynthia Dyer, to be Director of the Violence Against Women Office, PN827; Nathan Hochman, to be Assistant Attorney General, PN1052; Joseph Russoniello, to be U.S. attorney, PN1070; Alan Mendelowitz, to be Director of Federal Housing Finance Board, PN989; Christopher Padilla, to be Under Secretary of Commerce for International Trade, PN861; that the nominations be confirmed, the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations, considered and confirmed, are as follows:

DEPARTMENT OF COMMERCE

Christopher A. Padilla, of the district of Columbia, to be Under Secretary of Commerce for International Trade.

DEPARTMENT OF JUSTICE

Cynthia Dyer, of Texas, to be Director of the Violence Against Women Office, Department of Justice.

Nathan J. Hochman, of California, to be an Assistant Attorney General.

Joseph P. Russoniello, of California, to be United States Attorney for the Northern District of California.

EXECUTIVE OFFICE OF THE PRESIDENT

Scott M. Burns, of Utah, to be Deputy Director of National Drug Control Policy.

FEDERAL HOUSING FINANCE BOARD

Allan I. Mendelowitz, of Connecticut, to be a Director of the Federal Housing Finance Board.

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged of the following nominations:

Tracy Justesen, to be Assistant Secretary for Special Education, PN1051; Carol D'Amico, PN244; and Eric Hanusek, PN243, to be members of the board of directors of the National Board for Education Sciences; that the nominations be confirmed, the motions to reconsider be laid on the table; the President be immediately notified of the Senate's action, and the Senate return to legislation session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations, considered and confirmed, are as follows:

DEPARTMENT OF EDUCATION

Tracy Ralph Justesen, of Utah, to be Assistant Secretary for Special Education and Rehabilitative Services, Department of Education.

NATIONAL BOARD FOR EDUCATION SCIENCES

Eric Alan Hanushek, of California, to be a Member of the Board of Directors of the National Board for Education Sciences.

Carol D'Amico, of Indiana, to be a Member of the Board of Directors of the National Board for Education Sciences.

Mr. REID. Mr. President, I ask unanimous consent that the HELP Committee be discharged of the following nominations:

Howard Radzely, to be Deputy Secretary of Labor, PN562; Stuart Ishimaru, to be a member of the Equal Employment Opportunity Commission, PN845; Gregory Jacob, to be Solicitor for the Department of Labor Statistics, PN944; Keith Hall, to be Commissioner of Labor Statistics, PN944; Douglas Webster, to be Chief Financial Officer at the Department of Labor, PN964; that the nominations be confirmed, the motions to reconsider be laid on the table; the President be immediately notified of the Senate's action; and the Senate then return to legislative session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations, considered and confirmed, are as follows:

DEPARTMENT OF LABOR

Howard Radzely, of Maryland, to be Deputy Secretary of Labor.

Gregory F. Jacob, of New Jersey, to be Solicitor for the Department of Labor.

Keith Hall, of Virginia, to be Commissioner of Labor Statistics, Department of Labor.

Douglas W. Webster, of Virginia, to be Chief Financial Officer, Department of Labor.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Stuart Ishimaru, of the District of Columbia, to be a Member of the Equal Employment Opportunity Commission.

NOMINATIONS

Mr. LEAHY. Mr. President, as the first session of the 110th Congress concludes, we should note that the Senate has worked hard on executive nominations. In addition to confirming 40 lifetime appointments to the Federal bench, we confirmed 21 of this President's nominations for high-ranking executive branch positions, including the confirmations of nine U.S. attorneys, four U.S. marshals, and nine other important positions. We achieved these numbers in a year when our investigation into the mass firing of U.S. attorneys, which triggered a host of resignations by senior White House and Justice Department officials, led the Judiciary Committee to devote significant time to rebuilding the integrity and independence of the Justice Department.

We held hearings on nine executive nominations, including 2-day hearing on the nomination of Michael B. Mukasey to be Attorney General of the United States and another hearing on the nomination of Judge Mark Filip to be Deputy Attorney General of the United States, the top two positions at the Justice Department. We also held hearings on the nominations of Michael J. Sullivan to be Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives; Ronald Jay Tenpas to be Assistant Attorney General, Environment and Natural Resources Division, Department of Justice; Ondray T. Harris to be Director, Community Relations Service, Department of Justice; David W. Hagy, to be Director of the National Institute of Justice, Department of Justice; Scott M. Burns, to be Deputy Director of National Drug Control Policy, Executive Office of the President; Cynthia Dyer, to be Director of the Violence Against Women Office, Department of Justice; and Nathan J. Hochman, to be an Assistant Attorney General, Tax Division, Department of Justice.

I thank the members of the Judiciary Committee for their hard work all year in considering these important nominations. I especially thank those Senators who have given generously of their time to chair confirmation hearings throughout the year.

These nominations come at a critical time for the Nation. Over the course of this year, during which the Judiciary Committee investigated the firing of U.S. attorneys, we faced the most serious threat to the effectiveness and professionalism of the Justice Department since Watergate and the Saturday Night Massacre. Under this President, the Justice Department suffered a severe crisis of leadership that allowed our justice system to be corrupted by political influence. The crisis of leadership that led to numerous resignations and has taken a heavy toll on the tradition of independence that has long guided the Department and protected it from political influence. This crisis has also taken a heavy toll on morale at the Department and in confidence among the American people.

Our work to restore the Justice Department also including reporting nine U.S. attorney nominations: James Russell Dedrick to be U.S. attorney for the Eastern District of Tennessee, Thomas P. O'Brien to be U.S. attorney for the Central District of California, Edward Meacham Yarbrough to be U.S. attorney for the Middle District of Tennessee, Rosa Emilia Rodriguez-Velez to be U.S. attorney for the District of Puerto Rico, Joe W. Stecher to be U.S. attorney for the District of Nebraska, John Wood to be U.S. attorney for the Western District of Missouri, Diane J. Humetewa to be U.S. attorney for the District of Arizona, Gregory A. Brower to be U.S. attorney for the District of Nevada, and Edmund A. Booth, Jr. to be U.S. attorney for the Southern District of Georgia. Some replace outstanding U.S. attorneys who were fired almost a year ago as part of the ill-advised, partisan plan to fire well-performing U.S. attorneys.

We also reported the nominations of four U.S. marshals: Michael David Credo for the Eastern District of Louisiana, Esteban Soto III for the District of Puerto Rico, John Roberts Hackman for the Eastern District of Virginia, and Robert Gideon Howard, Jr., for the Eastern District of Arkansas.

We also reported the nominations of Julie L. Myers to be Assistant Secretary of Homeland Security, Dabney Langhorne Friedrich to be a member of the U.S. Sentencing Commission, and Beryl A. Howell to be a member of the U.S. Sentencing Commission.

Just this week, with only a few legislative days left to us before the Christmas holidays and the end of this session, our committee held two hearings for executive nominations.

Our track record shows that the Judiciary Committee has been working hard to make progress. Of course, when the White House fails to timely send us nominations to fill vacancies, it makes it that much harder.

The White House has made an abysmal effort to send nominees to the Senate to replace the fired U.S. attorneys and to fill vacancies in those districts and many others. There are now 19 districts with acting or interim U.S. attorneys instead of Senate-confirmed U.S. attorneys. That is nearly a quarter of all districts. Yet the White House has nominated only 4 people for these 19 spots. Of course, some of these could have been filled a year ago had the White House worked with the Senate.

I have urged the President to fill the remaining executive vacancies with nominees who will restore the independence of Federal law enforcement. Last month, the White House announced with great fanfare its intent to make nominations for key positions at the Department of Justice. It was only weeks later that several of these nominations were sent to the Senate. The delays in sending U.S. attorney nominees and others to the Senate follow the many months of delay where the White House failed to send nominees to fill vacancies that have been open since the summer, or before.

In the course of the committee's investigation into the unprecedented mass firing of U.S. attorneys by the President who appointed them, we uncovered an effort by officials at the White House and the Justice Department to exploit an obscure provision enacted during the PATRIOT Act reauthorization to do an end-run around the Senate's constitutional to confirm U.S. attorneys. The result was the firing of well-performing U.S. attorneys for not bending to the political will of political operatives at the White House.

I have repeatedly emphasized that when it comes to the Justice Department and to the U.S. attorneys in our home States, Senators have a say and a stake in ensuring fairness and independence in order to insulate Federal law enforcement function from untoward political influence. That is why the law and the practice has always been that these appointments require Senate confirmation. The advice and consent check on the appointment power for U.S attorneys is a critical function of the Senate.

I had hoped when the Senate voted overwhelmingly to close the loophole created by the PATRIOT Act when we passed S.214, the Preserving United States Attorneys Independence Act of 2007, by a vote of 97 to 0, it would send a clear message to the administration to make nominations that could receive Senate support and begin to restore an important check on the partisan influence in law enforcement. Yet, even as we closed one loophole, the administration has been exploiting others to continue to avoid coming to the Senate. Under the guidance of an erroneous opinion of the Justice Department's Office of Legal Counsel, the administration has been, employing the Vacancies Act authority to use acting U.S. attorneys and the power to appoint interim U.S. attorneys sequentially. They have used this misguided approach to put somebody in place for 330 days without the advice and consent of the Senate. This approach runs afoul of congressional intent and the law.

By not providing us with the nominations to the highest ranking vacancies within the Justice Department and not providing the basic background materials needed to review such nominations before the Thanksgiving recess, the administration has once again foreclosed the opportunity to have these nominees considered by the Senate and in place this year. Those nominations will now necessarily carryover into the next session. That is unfortunate and was unnecessary.

We will continue to make progress when we can, and I will urge the White House to work with the Senate to fill these vacancies.

NOMINATION OF JON WELLINGHOFF AND JOE KELLIHER

Ms. CANTWELL. Mr. President, I will support the Senate moving forward on the confirmation of Jon

Wellinghoff and Joe Kelliher to be members of the Federal Energy Regulatory Commission. While I am pleased that FERC has been using its expanded authority granted by Congress in the Energy Policy Act of 2005 to pursue manipulation in the electricity and natural gas markets, I think it is critically important to remind FERC of its statutory duty to oversee the energy markets and protect consumers.

In light of evidence of market manipulation in the Western electricity crisis in 2001, I fought hard to ban market manipulation in electricity and natural gas markets. My amendment, adopted by Congress as part of the Energy Policy Act of 2005, provided FERC new authority under the Federal Power Act and Natural Gas Act to investigate and punish market manipulation in electricity and natural gas markets.

I am pleased to see that FERC has used this expanded authority to conduct 64 investigations. According to FERC, 13 of these investigations have resulted in settlements involving the payment of civil penalties or other monetary remedies totaling over $40 million. Two investigations have resulted in FERC bringing enforcement actions for alleged market manipulation against Amaranth Advisors LLC for $291 million in civil penalties and Energy Trading Partners for $167 million in civil penalties. Amaranth's shenanigans cost consumers upwards of $9 billion dollars during the summer of 2006.

However, I want to remind FERC of its responsibilities relating to protecting consumers under the Federal Power Act's statutory "just and reasonable" standard. In section 1290 of the Energy Policy Act of 2005, which I authored, Congress directed FERC to exercise its Federal Power Act authority to enforce "just and reasonable" rates when it reviewed the validity of termination payment claims made by Enron during the Western energy crisis of 2000–2001.

After entering into power contracts in a market that Enron manipulated, several utilities, including the Snohomish Public Utility District in my State, the Nevada Power Company and Sierra Pacific Power Company in Nevada, terminated their contracts with Enron or watched as Enron terminated them when the company's web of fraudulent accounting was revealed in late 2001. As a result, Enron tried to squeeze hundreds of millions of dollars of termination fee payments from the electricity consumers of these utilities. In my opinion, these payments demanded by Enron were certainly neither just nor reasonable.

After enactment of the Cantwell amendment, the Snohomish Public Utility District in my State and several other entities including the Nevada Power Company, asked FERC to exercise its Federal Power Act authority, which includes enforcing "just and reasonable" rates, and deny Enron the ability to charge the fraudulent termination payments.

Using the force of the Cantwell amendment, these Washington State and Nevada utilities were able to avoid protracted litigation and settle Enron's absurd termination fee claims, saving these utilities from paying hundreds of millions in unjust payments on contracts that Enron fraudulently induced. This has helped save electricity consumers of Washington and Nevada hundreds of millions of dollars.

This spring, the U.S. Supreme Court will review a decision of the U.S. Court of Appeals for the Ninth Circuit which declared that FERC failed to use its authority under the Federal Power Act to enforce "just and reasonable" rates. In a brief to the Supreme Court in this matter, FERC recently took the position that it was free to approve long-term contracts arising out of the 2000–2001 Western power crisis notwithstanding evidence that, in the words of Stanford University energy economist Dr. Frank Wolak, suppliers to the Western markets during this period were "able to exercise market power at unprecedented levels" resulting in "prices vastly in excess of competitive levels."

As the Ninth Circuit's opinion makes clear, if FERC adopts market-based rates, it has an obligation to ensure that the markets operate properly and it cannot simply assume that a contract is just and reasonable even if the contract is the product of a manipulated market, such as the experienced in the West during 2000–2001.

It is troublesome that FERC continues to argue that it is free to ignore evidence of market manipulation and market power abuse when reviewing contracts affected by that abuse. Moreover, this position is inconsistent with its recent emphasis on enforcement of market standards. FERC's position in the Supreme Court essentially could allow market abusers to protect their ill-gotten gains by locking them up in contracts, undermining any incentive they might otherwise have to obey market rules and report abuses by other market participants.

While I am pleased that Commissioner Wellinghoff's response to my questions indicates that he does not agree with FERC's brief in this matter, I will continue to watch FERC very closely as this case moves forward. FERC is the sole forum to bring complaints of market power abuse and manipulation in electricity and natural gas, markets, and I fully expect FERC to not abrogate its Federal Power Act responsibilities to protect consumers and enforce "just and reasonable" rates.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will now return to legislative session.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

APPOINTMENT

The ACTING PRESIDENT pro tempore. The Chair, on behalf of the minority leader, and after consultation with the ranking members of the Senate Committee on Armed Services and the Senate Committee on Finance, pursuant to Public Law 106–398, as amended by Public Law 108–7, appoints the following individual as a member of the United States—China Economic Security Review Commission: Daniel A. Blumenthal of the District of Columbia, for a term expiring December 31, 2009.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m., Friday, December 21, and that on Friday, the Senate meet in pro forma session only, with no business conducted; that at the close of Friday's session, the Senate then meet in pro forma session, with no business conducted, on the following days and following times and recess after each session: Sunday, December 23, at 11 a.m.; Wednesday, December 26, at 9:30 a.m.; Friday, December 28, at 10 a.m.; Monday, December 31, at 10 a.m., and that at the close of the pro forma session on December 31, the Senate stand adjourned sine die, pursuant to S. Con. Res. 61, as amended, until 12 noon, Thursday, January 3, 2008, for a pro forma session only, and the Senate then recess until Monday, January 7, at 9 a.m., to meet in pro forma session, as provided previously, and meet on the following days and recess over each period: Wednesday, January 9, 11 a.m.; Friday, January 11 at 9:30 a.m.; Tuesday, January 15, at 11 a.m.; and Friday, January 18, at 10 a.m.; that at the close of that session, the Senate then reconvene on Tuesday, January 22, at 10 a.m.; that the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and then there be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak for up to 10 minutes each, and the time be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final portion, and that the Senate then proceed to S. 1200, as previously provided.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS UNTIL 9:30 A.M., FRIDAY, DECEMBER 21, 2007

Mr. REID. Mr. President, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 9:22 p.m., recessed until Friday, December 21, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

EXECUTIVE OFFICE OF THE PRESIDENT

DEANNA TANNER OKUN, OF IDAHO, TO BE A DEPUTY UNITED STATES TRADE REPRESENTATIVE, WITH THE RANK OF AMBASSADOR, VICE KARAN K. BHATIA.

DEPARTMENT OF STATE

RICHARD A. BOUCHER, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD.

WILLIAM J. BURNS, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD.

ANNE WOODS PATTERSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD.

C. DAVID WELCH, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, FOR THE PERSONAL RANK OF CAREER AMBASSADOR IN RECOGNITION OF ESPECIALLY DISTINGUISHED SERVICE OVER A SUSTAINED PERIOD.

DEPARTMENT OF HOMELAND SECURITY

ROBERT D. JAMISON, OF VIRGINIA, TO BE AN UNDER SECRETARY OF HOMELAND SECURITY.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ROBERT G. MCSWAIN, OF MARYLAND, TO BE DIRECTOR OF THE INDIAN HEALTH SERVICE, DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOR THE TERM OF FOUR YEARS, VICE CHARLES W. GRIM, RESIGNED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JAMSHEED K. CHOKSY, OF INDIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2014, VICE LAWRENCE OKAMURA, TERM EXPIRING.

DAWN HO DELBANCO, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2014, VICE DARIO FERNANDEZ-MORERA, TERM EXPIRING.

GARY D. GLENN, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2014, VICE STEPHAN THERNSTROM, TERM EXPIRING.

DAVID HERTZ, OF INDIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2014, VICE JEWEL SPEARS BROOKER, TERM EXPIRING.

MARVIN BAILEY SCOTT, OF INDIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR THE REMAINDER OF THE TERM EXPIRING JANUARY 26, 2010, VICE THOMAS K. LINDSAY, RESIGNED.

CAROL M. SWAIN, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2014, VICE SIDNEY MCPHEE, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

MANUEL POZOALONSO, 8597

To be major

RACHELLE A. RETOMA, 0820

NOMINATIONS RETURNED TO THE PRESIDENT

Wednesday, December 19, 2007

The following nominations transmitted by the President of the United States to the Senate during the first session of the 110th Congress, and upon which no action was had at the time of the December recess of the Senate, failed of confirmation under the provisions of Rule XXXI, paragraph 6, of the Standing Rules of the Senate.

DEPARTMENT OF DEFENSE

ANITA K. BLAIR, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY.

DEPARTMENT OF JUSTICE

STEVEN G. BRADBURY, OF MARYLAND, TO BE AN ASSISTANT ATTORNEY GENERAL.

IN THE AIR FORCE

AIR FORCE NOMINATION OF COL. MARK W. TILLMAN, 2389, TO BE BRIGADIER GENERAL.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH COL. LARRY L. ARNETT AND ENDING WITH COL. GILBERTO S. PENA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 9, 2007.

ARMY NOMINATION OF COL. MARC L. WARREN, 3744, TO BE BRIGADIER GENERAL.

DISCHARGED NOMINATIONS

The Senate Committee on Foreign Relations was discharged from further consideration of the following nominations and the nominations were confirmed:

FOREIGN SERVICE NOMINATIONS BEGINNING WITH CEDRA DANIELLE EATON AND ENDING WITH DANNY J. SHEESLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 6, 2007.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JULIA A. STEWART AND ENDING WITH DEBORAH WINTERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2007.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH ANNE H. AARNES AND ENDING WITH MELISSA ANN WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 23, 2007.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH PAMELA E. BRIDGEWATER AND ENDING WITH FRONTIS B. WIGGINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 23, 2007.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JEFFERY A. LIFUR AND ENDING WITH MARWA ZEINI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2007.

MARY ANN GLENDON, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HOLY SEE.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH S. NAJLAA ABDUS-SAMAD AND ENDING WITH LONNIE J. PRICE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 7, 2007.

CHARLES W. LARSON, JR., OF IOWA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LATVIA.

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nominations and the nominations were confirmed:

STEVEN H. MURDOCK, OF TEXAS, TO BE DIRECTOR OF THE CENSUS.

JEFFREY WILLIAM RUNGE, OF NORTH CAROLINA, TO BE ASSISTANT SECRETARY FOR HEALTH AFFAIRS AND CHIEF MEDICAL OFFICER, DEPARTMENT OF HOMELAND SECURITY.

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nominations and the nominations were confirmed:

ERIC ALAN HANUSHEK, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2010.

CAROL D'AMICO, OF INDIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2010.

HOWARD RADZELY, OF MARYLAND, TO BE DEPUTY SECRETARY OF LABOR.

STUART ISHIMARU, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2012.

GREGORY F. JACOB, OF NEW JERSEY, TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR.

KEITH HALL, OF VIRGINIA, TO BE COMMISSIONER OF LABOR STATISTICS, DEPARTMENT OF LABOR, FOR A TERM OF FOUR YEARS.

TRACY RALPH JUSTESEN, OF UTAH, TO BE ASSISTANT SECRETARY FOR SPECIAL EDUCATION AND REHABILITATIVE SERVICES, DEPARTMENT OF EDUCATION.

The Senate Committee on the Judiciary was discharged from further consideration of the following nominations and the nominations were confirmed:

SCOTT M. BURNS, OF UTAH, TO BE DEPUTY DIRECTOR OF NATIONAL DRUG CONTROL POLICY.

CYNTHIA DYER, OF TEXAS, TO BE DIRECTOR OF THE VIOLENCE AGAINST WOMEN OFFICE, DEPARTMENT OF JUSTICE.

NATHAN J. HOCHMAN, OF CALIFORNIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

JOSEPH P. RUSSONIELLO, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS.

The Senate Committee on Banking, Housing, and Urban Affairs was discharged from further consideration of the following nominations and the nominations were confirmed:

CHRISTOPHER A. PADILLA, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE.

ALLAN I. MENDELOWITZ, OF CONNECTICUT, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2014.

The Senate Committee on Health, Education, Labor, and Pensions was discharged from further consideration of the following nomination and the nomination was confirmed:

DOUGLAS W. WEBSTER, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF LABOR.

CONFIRMATIONS

Executive nominations confirmed by the Senate Wednesday, December 19, 2007:

FEDERAL ENERGY REGULATORY COMMISSION

JOSEPH TIMOTHY KELLIHER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2012.

DEPARTMENT OF HOMELAND SECURITY

JULIE L. MYERS, OF KANSAS, TO BE ASSISTANT SECRETARY OF HOMELAND SECURITY.

FEDERAL EMERGENCY MANAGEMENT AGENCY

W. ROSS ASHLEY, III, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY.

DEPARTMENT OF COMMERCE

TODD J. ZINSER, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF COMMERCE.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

BENJAMIN ERIC SASSE, OF NEBRASKA, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

CHRISTINA H. PEARSON, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF HEALTH AND HUMAN SERVICES.

FEDERAL ENERGY REGULATORY COMMISSION

JON WELLINGHOFF, OF NEVADA, TO BE A MEMBER OF THE FEDERAL ENERGY REGULATORY COMMISSION FOR THE TERM EXPIRING JUNE 30, 2013.

DEPARTMENT OF DEFENSE

JAMES SHINN, OF NEW JERSEY, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

MARY BETH LONG, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

JOHN H. GIBSON, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

CRAIG W. DUEHRING, OF MINNESOTA, TO BE AN ASSISTANT SECRETARY OF THE AIR FORCE.

DEPARTMENT OF TRANSPORTATION

FRANCIS MULVEY, OF MARYLAND, TO BE A MEMBER OF THE SURFACE TRANSPORTATION BOARD FOR A TERM EXPIRING DECEMBER 31, 2012.

CARL T. JOHNSON, OF VIRGINIA, TO BE ADMINISTRATOR OF THE PIPELINE AND HAZARDOUS MATERIALS SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) MICHAEL R. SEWARD, 2642

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral (lower half)

CAPT. JOSEPH R. CASTILLO, 3894
CAPT. DANIEL R. MAY, 4862
CAPT. PETER V. NEFFENGER, 7652
CAPT. CHARLES W. RAY, 8564

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) WILLIAM D. BAUMGARTNER, 0425
REAR ADM. (LH) MANSON K. BROWN, 6734
REAR ADM. (LH) CYNTHIA A. COOGAN, 3505

DEPARTMENT OF HOMELAND SECURITY

ROBERT D. JAMISON, OF VIRGINIA, TO BE AN UNDER SECRETARY OF HOMELAND SECURITY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF COMMERCE

STEVEN H. MURDOCK, OF TEXAS, TO BE DIRECTOR OF THE CENSUS.

CHRISTOPHER A. PADILLA, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF COMMERCE FOR INTERNATIONAL TRADE.

DEPARTMENT OF EDUCATION

TRACY RALPH JUSTESEN, OF UTAH, TO BE ASSISTANT SECRETARY FOR SPECIAL EDUCATION AND REHABILITATIVE SERVICES, DEPARTMENT OF EDUCATION.

DEPARTMENT OF HOMELAND SECURITY

JEFFREY WILLIAM RUNGE, OF NORTH CAROLINA, TO BE ASSISTANT SECRETARY FOR HEALTH AFFAIRS AND CHIEF MEDICAL OFFICER, DEPARTMENT OF HOMELAND SECURITY.

DEPARTMENT OF JUSTICE

CYNTHIA DYER, OF TEXAS, TO BE DIRECTOR OF THE VIOLENCE AGAINST WOMEN OFFICE, DEPARTMENT OF JUSTICE.

NATHAN J. HOCHMAN, OF CALIFORNIA, TO BE AN ASSISTANT ATTORNEY GENERAL.

JOSEPH P. RUSSONIELLO, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE NORTHERN DISTRICT OF CALIFORNIA FOR THE TERM OF FOUR YEARS.

DEPARTMENT OF LABOR

HOWARD RADZELY, OF MARYLAND, TO BE DEPUTY SECRETARY OF LABOR.

GREGORY F. JACOB, OF NEW JERSEY, TO BE SOLICITOR FOR THE DEPARTMENT OF LABOR.

KEITH HALL, OF VIRGINIA, TO BE COMMISSIONER OF LABOR STATISTICS, DEPARTMENT OF LABOR, FOR A TERM OF FOUR YEARS.

DOUGLAS W. WEBSTER, OF VIRGINIA, TO BE CHIEF FINANCIAL OFFICER, DEPARTMENT OF LABOR.

DEPARTMENT OF STATE

MARY ANN GLENDON, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE HOLY SEE.

CHARLES W. LARSON, JR., OF IOWA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF LATVIA.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

STUART ISHIMARU, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR A TERM EXPIRING JULY 1, 2012.

EXECUTIVE OFFICE OF THE PRESIDENT

SCOTT M. BURNS, OF UTAH, TO BE DEPUTY DIRECTOR OF NATIONAL DRUG CONTROL POLICY.

FEDERAL HOUSING FINANCE BOARD

ALLAN I. MENDELOWITZ, OF CONNECTICUT, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR A TERM EXPIRING FEBRUARY 27, 2014.

NATIONAL BOARD FOR EDUCATION SCIENCES

ERIC ALAN HANUSHEK, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2010.

CAROL D'AMICO, OF INDIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2010.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. ROGER A. BRADY, 6581

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD Y. NEWTON III, 8008

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. WALTER D. GIVHAN, 4773

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM L. SHELTON, 0678

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. ALLYSON R. SOLOMON, 1378

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CHRISTOPHER F. BURNE, 2139
COL. DWIGHT D. CREASY, 0424

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL ROBERT B. ABRAMS, 0429
COLONEL RALPH O. BAKER, 1784
COLONEL ALLEN W. BATSCHELET, 3064
COLONEL PETER C. BAYER, JR., 4267
COLONEL ARNOLD N.G. BRAY, 2301
COLONEL JEFFREY S. BUCHANAN, 2774
COLONEL ROBERT A. CARR, 8041
COLONEL GARY H. CHEEK, 5138
COLONEL KENDALL P. COX, 8942
COLONEL WILLIAM T. CROSBY, 8622
COLONEL ANTHONY G. CRUTCHFIELD, 9770
COLONEL JOSEPH P. DISALVO, 9884
COLONEL BRIAN J. DONAHUE, 0140
COLONEL PATRICK J. DONAHUE II, 6240
COLONEL PETER N. FULLER, 3244
COLONEL WILLIAM K. FULLER, 4797
COLONEL WALTER M. GOLDEN, JR., 3792
COLONEL PATRICK M. HIGGINS, 6649
COLONEL FREDERICK B. HODGES, 7686
COLONEL BRIAN R. LAYER, 6190
COLONEL RICHARD C. LONGO, 4173
COLONEL ALAN R. LYNN, 8649
COLONEL DAVID L. MANN, 8247
COLONEL LLOYD MILES, 7819
COLONEL MARK A. MILLEY, 6104
COLONEL JOHN W. NICHOLSON, JR., 6582
COLONEL HENRY J. NOWAK, 8712
COLONEL RAYMOND P. PALUMBO, 9347
COLONEL GARY S. PATTON, 6191
COLONEL MARK W. PERRIN, 7150
COLONEL WILLIAM E. RAPP, 4511
COLONEL THOMAS J. RICHARDSON, 5539
COLONEL STEVEN L. SALAZAR, 0710
COLONEL RAYMOND A. THOMAS III, 0142
COLONEL PAUL L. WENTZ, 3661
COLONEL LARRY D. WYCHE, 9416

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. R. STEVEN WHITCOMB, 7058

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JOHN A. MACDONALD, 0673

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be brigadier general

COL. DANA K. CHIPMAN, 5098

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DENNIS L. CELLETTI, 9486

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. DAVID P. VALCOURT, 6455

FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH CEDRA DANIELLE EATON AND ENDING WITH DANNY J. SHEESLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 6, 2007.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JULIA A. STEWART AND ENDING WITH DEBORAH WINTERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 20, 2007.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH ANNE H. AARNES AND ENDING WITH MELISSA ANN WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 23, 2007.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH PAMELA E. BRIDGEWATER AND ENDING WITH FRONTIS B. WIGGINS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON OCTOBER 23, 2007.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JEFFERY A. LIFUR AND ENDING WITH MARWA ZEINI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2007.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH S. NAJLAA ABDUS-SAMAD AND ENDING WITH LONNIE J. PRICE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 7, 2007.

IN THE AIR FORCE

AIR FORCE NOMINATION OF JOSEPH V. TREANOR III, 1454, TO BE COLONEL.

AIR FORCE NOMINATION OF PAMALA L. BROWNGRAYSON, 7980, TO BE MAJOR.

AIR FORCE NOMINATION OF ALICIA J. EDWARDS, 1872, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH THERESA D. BROWNDOONQUAH AND ENDING WITH CHERYL A. JOHNSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 6, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH JEFFREY J. HOFFMANN AND ENDING WITH GERALD B. WHISLER III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 6, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH KELLEY A. BROWN AND ENDING WITH MARK A. NIELSEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 6, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH JOHN R. SHAW AND ENDING WITH NATALIE L. RESTIVO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2007.

IN THE ARMY

ARMY NOMINATIONS BEGINNING WITH WILLIAM E. ACKERMAN AND ENDING WITH MARK A. VAITKUS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2007.

ARMY NOMINATIONS BEGINNING WITH RACHEL A. ARMSTRONG AND ENDING WITH VERONICA A. THURMOND, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2007.

ARMY NOMINATIONS BEGINNING WITH VIVIAN T. HUTSON AND ENDING WITH LAURIE E. SWEET, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2007.

ARMY NOMINATIONS BEGINNING WITH GARY D. COLEMAN AND ENDING WITH PAUL E. WHIPPO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 15, 2007.

ARMY NOMINATION OF LILLIAN L. LANDRIGAN, 7903, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH SARAH B. GOLDMAN AND ENDING WITH MICHEAL B. MOORE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 3, 2007.

ARMY NOMINATIONS BEGINNING WITH RICKY A. THOMAS AND ENDING WITH JOSEPH PUSKAR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 3, 2007.

ARMY NOMINATION OF TARNJIT S. SAINI, 7873, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF BOCKARIE SESAY, 1511, TO BE MAJOR.

ARMY NOMINATION OF DEBORAH MINNICKSHEARIN, 3875, TO BE MAJOR.

ARMY NOMINATION OF STEPHEN L. FRANCO, 5820, TO BE MAJOR.

ARMY NOMINATION OF GEORGE QUIROA, 9747, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH DAVID N. GERESKI AND ENDING WITH CLINT E. WALKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 3, 2007.

ARMY NOMINATION OF KIMBERLY K. JOHNSON, 4357, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH ALAN JONES AND ENDING WITH CHANTAY P. WHITE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 3, 2007.

ARMY NOMINATIONS BEGINNING WITH MARIAN AMREIN AND ENDING WITH D060583, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 3, 2007.

ARMY NOMINATION OF DANIEL J. JUDGE, 1126, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH RICHARD HARRISON AND ENDING WITH GREGORY W. WALTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 6, 2007.

ARMY NOMINATIONS BEGINNING WITH JOE R. WARDLAW AND ENDING WITH NICKOLAS KARAJOHN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 6, 2007.

ARMY NOMINATIONS BEGINNING WITH VANESSA M. MEYER AND ENDING WITH JAMES E. ADAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 6, 2007.

ARMY NOMINATION OF QUINDOLA M. CROWLEY, 9098, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH PAUL A. MABRY AND ENDING WITH ROBERT PERITO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2007.

ARMY NOMINATIONS BEGINNING WITH JOSEPH M. ADAMS AND ENDING WITH D060256, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2007.

ARMY NOMINATIONS BEGINNING WITH ANTHONY J. ABATI AND ENDING WITH D060260, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2007.

ARMY NOMINATIONS BEGINNING WITH DAVID P. ACEVEDO AND ENDING WITH X1408, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2007.

IN THE COAST GUARD

COAST GUARD NOMINATION OF ROBERT A. STOHLMAN, 0118, TO BE CAPTAIN.

COAST GUARD NOMINATION OF RAYMOND S. KINGSLEY, 9696, TO BE LIEUTENANT.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH LILLIAN G. K. BREEN AND ENDING WITH ANNA-ELIZABETH B. VILLARD-HOWE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON NOVEMBER 1, 2007.

IN THE NAVY

NAVY NOMINATION OF HORACE E. GILCHRIST, 8910, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH RICHARD W. SISK AND ENDING WITH JOHN T. SCHOFIELD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 3, 2007.

NAVY NOMINATIONS BEGINNING WITH STEPHEN W. ALDRIDGE AND ENDING WITH KRISTOFER J. WESTPHAL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 11, 2007.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on December 19, 2007 withdrawing from further Senate consideration the following nomination:

ROBERT D. JAMISON, OF VIRGINIA, TO BE UNDER SECRETARY FOR NATIONAL PROTECTION AND PROGRAMS, DEPARTMENT OF HOMELAND SECURITY, VICE GEORGE W. FORESMAN, RESIGNED, WHICH WAS SENT TO THE SENATE ON SEPTEMBER 4, 2007.

EXTENSIONS OF REMARKS

TRIBUTE TO CIRCLE SEAL CONTROLS 60TH ANNIVERSARY

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to Circle Seals Controls, which celebrated its 60th anniversary in Corona, California. On November 29, 2007, I was proud to attend the anniversary celebration.

Circle Seal has a long, proud tradition of quality manufacturing in southern California. Circle Seal's home for the last 15 years is also my hometown—Corona. The state-of-the-art facility has 300 employees and provides equipment for military and commercial aircraft, U.S. Navy ships, the Space Shuttle, and other rocket and missile applications.

The evolution of the industrial defense base has allowed the U.S. government to get out of the manufacturing business and let contractors, who can do it better and cheaper, provide essential platforms and components. Without Circle Seal's expertise, our F–18s, Global Hawks and V–22s don't get off the ground. Right now, our troops are relying on the products made by Circle, and the pride the employees take in their work is a part of the success on the battlefield. I thank Circle Seal for all their hard work and their relentless pursuit of excellence.

Circle Seal's past successes have ensured a continued relationship with the U.S. government—I'm proud to see that the company also contributes to the C–17, the KC–767 Tanker and the Navy LCS programs. Their demonstrated reliability and quality are exactly what the government needs. I look forward to a continued strong relationship with Circle Seal and, again, I commend the company on their anniversary and—most importantly—the people who make Circle Seal a valued and integral part of the community.

TRIBUTE TO THE MIDLAND ROCKHOUNDS

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. CONAWAY. Madam Speaker, I rise today to salute my hometown baseball team, the Midland RockHounds, as they received the John H. Johnson President's Trophy honoring them as the best team in Minor League Baseball.

The Midland RockHounds, owned by Miles Prentice and Bob Richmond, are a community institution in the Permian Basin. Miles and Bob both have a deep passion for America's pastime, and it shows in the success of the RockHounds. Together with their management team, headed by longtime General Manager Monty Hoppel, Miles and Bob have created one of the most successful teams in the history of the Texas League.

Under the direction of Miles, Bob, and Monty, the RockHounds have twice won the Texas League Championship and have been honored as the Double-A organization of the year. In choosing the RockHounds as the recipients of the President's Trophy, Minor League Baseball has recognized the many years of hard work and deep community involvement as the best in the nation.

The RockHounds would not be the team they are today without the people of the Permian Basin who have generously rewarded their efforts with over 270,000 clicks of the turnstile this year alone—a franchise attendance record.

In addition to fielding a great ball club, the RockHounds management works tirelessly to raise money for the community—especially local schools and youth sports organizations. Led by the hugely successful West Texas Sports Banquet and Memorabilia Auction, the RockHounds participated in over 80 fundraisers this year and helped to raise over $100,000 this year for programs in the Permian Basin.

The President's Trophy is the most coveted award in Minor League Baseball as it is given in recognition of "overall franchise excellence". It takes into account the success of the franchise, its relationship with the surrounding community, and its contributions to baseball. On all of these measures, the Midland RockHounds are a model team and I am honored to represent the organization and its fans here in Washington.

Madam Speaker, it is with great pride and tremendous respect that I recognize the achievements of the Midland RockHounds today. Their successes on and off the baseball field have made the Permian Basin a better place to live and I can think of no team more deserving to earn the 2007 John H. Johnson President's Trophy.

TO HONOR PAUL VICTOR LINSTROM

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mrs. MUSGRAVE. Madam Speaker, I rise today to honor Paul Victor Linstrom who was born May 31, 1926, in Whitewood, SD. Paul attended school in Sturgis, SD. He joined the Navy in August of 1943, finishing his high school GED and naval training at the U.S. Naval Training Station at Farragut, ID. He was listed as a graduate of the class of 1944 at Sturgis High School. He was assigned to the *Pierre Victory* troop transport ship as a signalman and spent his military tour in the South Pacific. Paul was honorably discharged from the Navy in July 1946.

Paul married Isabelle Gerhard on September 21, 1946, in Sturgis, where he started his truck driving career for his Dad's business. Paul and his family moved to Rapid City in 1950 where he started a 25-year career as an over-the-road, sleeper, truck driver for United Buckingham Transport. He also drove for AMOCO Oil Co. of Rapid City from 1975 to 1990, when he retired.

He loved fishing, hunting, traveling and camping in the Black Hills as well as and throughout the American West, Mexico, and Canada. In 1965, he helped organize the "Black Hills Hillbillies", a camping club associated with the Red Dale National Campers Club, serving as the Head Scout for the Hillbillies and hosting a number of National Rallies in South Dakota, as a 36-year member.

Paul and Isabelle spent 10 years wintering in Apache Junction, AZ, meeting many new friends in the RV Park and taking bus trips in Arizona, California and Mexico. Paul and Isabelle raised two daughters, Paula Kay LaPorte, who is married to John LaPorte, and Deborah Ann Phelps, who is married to Mike Phelps. They have four grandchildren and four great-grandchildren.

Madam Speaker, we are so fortunate to live in this great country where freedom is something that we rarely have to think about and often take for granted. It is simply a way of life for us, and we are truly blessed to live in a country whose citizens willingly volunteer to put themselves in harm's way to defend and protect our great Nation.

I am proud to honor Paul for his dedicated service to our Nation. Paul is an American hero who left his home to defend our Nation, and then returned home to be a valued member of his community, showing his children and grandchildren how to live meaningful lives of service. Paul truly is the embodiment of all the values that have molded America into the great Nation it is today. May God bless Paul and his family, may God bless our precious veterans, and may God bless America.

RECOGNIZING DAVID LOUIS RELIC FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize David Louis Relic, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

America, and in earning the most prestigious award of Eagle Scout.

David has been very active with his troop, participating in many Scout activities. Over the many years David has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending David Relic for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF A RESOLUTION CELEBRATING 35 YEARS OF SPACE-BASED OBSERVATIONS OF THE EARTH BY LANDSAT SPACECRAFT AND LOOKING FORWARD TO SUSTAINING THE LONGEST, CONTINUOUS RECORD OF CIVIL EARTH OBSERVATIONS OF THE LAND

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. UDALL of Colorado. Madam Speaker, today I am introducing a House resolution to celebrate 35 years of space-based observations of the Earth by Landsat spacecraft, an accomplishment that has helped revolutionize our understanding of the Earth's land surface as well as enable a wide range of applications of Landsat data that have had significant societal benefits.

The Landsat program began with the launch of the first civilian Earth observation satellite on July 23, 1972, by the National Aeronautics and Space Administration, NASA. The satellite, originally known as the Earth Resources Technology Satellite, was later renamed Landsat 1. Since the first Landsat satellite, five follow-on spacecraft have been successfully launched to continue the space-based collection of land data. This series of Landsat satellites has established the longest, unbroken record of data on the global land surface.

The extensive three and a half-decade record of Landsat data has allowed scientists to study changes to the Earth's land cover over time, including changes influenced by both human and natural causes. The applied uses of the data have served numerous purposes, including natural resource management, land use planning, cartography, and food security, to cite just a few examples.

The data collected through the Landsat program are being used by many Federal agencies including NASA, the Department of the Interior and its U.S. Geological Survey, the Department of State, the Environmental Protection Agency, the Department of Defense, the Department of Agriculture, the Department of Justice, the Department of Transportation, and the Department of Homeland Security and its Federal Emergency Management Agency, among others. In addition, academic institutions, State, county, and local governments, private industry, foreign governments, and non-governmental organizations are users of Landsat data. The broad application of these data for scientific and societal benefit testifies to the Nation's sound investment in a public good.

My home State of Colorado has two companies that demonstrate the excellent commercial applications that have developed from the initial Federal investments made in space-based remote sensing exemplified by the Landsat program. DigitalGlobe in Longmont and GeoEye in Thornton have both become international leaders in the remote sensing fields.

I think it is important for this body to express our collective thanks to the many scientists, engineers, and program personnel who have contributed to Landsat's success over the past three and a half decades. As a result of their efforts, Landsat data has become an indispensable source for a host of beneficial applications that have improved our quality of life and enhanced our economic vitality. In addition, Landsat data are important scientifically. For example, the U.S. Climate Change Science Program has recognized the significance of the Landsat program, noting that "Landsat data are invaluable for studying the land surface and how it affects and is affected by climate."

However, while today's resolution recognizes the benefits we have accrued from past investments in the Landsat program, it is clear that more can be gained from this program in the years to come. I urge my colleagues to join me in ensuring that the benefits that are possible from civil space-based land observations, as well as from commercially available remote sensing systems, continue to be realized. By supporting the research, technology, education, and tools required to improve Landsat data collection and applications, we can look forward to further scientific advancements and societal benefits from this critical national asset.

Madam Speaker, in closing, I again want to salute all those who helped make Landsat possible and who work to maintain its continued successful operation, and I hope that my colleagues will join me in supporting this resolution.

PERSONAL EXPLANATION

HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. CARTER. Madam Speaker, on December 17, 2007, I was unable to be present for two rollcall votes due to technological complications with my vote notification system.

If present, I would have voted accordingly on the following rollcall votes: rollcall No. 1163—"aye"; rollcall No. 1164—"aye."

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. GALLEGLY. Madam Speaker, I was unable to make the following rollcall votes on December 17, 2007:

H. Res. 856, Resolution expressing heartfelt sympathy for the victims and families of the shootings in Omaha, Nebraska, on Wednesday, December 5, 2007. On the Motion to Suspend the Rules and Agree (rollcall No. 1163), I would have voted "aye."

H. Res. 851, Resolution honoring local and State first responders, and the citizens of the Pacific Northwest in facing the severe winter storm of December 2 and 3, 2007. On Motion to Suspend the Rules and Agree (rollcall No. 1164), I would have voted "aye."

H. Res. 873, Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules. On Ordering the Previous Question (rollcall No. 1165), I would have voted "no."

H. Res. 873, Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules. On Agreeing to the Resolution (rollcall No. 1166), I would have voted "no."

H. Con. Res. 271, Sine Die Adjournment resolution of the 1st Session of the 110th Congress. On Agreeing to the Resolution (rollcall No. 1167), I would have voted "no."

H. Res. 878, Resolution providing for consideration of the Senate amendment to H.R. 2764, State, foreign operations appropriations, FY 2008. On Ordering the Previous Question (rollcall No. 1168), I would have voted "no."

H. Res. 878, Resolution providing for consideration of the Senate amendment to H.R. 2764, State, foreign operations appropriations, FY 2008. On Agreeing to the Resolution (rollcall No. 1169), I would have voted "no."

H.R. 4286, To award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma. On Motion to Suspend the Rules and Pass (rollcall No. 1170), I would have voted "aye."

H.R. 2764, Department of State, Foreign Operations, and Related Programs Appropriations for FY 2008. On agreeing to Senate amendment with 1st House amendment (rollcall No. 1171), I would have voted "no."

H.R. 2764, Department of State, Foreign Operations, and Related Programs Appropriations for FY 2008. On agreeing to Senate amendment with 2nd House amendment (rollcall No. 1172), I would have voted "no."

H. Con. Res. 254, Resolution recognizing and celebrating the centennial of Oklahoma statehood. On the Motion to Suspend the Rules and Agree (rollcall No. 1173), I would have voted "aye."

SUPPORTING THE "PERFORMANCE RIGHTS ACT"

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. ISSA. Madam Speaker, I rise today in support of the "Performance Rights Act," which was introduced today. This legislation, long in the making, has the simple goal of requiring that those who generate revenue from the use of music, pay for the use of music.

Terrestrial broadcasters have a strong and meaningful relationship with the American public. There are few of us who do not have wonderful memories that are accompanied by music played over a radio, and fewer still who have not tuned in to hear news, traffic or emergency information. The American radio tradition is akin to apple pie or baseball. It is part of the American consciousness, and, with the help of HD radio, will remain so.

Even so, the past few decades have seen huge changes in how people consume music. Terrestrial radio once dominated new music awareness. This fact meant that if a consumer wanted to buy a song, they were likely to hear it on the radio first. Radio therefore had a dramatic promotional impact on music sales. However, even at the outset of mass music broadcasting in the United States, when Congress exempted terrestrial radio from paying artists a royalty, terrestrial radio was making money off of artists' work and paying nothing for it.

As time went on and records lost market share to 8-tracks, cassettes, CDs, and now MP3s, and terrestrial radio lost market share to cable radio, internet radio and satellite radio, consumer dependence upon terrestrial radio gradually decreased. Terrestrial radio no longer serves the same promotional role for music sales that it once did, but terrestrial radio is still exempt from paying a royalty to artists. Additionally, the other music platforms do pay for the right to broadcast music.

The "Performance Rights Act" encourages parity in music broadcasting by requiring terrestrial broadcasters to pay for the music they use. Stations that gross over $1,250,000 will negotiate with artists to pay a fair royalty. "Small" stations, those grossing under that amount, can opt to pay a flat rate of $5,000. Public broadcasters can elect to pay a flat rate of $1,000. Talk radio that only uses music incidentally is exempt from paying as are religious services. All together, approximately 77 percent of all radio will have to pay artists virtually nothing to use music. This bill is not the boogeyman that detractors will make it out to be.

However, this bill is, I believe, unfinished. The songs that individuals consume via terrestrial, satellite, cable, and internet radio contain the same notes and the same voices regardless of which platform does the broadcasting. Yet they pay different rates, sometimes vastly different rates. We need to look further into these disparities, and I look forward to working with Chairman HOWARD BERMAN and others on correcting any inconsistencies in current law.

The arguments that supported exempting terrestrial radio from paying a performance right have been eroded by the passage of time and technological innovation. We all yearn for the nostalgia of yesteryear and American terrestrial radio is a big part of that, but our recollections of the past do not support injustices into the future. Radio has changed. Terrestrial radio should pay for the right to use the music from which it benefits.

INTRODUCTION OF LEGISLATION TO CODIFY TITLE 41, U.S. CODE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. CONYERS. Madam Speaker, Ranking Member LAMAR SMITH and I are introducing a bill to codify into positive law as title 41, United States Code, certain general and permanent laws related to public contracts. This bill was prepared by the Office of the Law Revision Counsel, as part of its functions under 2 U.S.C. §285(b).

This bill is essentially identical to H.R. 5414, favorably reported by the Committee on the Judiciary in the 109th Congress, updated to incorporate enactments that took place after the earlier bill was prepared.

This legislation is not intended to make any substantive changes in the law. As is typical with the codification process, a number of non-substantive revisions are made, including the reorganization of sections into a more coherent overall structure, but these changes are not intended to have any substantive effect.

The bill, along with a detailed section-by-section explanation of the bill, can be found on the Law Revision Counsel Web site at http://uscode.house.gov/cod.

The Committee on the Judiciary hopes to act on this bill after providing an opportunity for public review and comment. In addition to sharing concerns with the Committee, interested persons are invited to submit comments to Ken Paretzky, Senior Counsel, Office of the Law Revision Counsel, U.S. House of Representatives, H2–304 Ford House Office Building, Washington, DC, 20515–6711, (202) 226–9061.

TRIBUTE TO DR. RICHARD AMOS

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. CRAMER. Madam Speaker, it is with great honor that I rise today to recognize Dr. Richard Amos upon his departure as Deputy to the Commanding General of the U.S. Army Aviation and Missile Command (AMCOM) at Redstone Arsenal in Huntsville, AL. Dr. Amos is stepping down at the end of this year to pursue opportunities outside of Federal service.

Madam Speaker, this is the second time that I have risen to honor Dr. Amos in the CONGRESSIONAL RECORD, a rare tribute in my 17 years in Congress. Dr. Amos, a native of Huntsville, has served as the Deputy to the Commanding General since 2004. In this position, he is the top civil servant at Redstone. He is responsible for managing over 11,000 military and civilian employees and tasked with providing our Nation's warfighters with the most up-to-date technology and tools.

Dr. Amos was promoted to the Senior Executive Service in 2000 and previously served as the Director of the System Simulation and Development Director at the Aviation and Missile Research Development and Engineering Center (AMRDEC) also located at Redstone. Throughout his tenure, he has diligently worked to serve our soldiers and ensure the Army is able to meet the ever-changing needs of our country.

Madam Speaker, today his family, friends, and colleagues throughout the North Alabama defense community celebrated his Federal service and accomplishments. I rise to join them in their tribute and to thank Dr. Amos for his many years of Federal service. I wish him the very best for the future.

IN TRIBUTE TO THE MEMORY OF VESTER EUGENE SHULER

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mrs. MUSGRAVE. Madam Speaker, I rise to pay tribute to the memory of Vester Eugene Shuler whose warm heart and love of music touched many lives in Colorado. Gene was born in Choestoe, GA, and first came to Colorado when he was 13 years old to work in the sugar beet fields in Weld County. He traveled back and forth between Georgia and Colorado frequently in his early years and later raised his family in North Park, Colorado.

Gene spent summers working in Colorado while attending school in Georgia. He proudly served in the United States Army and was sent to Germany in 1945. During his tour of duty he was a mechanic who supervised a garage. He returned home to Georgia to marry his sweetheart Loujine Young on July 17, 1948.

The young couple soon headed west and spent time working and living with Gene's brother Grady and his wife Ethel. They later moved to North Park where Gene worked as a welder and mechanic with Ozark Mahoney. A labor strike closed the mine and sent the young family to California to spend some time with relatives. They soon returned to North Park, living in Cowdrey, Pine Springs and finally Walden. Gene worked for the Wilford Garage, Cooper Motors and the Sigma Coal Mines.

Music played a large part of Gene's life. As a young boy Gene stuttered. He began playing music at a young age; it gave him a way to say things he couldn't make out in words. He realized that he could do with music what he couldn't do with words. He knew when it was time to start the music and what music everyone loved to hear. If you knew him at all, then he knew your favorite song. He truly loved the time he shared with the people he cared about.

Gene and Loujine raised 2 children, Carl Shuler and Gwen Hanson. They were blessed with 5 grandchildren and 6 great-grandchildren. They enjoyed traveling and visited Georgia, Florida, Texas, California, Wyoming, Arizona and many places in between.

Gene's life was a lesson in how to enjoy life, honor God, care for others, face difficulties with courage, and make a positive impact on the world. I am proud to honor Gene, a precious veteran, who is the embodiment of all the values that have molded America into the great Nation it is today. May God bless his family, may God bless our veterans, and may God bless America.

RECOGNIZING JUSTIN COLBY SCHULTZ FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Justin Colby Schultz, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, and in earning the most prestigious award of Eagle Scout.

Justin has been very active with his troop, participating in many Scout activities. Over the many years Justin has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Justin Schultz for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

THE "PERFORMANCE RIGHTS ACT" OF 2007

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. BERMAN. Madam Speaker, today, I join my colleagues in both the House and the Senate in introducing "The Performance Rights Act" of 2007. This legislation is a first step at ensuring that all radio platforms are treated in a similar manner and that those who perform music are paid for their work.

This narrowly tailored bill amends a glaring inequity in America's copyright law—the provision in section 114 that exempts over-the-air broadcasters from paying those who perform the music that we listen to on AM and FM radio. For as long as I have been working on the intellectual property subcommittee, I have been troubled by this policy that sets America apart from every other developed country in the world. The purpose of the bill is to take a necessary step towards platform parity so that any service that plays music pays those who create and own the recordings—just as satellite, cable, and internet radio stations currently do.

I understand that this legislation raises some difficult political issues. Several people have expressed some very legitimate concerns—like the need to accommodate small broadcasters, the possibility of jeopardizing the revenues earned by songwriters and music publishers, or expanding the scope of the law governing music played in restaurants and other public venues. So let me begin by clarifying how we have narrowly tailored this legislation—

(1) The bill repeals the current broadcaster exemption—but it does not apply to bars, restaurants and other venues, or expand copyright protection in any other way.

(2) The bill provides an accommodation of protection for small and non-commercial broadcasters by setting a low flat annual fee with no negotiation, litigation or arbitration expenses. Nearly 77 percent of existing broadcasting stations in this country—including college stations and public broadcasters—will pay only a nominal flat fee, rather than having to pay a percentage of their revenues as royalties.

(3) The bill extends copyright protection to artists, musicians, and the sound recording labels—it does not harm or adversely affect the revenues rightfully paid to songwriters and other existing copyright owners.

For over 20 years I have been convinced that fairness mandates that all those in the creative chain from the artist, musicians and others who bring the recording to life—get compensated for the way they enrich our lives. The U.S. is the only developed country in the world that does not require privately owned over-the-air radio stations to compensate those performers who create the music that broadcasters use to attract the audience that generate their ad revenues. Because of music, radio is able to profit. Not compensating those who create the music is unfair and ultimately harmful to music creation that benefits everyone—including the broadcasters. Furthermore, the law requires all other platforms in the U.S., including satellite and Internet radio, to compensate the copyright owner.

Songwriters and music publishers rightly do get paid when their song is played on the radio, but the artist whose voice or musical talent brings in the ad revenue for the station never receives a penny from the station. That means that under existing law, when you hear "White Christmas" on the radio this holiday season, the estate of Irving Berlin will get paid for the words and music that he wrote. But the estate of Bing Crosby will not—even though it is the tone and texture of his voice that symbolizes Christmas for so many. This disparity makes no sense. Therefore, in an effort to begin the journey towards parity among platforms and fairness to artists, the bill as introduced will affect three areas where there is currently disparate treatment:

Platform parity—Never in the past have there been more engaging technological platforms which offer music to consumers at almost any time, in any format. Especially with the roll-out of HD, "hybrid digital," radio which will provide greater choice, it becomes harder to justify an exemption for any one platform. Both the radio station, regardless of the platform, and the performer benefit from the playing of music over the air. But only one party, the station, gets to keep the revenue it generates. While stations use music to get their ad revenue, they gladly leave others to pay the artist for another use of the music. It is certainly true that on all platforms there are differing degrees of promotion that may benefit the artist. That is why the Copyright Royalty Board takes into consideration any promotional element and adjusts the compensation to the artist appropriately.

While calling the performance right a "tax" might make for good rhetoric, it is also good rhetoric to call it "corporate welfare" when the U.S. Code compels copyright owners, artists, and musicians to give broadcasters their music for free. It is simply time to eliminate this anachronistic and unjustified subsidy.

International parity—During a recent meeting in Nashville President Bush was asked about this issue. When he was told that broadcasters in every country in the world except for China, Iran, North Korea, and Rwanda pay a performance right, he rightfully observed, "it sounds like we're keeping interesting company."

Because America does not have an adequate performance right, our own artists and musicians cannot receive royalties when their music is played on radio stations outside the U.S. In many countries between 20–50 percent of the music played abroad is "American-made" and because of the lack of reciprocity, we are denying our performers millions of dollars in revenue.

Rights parity—Songwriters have long been compensated for the songs that are played on the radio—as they should be. However, just as there would be nothing for musicians to play without notes, and nothing for the artist to sing without the words, there is also nothing for a DJ to play without a recorded song.

Our kids know the song "Breakaway" because Kelly Clarkson recorded it—but few know that it was written by Avril Lavigne. Does it make sense for Lavigne to get paid but for Clarkson not to get paid? The fact that Patsy Clines' estate is not compensated for over-the-air performances of her singing "Crazy" seems crazy. Shouldn't performers be paid as well?

One of America's greatest treasures is its intellectual property. In cities and towns across the Nation and in countries around the world, American music is heard throughout the streets. People are consuming more music than ever. Yet the music industry is in crisis. The total value for the music industry at retail declined from $14.5 billion in 1999 to $11.5 billion in 2006. So, any claim that radio should get a free ride because so-called "free airplay" contributes to record sales just isn't true. Record sales have fallen 18 percent since 2000.

In 1995 Congress took a step forward and established a limited performance right for digital sound recordings. Yet, the performance right Congress created with one hand was taken away with other, by exempting all terrestrial broadcasts.

Cable, satellite, and Internet radio services are granted a statutory license to broadcast music as long as they pay the defined fee determined by the Copyright Royalty Board. This bill extends the statutory licensing requirement to terrestrial broadcasters to avoid an unfair advantage. I do note however, that as we discuss reform of the section 114 license—other issues will likely arise such as, the standard to be used in determining royalty rates, the sound recording complement, and treatment of ephemeral copies.

We are fortunate that with the evolution of new technologies there are many legal music distribution services currently available. Cable, Internet, and satellite platform providers all compete to provide consumers their choice of music, anytime, in any place, in any format.

While I am encouraged by the many options, I am concerned that the government seems to be giving preference to one platform over the others by exempting over-the-air broadcasters from compensating owners of the music which they use to grow their business. This bill seeks the appropriate balance between promoting the creativity of music and fostering innovation. Following is a section-by-section summary of the legislation:

Section 1. Short title

This Act may be cited as the "Performance Rights Act."

Section 2. Equitable treatment for terrestrial broadcasts

This section repeals the exemption for terrestrial broadcasters and makes conforming changes by deleting references to the word "digital" from the types of audio transmissions that are subject to a performance right. With these changes, all terrestrial (over-the-air) broadcast transmissions, including analog audio transmissions, would be subject to sound recording performance rights thereby providing parity for the technologies currently covered under the section 114 license.

Section 3. Special treatment for small and non-commercial Public Broadcasting stations; and religious stations and certain uses

This section would create an accommodation for certain qualifying broadcasters from the negotiation and arbitrated rate-setting. Instead, such broadcasters would pay a prescribed flat fee or would retain their current exemption.

For small broadcasters who make revenue less than $1.25 million and therefore are concerned about the uncertainty of the rate and the impact on the growth and viability of their business—this section sets a flat annual royalty fee of $5,000 per year for any individual station (even those part of a larger radio network) with no litigation, negotiation, arbitration, royalty board proceeding or licensing costs.

Furthermore, for non-commercial/public broadcast stations (irrespective of size) the rate is capped at $1,000 per year per station.

Finally, for those stations that broadcast religious services or make "incidental use of musical sound recordings" such as brief musical transitions in and out of commercials or program segments, or brief performances during news, talk and sports programming there is an outright exemption.

Section 4. Availability of per program license

This section allows terrestrial radio stations to obtain program licenses for sound recordings (at separately set rates), in lieu of blanket licenses. In some cases, a radio station may not make many featured uses of music, for example a mixed-format station. In such cases, rather than requiring a station to pay a general blanket license fee in the same amount paid by a station that primarily makes featured uses of music, this section requires the Copyright Royalty Board to establish a "per program license" so that such stations can choose only to pay for the music they use, which may be less costly than the general blanket license. This parallels the licenses offered by the performance rights organizations for performing the underlying musical copyright.

Section 5. No harmful effects on songwriters

Finally, this section protects the songwriters from the impact of providing this new performance right. In the first instance, the bill adopts the songwriters' suggestion to remove the prefatory language which merely expressed "the intent of Congress" not to diminish the royalties of the songwriters. Furthermore, it includes the express indication that nothing in the Act shall adversely affect the royalties to songwriters.

I do not want to suggest that this bill is a "perfect" solution. But it is an appropriate starting place. I know there are other parts of section 114 that need to be reformed as well, and therefore will begin to examine additional provisions in the coming months. Furthermore, I remain open to suggestions for amending the language to improve its efficacy or rectify any unintended consequences.

This bill attempts to strike a balance between providing adequate protection to our musicians and artists and continuing to support new innovative technologies. My goal is to preserve the legitimate marketplace by providing a technology neutral structure or at least one with parity for all services that appropriately pay for the music. I hope the parties can work together to reach further consensus on how to achieve parity between technologies and provide rightful compensation to our artists and musicians.

We hope that with introduction of this companion bill in the House to the Performance Rights Act in the Senate, Congress will act quickly to level the playing field between technologies and ensure rightful compensation to performers.

HONORING THE LIFE OF GRACE CARLTON ALLEN

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Ms. CASTOR. Madam Speaker, I rise today to honor the life and legacy of Grace Carlton Allen, and to commend her contributions to the University of South Florida.

"Amazing Grace," as she was nicknamed by former Tampa Congressman Sam Gibbons, was born in North Dakota in 1908. She attended the University of South Dakota and the University of Minnesota, where she graduated with degrees in English and Secondary Education. After graduation, Allen taught high school English and secondary education.

She met her husband, John Allen at the University of Minnesota, and they married in 1933. The couple moved to Gainesville, Florida in 1948, where her husband was appointed President of the University of Florida, and from 1954 to 1955, Grace served as the University of Florida's interim First Lady.

In 1957, John was named as the first president of a yet unnamed and newly established university in Tampa. Grace and her husband moved to Tampa, where they would remain for the rest of their lives. As classes weren't scheduled to start until 1960, the Allens themselves, shaped what would later be known as the University of South Florida.

The summer before the University opened its doors, "Amazing Grace" invited all of USF's wives and female staff members to her home. With this group of women, she established the USF Women's Club, which remains active on campus today as a social, cultural, and philanthropic organization. In 1994, the USF Women's Club endowed the Grace Allen Scholarship, and within the first ten years of being established, it awarded 119 full tuition scholarships for excellence in academics, leadership, and service.

Another endowed fund of the USF Women's Club was given to the University in Mrs. Allen's name to provide funds to the university's library.

The Allens were one of the first families to live in the Tampa neighborhood of Carrollwood, where Grace also made her mark. She started a tradition where residents set luminaries outside of their homes on Christmas Eve. Pilots have been known to divert their planes over the neighborhood to see the lights each year.

When John retired from the University in 1970, the Board of Regents named USF's administration building after John and Grace in recognition of their lasting contributions to the university community. In 1996, USF awarded Grace the honorary degree of Doctorate of Humane Letters.

Until her death on December 16, 2007 at the age of 99, Grace remained an active member of and advocate for the University of South Florida's community. She is remembered as a powerful spokesperson for academic excellence, and as a caring, spirited woman by the countless friends, staff members and students whose lives she touched.

The Tampa community honors the life of Grace Allen for her outstanding contributions to the University of South Florida and the Tampa Bay area. Her life serves as an inspiration and will continue to influence the lives of people in our community for years to come.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mrs. MYRICK. Madam Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

December 17, 2007: Rollcall vote 1163, on motion to suspend the rules and agree to the resolution—H. Res. 856, expressing heartfelt sympathy for the victims and families of the shootings in Omaha, Nebraska, on Wednesday, December 5, 2007—I would have voted "aye."

Rollcall vote 1164, on motion to suspend the rules and agree to the resolution—H. Res. 851, honoring local and state first responders, and the citizens of the Pacific Northwest in facing the severe winter storm of December 2 and 3, 2007—I would have voted "aye."

Rollcall vote 1165, on ordering the previous question—H. Res. 873, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules—I would have voted "nay."

Rollcall vote 1166, on agreeing to the resolution—H. Res. 873, waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the

Committee on Rules—I would have voted "nay."

Rollcall vote 1167, on agreeing to the resolution—H. Con. Res. 271, providing for the sine die adjournment of the first session of the 110th Congress—I would have voted "nay."

Rollcall vote 1168, on ordering the previous question—H. Res. 878, providing for the consideration of the Senate amendment to the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes—I would have voted "nay."

Rollcall vote 1169, on agreeing to the resolution—H. Res. 878, providing for the consideration of the Senate amendment to the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes—I would have voted "nay."

Rollcall vote 1170, on motion to suspend the rules and pass—H.R. 4286, to award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma—I would have voted "aye."

IN RECOGNITION OF JIMMY BRISTOW

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. WILSON of South Carolina. Madam Speaker, I wish to recognize James E. "Jimmy" Bristow of West Columbia, South Carolina for his many years of public service to the people of South Carolina and the country, and congratulate him on a successful year of leadership as President of Ruritan National.

Ruritan National is a national civic organization made up of 33,000 members with 1,178 clubs in 25 States. Since its founding in 1928, Raritan has built a strong reputation as one of our Nation's leading community service organizations. Under the excellent leadership of Mr. Bristow, Ruritan has continued to grow and make a substantial and positive impact in the community.

Mr. Bristow is a graduate of The Citadel with 31 years of experience working with community businesses. He now serves as vice president and resident construction lender for Security Federal Bank. In addition to his work with local businesses, Mr. Bristow is a life-long member of the Mount Hebron United Methodist Church where he has taught Sunday school for 22 years. Over the last decade, he has served as Scoutmaster for Troop 331 of the Indian Waters Council of the Boy Scouts of America.

For his years of public service, Mr. Bristow has received numerous honors and recognitions including the Order of the Silver Crescent from South Carolina Governor Mark Sanford—the State's highest honor given for volunteer and community service.

I am grateful for Mr. Bristow's service to his community. I want to recognize and thank his wife Fran and their three sons—Jeremy, Andrew, and Ryan—for their years of support, and wish them many more years of happiness.

INTRODUCTION OF H.R. 1413

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mrs. LOWEY. Madam Speaker, I rise in strong support of H.R. 1413, which would create a pilot program testing the effectiveness of physically screening 100 percent of airport workers with access to secure and sterile areas at seven airports across the country.

I want to thank Homeland Security Chairman BENNIE THOMPSON, Ranking Member PETER KING, Representative GINNY BROWN-WAITE and the other members of the Homeland Security Committee for their support of this legislation. I also want to thank Rosaline Cohen, Michael Stroud and Matt Washington from the majority staff of the committee, Coley O'Brien and Jennifer Arangio from the minority staff, and Justin Wein from my staff.

Meticulously screening passengers but giving workers open access is like installing an expensive home security system but leaving your back door wide open.

In 2001, Congress recognized that while we were investing significant resources in screening passengers and their baggage, we needed to close the backdoor of airports as well. That's why we passed the Aviation and Transportation Security Act which required the Transportation Security Agency to screen all airport workers.

Yet, nearly six years after September 11th and passage of legislation requiring the physical screening of all airport workers, astonishingly TSA has failed to implement this basic policy or set a deadline for doing so.

At Heathrow Airport, the busiest international airport in the world, 100% of workers are screened, yet TSA refuses to acknowledge the national security benefits of following the same procedures here at home.

We know there is criminal activity taking place at some of our airports. Just this year alone, there have been frightening security breaches at Orlando International Airport, the arrest of a former airport worker as part of a terrorist plot involving John F. Kennedy Airport in New York, a gaping lapse in security in Phoenix, and the arrest of illegal immigrants working at Chicago's O'Hare Airport with expired and false security badges.

And if there is criminal activity, certainly we should be considering the possibility of terrorist activity taking place. We cannot wait for the next security breach to occur for us to take action.

H.R. 1413 attempts to deal with the very real and serious threats that face commercial aviation today. By passing this legislation and appropriating funds to implement it—which are included in the FY08 Homeland Security Appropriations bill—we are acting on the recommendations of the 9/11 Commission to prevent and protect against any possible insider threats.

I know some in labor and industry favor the use of alternative methods and technologies, such as biometrics to increase security at our airports. I am not opposed to biometric technology; however, those technologies do not exist for full implementation today in the aviation sector, and as we have seen with the TWIC card, the delays could last years in rolling out this measure across aviation.

This legislation is not aimed at any specific group of workers, the vast majority of whom are hard-working, law-abiding citizens. Instead it is a bipartisan approach to measure the feasibility and effectiveness of closing this loophole in our airport security.

I urge my colleagues to support H.R. 1413.

TRIBUTE TO ANTHONY IURILLI

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. CROWLEY. Madam Speaker, I rise to pay tribute to the life and accomplishments of Anthony Iurilli, who passed away on Sunday, November 25, 2007 at age 38 after a long battle with multiple sclerosis.

Mr. Iurilli, known as Tony, exemplified the ideals that many of us aspire to: commitment to education, a love of community service, and devotion to his family and friends.

Tony was blessed with extraordinary athletic talent. He was a 1986 graduate of St. Raymond High School for Boys in the Bronx, where he lettered in both baseball and basketball. In his senior year, he was named to the All-City Baseball Team by three New York metropolitan newspapers—Newsday, the NY Daily News and the NY Post, and he was awarded a New York Yankees Scholarship to Pace University. There, he was the starting shortstop on the baseball team for four years, graduating in 1990 with a solid B average.

Tony's priorities were faith, family, school, and community. After college, he worked as Director of Recreation for HIV/AIDS patients at Bronx Lebanon Hospital, and he taught American history, health, and physical education at St. Helena's elementary school in the Bronx. He then returned to his alma mater, St. Ray's, to teach American history and health education, and to foster the athletic abilities of students who followed in his path. He coached the school's varsity and junior varsity bowling teams, and he served as the head junior varsity baseball coach and the assistant varsity baseball coach. As JV basketball coach, he led the St. Raymond's Ravens to Catholic High School All-City championships in 2003 and 2005.

While at St. Raymond, Tony was diagnosed with multiple sclerosis, a disease that may have crippled his body, but never his mind or spirit. Last summer, he served as best man at his beloved brother Frank's wedding in New York before moving to Florida for medical treatment. He returned to St. Ray's to be honored by faculty, alumni, and friends at a benefit dinner in mid-October.

Madam Speaker, this is a difficult time for all those who knew and loved Tony Iurilli. It is my hope that they will be strengthened by the memory of his selflessness, his bright smile, and his wonderful spirit.

Madam Speaker, I ask my colleagues to join me in recognizing Tony's all too brief, but wonderful life of commitment and community service.

RECOGNIZING TYLER EVAN ARTHUR FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Tyler Evan Arthur, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, and in earning the most prestigious award of Eagle Scout.

Tyler has been very active with his troop, participating in many Scout activities. Over the many years Tyler has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Tyler Arthur for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

RECOGNIZING THE WALTON COUNTY 2007 OUTSTANDING FARM FAMILY OF THE YEAR

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. MILLER of Florida. Madam Speaker, it is a great honor for me to rise today to extend congratulations to the Kenneth Pridgen family for being selected the Walton County 2007 Outstanding Farm Family of the Year. More than one generation of involvement in agriculture has led this farm family to serve as a model of stewardship to society through a vitally important industry.

The Pridgen family is more than deserving of this year's award. Kenneth's father was himself raised working in agriculture, and he passed on the significance of their industry to his son, who in turn has involved his family in this work. Kenneth and his family recognize the contribution that agriculture makes to all of society, including putting food on the tables of families throughout the entire country.

Every year, the North Florida Fair Association honors farm families in counties throughout North Florida that display leadership through farming techniques and agricultural production. The Farm Family of the Year award conveys the importance of farm families' contributions to some of society's largest needs including food, clothing, and building supplies. Recognition of their work, as conveyed by this award, encourages others in the community to become involved and support local agriculture as well.

Madam Speaker, on behalf of the United States Congress, I would like to offer my sincere commendation to a family that is a role model for all of us. A deep sense of civic contribution and values has been instilled in all of the Kenneth Pridgen family. It is my hope that this family tradition continues for many future generations.

ACCOUNTABILITY AND TRANSPARENCY IN MEDICARE MARKETING ACT OF 2007

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Ms. CASTOR. Madam Speaker, I am proud today to introduce the Accountability and Transparency in Medicare Marketing Act of 2007. This legislation will serve as a companion bill to S. 1883, introduced in the Senate by Mr. HERB KOHL.

With recent reports from the Government Accountability Office addressing the failure of CMS to audit Medicare Advantage providers along with recent reports of marketing abuses and fraudulent practices aimed at seniors, this legislation is timely and imperative.

We have heard reports that many Medicare providers seek to mislead seniors for private financial gain. In fact, seniors are frequently confronted with such practices as cold calling, misleading sales pitches to purchase unnecessary products, or being pushed to enroll in private Medicare Advantage programs that are not within their best interests.

WellCare Health Plans, which is headquartered in my hometown of Tampa, was raided by the FBI in October for suspected fraudulent practices. WellCare is among the largest national providers of Medicare and Medicaid managed care plans with 2.3 million members nationwide.

Three quarters of states have reported complaints about inappropriate or confusing marketing practices which lead Medicare beneficiaries to enroll in private plans without adequately understanding the consequences of their decision or that Medicare Advantage is optional.

Some seniors have lost access to their regular doctors after signing up for a private plan that their doctor does not accept. However, when sold the plan, the private company assured that this would not occur.

Frighteningly, some providers have been accused of selling to seniors with dementia and using scare tactics to force beneficiaries to enroll. Others have been offered cash incentives for enrolling.

All of these scams and efforts to mislead seniors for private financial gain are a result of the lack of standardized regulations and real accountability. It has been reported that the government pays private Medicare Advantage insurers an average of $9,000 a year for each person enrolled. Private insurance agents receive between $350 and $600 commission for each person they enroll. With nearly nine million Americans currently enrolled in these private plans, the profits going to these insurers and away from America's health care system is astronomical.

Without a standard method used for regulation, the financial gain of private insurers will continue to rise at the health expense of seniors and the personal and financial stress of all Americans.

We must implement transparency requirements that will ensure companies are held accountable and publicly identified, in the event of marketing abuses. The Accountability and Transparency in Medicare Marketing Act of 2007 will address all of these issues. It will create standardized marketing practices to be enforced by the National Association of Insurance Commissioners (NAIC). These standard practices will exclude telemarketing and cold calling, deceptive selling and other abusive practices.

This bill will create transparency by requiring that all violations be reported to the Secretary of Health and Human Services and in turn reported to Congress.

Additionally, this legislation will require the NAIC to create a committee to study and make recommendations to the Secretary and Congress on the establishment of standardized benefit packages for Medicare Advantage plans.

This legislation will help us to continue our effort to make Medicare safe, beneficial and accountable to our seniors, family care givers and all Americans. It will enforce regulations that will demand ethical and helpful tactics. It will alleviate private insurers unfairly benefiting from the hard-earned dollars of all American families. Further, we will provide seniors and family care givers with the protection and care that they deserve. It is our responsibility to keep fraud and unethical practices from plaguing our health care system, and the Accountability and Transparency in Medicare Marketing Act of 2007 seeks to help us step up to this duty.

COMMEMORATING THE 40TH ANNIVERSARY OF THE COLLAPSE OF THE SILVER BRIDGE

HON. CHARLES A. WILSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. WILSON of Ohio. Madam Speaker, I rise today to commemorate one of the worst infrastructure disasters this Nation has ever seen. On December 15, 1967, at about 5 p.m., the Silver Bridge collapsed. It spanned the Ohio River from Gallia County in my district to Mason County West Virginia. That disastrous accident killed 46 people. Most of them had just left work and were headed home. This horrible tragedy, which was the result of the failure of a single eye-bar supporting the bridge, spurred Congressional action that led to the first federal bridge inspection requirements.

Madam Speaker, I wish I could announce today that our nation wisely learned the lesson of the Silver Bridge Collapse. Unfortunately, the more recent collapse of the I–35 bridge in Minneapolis shows just how much our infrastructure has decayed because of inadequate investment. While I am glad that the appropriations bill we passed last night includes investment in bridges, I am convinced that much more work needs to be done.

On this 40th anniversary, let us take a moment to remember the 46 people killed in the Silver Bridge collapse. Even 40 years after the disaster, their absence is felt by their families and communities. Let us resolve today to honor their memories by doing all we can to ensure that the bridges, tunnels and roads that make up our nation's byways are safe and secure.

TRIBUTE TO THE CITY OF McLEANSBORO, ILLINOIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. SHIMKUS. Madam Speaker, I rise today to honor the city of McLeansboro, Illinois upon receiving the Governor's Cup Award for efforts to build a youth playground in the city park.

The Kids Kingdom Playground was made possible thanks to a donation by the Jerry and Bobbye Sloan Hand-in-Hand Foundation as well as thousands of volunteer hours. I have had the opportunity to visit the Kids Kingdom Playground with Coach Sloan and I can attest that this is an excellent addition to the park for the McLeansboro community.

This project is a shining example of the willingness of a community to work together for the greater good. I extend my gratitude to those who made this playground a reality. I am pleased to congratulate the city of McLeansboro and all those who made the Kids Kingdom Playground possible.

HONORING THE INTERNATIONAL BACCALAUREATE PROGRAM AT BARTOW HIGH SCHOOL

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. PUTNAM. Madam Speaker, I rise today to congratulate the International Baccalaureate School at Bartow High School in Florida's 12th Congressional District for being recognized as a gold medal school in U.S. News & World Report's first ever ranking of America's Best High Schools.

U.S. News & World Report analyzed over 18,000 public schools across the United States in an effort to find the top 100 public schools. They used a three-step analysis to sort through the many schools taking into consideration how each school's students performed on state tests, evaluating how well each school's disadvantaged students performed, and looking at whether the school was successful in providing college-level coursework. Bartow's IB School placed third among the 100 other gold medal schools. This is quite an accomplishment and I commend the school for leading the way in excellence and for their commitment to empowering young minds.

Bartow High School has a rich history of providing a high caliber education. Distinguished from other high schools in Polk County and from most high schools in Florida, its origin began in 1887 as the Summerlin Institute. Bartow High School is proudly 117 years old and because of its history and tradition, many of its former students have gone on to achieve great success.

Included in this list are distinguished leaders from various professions. Spenssard Holland served as Florida's Governor in the 1940s and as a U.S. Senator from 1946–1970. Army General James Alward Van Fleet served as a commander and led major campaigns in WWII and the Korean War, and President Truman once remarked that he was America's "greatest general." In addition, Kenneth Jerome Riley was honored as a Rhodes Scholar Candidate while attending Florida A&M University and went on to play as an NFL defensive back for the Cincinnati Bengals.

In 1996, Bartow High School embarked on its next endeavor when the school was selected by the International Baccalaureate World School program to offer the International Baccalaureate Diploma program. Students that attend the IB School are challenged with increased expectations in both academic and community involvement, and because of this they graduate ready to compete and enter into a fast-paced world that offers endless opportunities.

The IB School's mission is "to ensure each student has the opportunity to achieve his or her potential and creatively influence society by providing students with an advanced international curriculum." Today, it is my honor to commend Dr. Edwin Vetter and his staff of extraordinary educators, including some who shaped my classroom experience, for their dedication and hard work. It is clear that the commitment by both staff and students surpasses their mission, as the IB School continues to be recognized for its performance, not only in the State of Florida, but across the nation too. As an alumnus of Bartow High School, which hosts the IB school, I look forward to their many future accomplishments.

RECOGNIZING COREY DYLAN JEPSON FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Corey D. Jepson, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America and in earning the most prestigious award of Eagle Scout.

Corey has been very active with his troop, participating in many Scout activities. Over the many years Corey has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Corey D. Jepson for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF THE "REDUCING OVER-CLASSIFICATION ACT OF 2007"

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Ms. HARMAN. Madam Speaker, today all Democratic members of the Homeland Security Subcommittee on Intelligence, Information Sharing & Terrorism Risk Assessment are introducing legislation that will put the Department of Homeland Security on the path to better information sharing by turning back the tide of over-classification that imperils our ability to make America safer from terrorism.

The "Reducing Over-Classification Act of 2007" (ROC Act) gives Congress the tools to curtail the federal government's widespread and mushrooming practice of classifying practically everything that moves.

Almost three and a half years ago, the 9/11 Commission made clear the urgent need to eliminate the over-classification of intelligence information by the Federal Government.

The Commissioners found that over-classification interferes with the sharing of critical information between the Federal Government and its State, local, and tribal partners on the front lines of our nation's homeland security efforts.

Sadly, the numbers tell us that we're still not heeding the 9/11 Commission's warning.

According to the Information Security Oversight Office at the National Archives, the number of new classification actions jumped from eight million in 2001 to 14 million in 2005. During the same period, the quantity of declassified pages dropped from 100 million in 2001 to 29 million in 2005.

To make matters worse, we learned this past year that some agencies were withdrawing archived records from public access and reclassifying them.

Together with the exponential growth in the amount of material that is classified, we've seen the level of spending on classification go up considerably.

In 2001, $4.5 billion was spent on classification but by 2004, we were spending $7.1 billion.

In addition, there has been a troubling proliferation of new policies and labels to limit the distribution of sensitive but unclassified information across the Federal Government.

At the Federal level alone, there are over 28 distinct policies for the protection of this "SBU" information.

Unlike with classified records, there is no monitoring of or reporting on the use of SBU information markings or its consequences.

The proliferation of these SBU "pseudo-classifications" interferes with interagency information sharing—increasing the cost of information security and limiting public access.

It's also an obstacle to sharing information with our first preventers and first responders in the field—precisely what the 9/11 Commission warned against.

During this session, Homeland Security's Subcommittee on Intelligence that I chair has held numerous hearings and received invaluable input from subject matter experts on what first steps to take to address the twin problems of over- and pseudo-classification.

The bill we're introducing today reflects that input.

The goal is simple: make the Department of Homeland Security the "gold standard" when it comes to preventing over-classification and to limiting the use of sensitive but unclassified markings.

The only way to ensure that the Department gets it right going forward is to promote an enforceable and understandable strategy that applies to everyone.

DHS is an excellent place to start and—if it gets a handle on its own burgeoning over- and pseudo-classification addiction—can become a "best practices" center and the test bed for the rest of the Federal Government.

Accordingly, our bill will require the Secretary of Homeland Security to develop a strategy that will: allow the classification of documents only after unclassified, shareable versions of intelligence have been produced; develop a new "sensitive and shared" information program that will provide protections for certain sensitive and unclassified information for limited periods of time under narrowly tailored circumstances; propose new incentives and disincentives to encourage Department personnel to classify documents properly and to use "sensitive and shared" markings sparingly; create training programs and auditing mechanisms for all Department employees in order to ensure that the Strategy is being implemented properly; establish an independent Department declassification review board to expedite the declassification of documents when the need for public access outweighs the need to classify; and propose legislative solutions to ensure that the Strategy is implemented in a way that not only promotes security but also fosters both information sharing and the protection of privacy and other civil rights.

Our Subcommittee plans to move this legislation early next year and hopes our colleagues in the House will join us in the effort to ensure that the Federal Government gets accurate and actionable information to those who need it in a timely fashion.

THE 50TH WEDDING ANNIVERSARY OF CONRAD AND FRANCES GASKIN

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. McNULTY. Madam Speaker, I rise today to honor Conrad and Frances Gaskin on their 50th wedding anniversary

Both first generation African Caribbean Americans, Conrad and Frances met in elementary school and were married on September 14, 1957 at St. Augustine Roman Catholic Church in the Bronx. Conrad served in the United States Air Force before eventually working for the New York State Teacher's Retirement System. After receiving her doctorate from Fordham, Frances went on to found and serve as a professor for a program in nursing at the Hostos Community College at the City University of New York.

Moving to Albany in August of 1980, the Gaskins helped found an additional Church home in the Faith Community of the Black Apostolate. This later expanded to include St. Joan of Are and Sacred Heart Churches of the Roman Catholic Diocese of Albany, where both serve as Ministers of the Eucharist.

Committed to serving the community, Conrad and Frances continued to stay active and involved after retirement. Conrad coached basketball and swimming while Frances worked for the American Red of America Cross and is a Staff Officer with the United States Coast Guard Auxiliary. They are blessed with three children and five grandchildren.

It is my honor to recognize Conrad and Frances Gaskin and provide my heartfelt congratulations to them on this wonderful event in their lives. I would like to extend my best wishes to the Gaskins and their family on their 50th wedding anniversary.

HONORING CPL TANNER O'LEARY

HON. STEPHANIE HERSETH SANDLIN

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Ms. HERSETH SANDLIN. Madam Speaker, I want to take this opportunity to honor the life of CPL Tanner O'Leary, who died December 9, 2007, while serving his country in support of Operation Enduring Freedom in Afghanistan.

Tanner, who was a member of the 82nd Airborne Division based in Fort Bragg, N.C., graduated from Timber Lake High School in 2003. He joined the Army in 2005. He graduated from infantry training in May 2005 and airborne school in June 2005.

The lives of countless people were enormously enhanced by Tanner's compassion and service. He represented the best of the United States, South Dakota, and the Army. His life continues to inspire all those who knew him and many who did not. Our Nation and the State of South Dakota are far better places because of his service.

Today, we remember and honor Tanner's noble service to the United States and the ultimate sacrifice he has paid with his life to defend our freedoms and foster liberty for others.

I would like to express my condolences to the family and friends of CPL Tanner O'Leary. His commitment to and sacrifice for our country will not be forgotten.

INTRODUCTION OF THE SANTA FE QUADRICENTENNIAL COMMEMORATIVE COIN ACT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. UDAll of New Mexico. Madam Speaker, I rise today to introduce the Santa Fe Quadricentennial Commemorative Coin Act. The minting .of a commemorative coin will serve as a historic national tribute to the ever-distinct City Different.

Santa Fe was officially elevated by the Spanish settlers from a plaza to a capital city in 1610 and has continued to be a meeting place and home to all cultures ever since. Santa Fe, to this day, continues to be a government, cultural, religious, and social center. Throughout its history, it has attracted settlers, traders, artists, historians, and tourists, all coming to see what Santa Fe and the surrounding communities have to offer.

The Santa Fe area has long been home to native peoples, centuries prior to European incursions. In fact, some of the tribal communities in the area today have been there for over one thousand years. Arriving centuries later, though still over 400 years ago, the Spanish settlers were integral to the European exploration and settlement of this continent. This legislation honors both the tribal communities and Spanish settlers.

Throughout the city are structures of great historical importance. Built in the 17th Century, the Palace of the Governors was the seat of government for generations and is now the oldest continuously used public building in the United States. It currently serves as the State's history museum, ensuring that current and future generations will be able to learn about the events that shaped New Mexico's past, present, and future.

The creation of the commemorative coin will help in the preparation and celebration of this monumental quadricentennial. The proceeds from the sale of the gold five dollar and silver one dollar coins will be split, with half going towards the 400th Anniversary Committee to support programs to promote the understanding of Santa Fe and its legacies. The rest will go to the Department of Interior to ensure the preservation of Santa Fe, enhance national and international programs, and improve archaeological research activities throughout the area. These are especially important as we continue to learn more about all of the communities that have settled in the area for centuries.

I want to take a moment to thank Senators JEFF BINGAMAN and PETE DOMENICI who are working on this in the Senate, as well as cosponsors Representatives HEATHER WILSON and STEVE PEARCE for their support here in the House. We must all work to preserve the legacy of America's first European communities and the people who came long before, and I am proud the entire delegation has joined together to mark this remarkable milestone.

For the rich blend of cultures steeped in centuries of heritage, it is only fitting that the Congress recognize the 400th anniversary of the Nation's oldest capital originally known as La Villa Real de la Santa Fe de San Francisco de Asis. I urge my colleagues to join me in passing this legislation.

IN MEMORY OF HENRY PRYOR

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. ROSS. Madam Speaker, I rise today to honor the memory of Henry Pryor of Camden, Arkansas, who passed away December 9, 2007, at the age of 50.

Henry Pryor was a consummate professional who made a positive impact on the people and businesses he worked with throughout his life, which was abruptly and sadly cut short due to a tragic car accident. His career in banking took him across the United States and he eventually landed in Camden, Arkansas, where he served as Executive Vice President of Heartland Community Bank of Camden, and Senior Vice President of Farmers Bank and Trust of Camden.

Although Henry Pryor had a career in business, his calling and real passion was in community development. The City of Camden and its residents were extremely fortunate to gain from his selfless gifts of time and energy to make his community a better place to live. As a member of the Ouachita County Historical Society, he was instrumental in preserving historic properties in Camden such as the Clifton-Greening Street Historic District. He took a keen interest in seeing businesses flourish throughout Camden and Ouachita County through his service as president of the Camden Area Chamber of Commerce. In addition, he was a graduate of the Leadership Camden area program and he served on numerous area boards and commissions. As a local community leader, he also recognized the vast importance of regional festivals and the impact they had on residents and businesses, through his proud service as chairman of the Annual Camden Daffodil Festival.

I send my deepest condolences to his wife of 21 years, Angela Woodward Pryor of Camden, Arkansas, and to his numerous nephews, nieces and cousins.

Henry Pryor will be missed by his family, his church, his community and all those who knew him and called him a friend. His focus on the community and his spirit of service to others and to his community will never be forgotten. I will continue to keep his family in my deepest thoughts and prayers.

TRIBUTE TO RECIPIENTS OF THE SULLIVAN BROTHERS' AWARD OF VALOR

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. LATHAM. Madam Speaker, I rise today to recognize three members of the Decorah, Iowa Police Department, Chief Tom Courtney, Captain Warren Leeps, and Officer Sara Stinson, and Volunteer Decorah Firefighter Jeff Ode, as recipients of The Sullivan Brothers' Award of Valor for saving another's life by risking their own.

The Sullivan Brothers' Award of Valor Program was established in 1977 to recognize peace officers and firefighters, who while serving in an official capacity, distinguished themselves by performing a heroic act while fully aware of a threat to his/her personal safety. The strict nomination process includes background investigations, and the final determination is made by the Governor of Iowa.

In January of 2007, Olive Sims crashed her car into a ditch along Division Street in Decorah. Chief Courtney, Captain Leeps, Officer Stinson and Volunteer Firefighter Ode responded to the report and quickly traveled to the scene. Upon their arrival, they discovered the engine compartment of the vehicle was engulfed in flames and that Olive was still inside. Putting their own lives in danger, they acted quickly to remove Olive from the vehicle before the fire department arrived and just before the passenger compartment of the car was fully consumed by fire.

Their bravery goes above and beyond what we are asked of as citizens of this country. Their courage illustrates the compassion of Iowans willing to risk their own lives for a neighbor in need. For this I offer them my utmost congratulations and thanks.

I commend Chief Tom Courtney, Captain Warren Leeps, Officer Sara Stinson and Volunteer Firefighter Jeff Ode for their bravery. I am honored to represent each of them in Congress and I wish them the best in their future endeavors.

RECOGNIZING ZACHARY RYAN WALSH FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Zachary R. Walsh, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America and in earning the most prestigious award of Eagle Scout.

Zachary has been very active with his troop, participating in many Scout activities. Over the many years Zachary has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Zachary R. Walsh for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

UNITED STATES-CUBA CULTURAL EXCHANGE LETTER TO PRESIDENT BUSH—ACKNOWLEDGEMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. RANGEL. Madam Speaker, I rise today to acknowledge the U.S.-Cuba Cultural Exchange's letter to President Bush and to enter into the RECORD a copy of their letter.

On November 27, 2007, the U.S.-Cuba Cultural Exchange sent a letter to President Bush that expressed their desire to establish relations with Cuban artists and urged him to take steps to normalize interaction with Cuba. The letter was signed by several artists including Harry Belafonte, Danny Glover, Carlos Santana, and Sean Penn. As of December 11, 2007, the letter has been signed by one thousand four hundred and twelve people.

I applaud the U.S.-Cuba Cultural Exchange for urging President Bush to change the U.S. policy towards Cuba and for raising awareness about how the policy impacts the artist community. Further, I support their movement, which would allow people from both countries to exchange and experience performing and literary arts.

Art in any form including, but not limited to dance, music, and poetry provides a mechanism where by people are able to express themselves, which ultimately represents their culture, identity, and voice. In addition to representing a culture, the selling of artistic goods provides a source of income for artists and substantially contributes to an economy, especially in the U.S.

The artists issue is part of the broader implications with the travel ban and trade embargo, which hurts the U.S. economically, politically, and socially. It is estimated that the U.S. economy loses millions of dollars annually due to the trade embargo. The lack of diplomatic relations prevents any effort to democratize Cuba. There is no way to quantify the cost paid by Cuban Americans who can't visit their loved ones freely.

The United States-Cuba policy is a failure, period. Change is needed now. I urge my colleagues to support my bills, H.R. 624 and H. R. 654, which would lift the embargo and travel ban.

U.S.-CUBA CULTURAL EXCHANGE,
Albuquerque, NM, November 27, 2007.

President GEORGE W. BUSH,
The White House,
Washington, DC.

DEAR PRESIDENT BUSH: We wish to bring to your attention the accompanying letter, dated October 26, 2007, received from Alicia Alonso, Prima Ballerina and Director of the Cuban National Ballet, and also Goodwill Ambassador for the United Nations Educational, Scientific and Cultural Organization (UNESCO). Ms. Alonso has toured extensively in the United States and her work has long been admired by the American performing arts community, cultural critics and the public.

We are writing you as representatives of the cultural sphere in the United States. We write you as American citizens. We write to express our dismay at your administration's continuing hostility towards Cuba. We write to express our opposition to policies that keep us divided from our Cuban counterparts, preventing cultural interchange between our two countries. We believe the time has come to move towards cooperation and constructive relations with Cuba.

The present policies deny such possibilities of friendship and cultural sharing. We further note that cultural interchanges and relationships are also modes of communication and expression. In denying us the possibility of engaging in such exchanges and relationships, we are being denied our fundamental rights as guaranteed by the 1st, 5th and 14th Amendments of the U.S. Constitution.

This reality seems to run counter to other positions expressed by your Administration. In September 2006, for example, Laura Bush inaugurated your Administration's "Global Cultural Initiative," stating that "One of the best ways we can deepen our friendships with the people of all countries is for us to better understand each other's culture by enjoying each other's literature, music, films and visual arts."

As citizens, artists, scholars, educators and cultural workers from all artistic practices, academic disciplines, advocacy and service organizations in the arts, we hope you will read and consider the words of Alicia Alonso as we call upon your Administration to:

1. open a respectful dialogue with the government and people of Cuba in accord with established protocols supported by the community of nations;

2. end the travel ban that prevents U.S. citizens from visiting Cuba and allow for Cuban artists and scholars to visit the United States, thus eliminating the censorship of art and ideas, and

3. initiate, by working with appropriate members of Congress, a process that can result in the development of normal bilateral relations between our countries.

Supporters of Cultural Exchanges with Cuba:

Louis Head—Cuba Research and Analysis Group—Co-founder US-Cuba Cultural Exchange.

Bill Martinez—Martinez & Associates—Cofounder US-Cuba Cultural Exchange.

Cynthia Semon—Media consultant/music promoter—US-Cuba Cultural Exchange.

James Early—Cultural Policy Specialist—U.S.-Cuba Cultural Exchange.

Harry Belafonte—actor/singer.

Danny Glover—actor.

Seàn Penn—actor.

Carlos Santana—musician.

(Plus more than 1,400 other signatories).

IN APPRECIATION OF DANIEL V. KISH

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. YOUNG of Alaska. Madam Speaker, I rise today to honor Daniel V. Kish and the 28 years of service he has provided to the State of Alaska and the Nation.

In the summer of 1978, a young long-haired college student dressed in muddy work boots wandered into my office looking for an internship. Why he chose my office in particular, I do not know, though I suspect it had something to do with an attractive young lady working at the front desk, but he appeared willing and eager to work. Thus, after telling him to get a haircut and a pair of loafers, I put him to work.

My staff and I were immediately impressed by Dan's strong work ethic, his innate understanding of even the most complex issues, and his natural ability to communicate to my constituents—both in writing and in spoken word—the practical impacts of the various legislative proposals before the Congress.

In fact, when Dan returned to Indiana's Wabash College at the end of that summer to finish his studies, he left our office with an unexpected void to fill. The following year Dan had completed his undergraduate degree, and we had an open position to fill. Thanks to the good judgment and recommendation of the young woman who drew Dan into our office the previous summer, I tracked him down and asked him to come to work for me full-time. In the years since then, Dan has earned himself a well-deserved reputation as one of the most talented, dedicated, and knowledgeable staffers on the Hill.

Dan has stuck with me through thick and thin. He has always kept my best interests, and the best interests of the State of Alaska, at heart. His devotion to me, the State of Alaska, and the Nation has been unparalleled. Dan's unwavering commitment to and understanding of strong Republican ideals, free market policies, and responsible development of our Nation's resources have been an inspiration to hundreds of Hill staffers and Members alike, and he has served as the moral compass by which the Resources Committee has sailed throughout his tenure.

Dan's writing throughout the years has been equally inspiring. He is by far the single most impressive writer I've come across in 35 years. His talent and ability to get to the root of an issue in two or three eloquent sentences is unmatched. While Dan's use of words has always been powerful, it has often been humorous as well. A strong supporter of a free market economy, Dan once wrote a letter to the Secretary of the Treasury recommending that the $1 coin bear the likeness of Dolly Arthur—the owner of a historic bordello in Ketchikan, Alaska—suggesting that unlike Susan B. Anthony, she "was truly a woman who knew the value of a dollar." This unique sense of humor has brought smiles to my face and many others for nearly three decades.

But most of all, Dan Kish will be remembered for the genuine respect and appreciation he has always had for what he called "the Working Man." Although his mind was often occupied in debates over esoteric federal policies, his heart has always belonged to the fight for the working men and women of America who get dirt under their fingernails rather than paper cuts on their pinkies. Dan tirelessly reminded us that American prosperity, national defense, and world leadership depend on the working men and women who operate the drill rigs, mine metals and minerals, harvest trees and crops, raise livestock, and pull the levers and press the buttons that control the dams responsible for irrigating the land and powering our communities.

God has blessed our country with a bounty of resources, and Dan was always ready with a sermon to remind us that His gifts are there for us to use wisely. Dan's wise words will not be forgotten.

While hiring Dan was one of the best decisions I've made in my 35 years in Washington, I think Dan would agree that coming to work for me was the most important decision of his life. After all, it's where he met his beautiful wife, Pam, the young lady who lured the long-haired college student into my office 29 years ago. I would be remiss if I did not also thank Pam Kish for everything she has done over the years, not only as a former staffer, but as a loving wife.

The State of Alaska and the Nation as a whole owe a debt of gratitude to Dan Kish for his 29 years of service, and this House is a better place because of his good work. Ronald Reagan once wrote, "Some people work an entire lifetime and wonder if they've ever made a difference." I know I speak for many in this body when I say there is no question that Dan Kish has made a tremendous difference during his tenure and will be sorely missed.

While Dan is moving on, his impact on and contribution to our work in Congress is timeless. I can think of no one who is more widely respected and admired for his intrinsic understanding of and devotion to the things that make this Nation so great.

I am forever grateful that Dan's path crossed with mine that day, 29 years ago so, while I stand here today honoring Daniel V. Kish for his years of service, his departure is bittersweet. Words cannot express my personal gratitude to Dan for his work, his counsel, and most importantly, his friendship. Thank you, Dan. I wish you and Pam the best in the next chapter of your life together.

RECOGNIZING RYAN KEITH BUEHRIG FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. GRAVES. I proudly pause to recognize Ryan K. Buehrig, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America and in earning the most prestigious award of Eagle Scout.

Ryan has been very active with his troop, participating in many Scout activities. Over the many years Ryan has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Ryan K. Buehrig for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

COMMEMORATING COBB COUNTY'S 175TH ANNIVERSARY

HON. DAVID SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. SCOTT of Georgia. Madam Speaker, I rise today in order to recognize the 175th anniversary of the founding of Cobb County, GA. On December 3, 2007, residents of Cobb County came together to celebrate a community that has managed to remain united through many trying times. It was the spirit of community that held Cobb together after many bloody battles of the Civil War took place here, or when the murder of Leo Frank in 1913 threatened to pull the community apart. This deep reverence for community is one of the primary reasons that Marietta, one of Cobb's largest cities, was the first city in Georgia to be awarded the All American Cities Award by the National Civic League.

Today, Cobb County continues to meet the challenges that face our Nation with strength, resilience and innovation. Several cities in Cobb County have partnered with cities around the world, developing trade relationships that keep Cobb County and Georgia relevant in the global economy. Cobb County is proud to be the home of Home Depot's headquarters as well as several other companies that keep Georgia's, as well as America's, economy strong. As our Nation has grown more diverse, so has Cobb County. Cobb County has demonstrated how much progress can come from people working together as neighbors and partners rather than focusing on those things that keep communities divided.

Cobb County is a place that all Americans can be proud of and look to as an example of what every community should strive to emulate. I am proud to represent Cobb and commit these statements to the CONGRESSIONAL RECORD so generations can reflect on what has been, is, and will continue to be an exemplary community.

INTRODUCING A RESOLUTION CONDEMNING THE RECENT TERRORIST ATTACKS IN ALGERIA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. HASTINGS of Florida. Madam Speaker, as Chairman of the Commission on Security and Cooperation in Europe, otherwise called the Helsinki Commission, I rise to introduce a resolution which condemns in the strongest terms, the terrorist bombing of the Algerian Supreme Court and United Nations offices in Algiers, Algeria on December 11, 2007.

These deplorable attacks upon civilian targets took the lives of 37 people, including 17 United Nations employees, and injured numerous others. As a consequence of the destruction of the United Nations Development Programme office and the damage to the U.N. High Commissioner for Refugees office in Algiers, the capacity of the world body to carry out its operations in Algiers has been seriously diminished.

We subsequently learned that the December 11 attacks were the work of al-Qaeda in the Maghreb, a North African affiliate of al-Qaeda. This same organization claimed responsibility for several previous attacks in Algeria and Morocco, using tactics similar to those employed by their al-Qaeda brethren in Iraq, where they indiscriminately wreak upon civilians and military targets. These inhumane attacks are intended to sow insecurity and divisiveness, and, as in Iraq, can impede progress in the social and economic spheres.

The attacks illuminate al-Qaeda's determination to continue to spread its destructive aims globally by perpetuating violence against innocent civilians. But they should also reinforce the imperative of the community of civilized nations to stamp out terrorism in all its forms.

Algeria is a Mediterranean Partner of the Organization for Security and Cooperation in Europe (OSCE), within whose ambit the Helsinki Commission carries out its mandate. The OSCE has among its highest priorities a commitment to combating terrorism, and the Algerian Government has been unwavering in its efforts to defeat terrorism, a goal that the United States shares.

Through our recent experience with terrorism, Americans understand the pain now suffered by the Algerian people for the loss of so many innocent lives and the injury of numerous others. Today, we affirm our support for the people and Government of Algeria in their continued struggle against extremism and violence.

That is why, together with my good friend Congressman BILL DELAHUNT, Chairman of the House Foreign Affairs Committee, Subcommittee on International Organizations, Human Rights, and Oversight, I am introducing today's resolution, which condemns the senseless acts of violence against the Algerian people and the United Nations on December 11. This resolution also expresses our profound sympathy for the victims of the bombings; the support of the U.S. House of Representatives for the Algerian people in their continued efforts to secure peace for their nation; and support for the Algerian authorities in bringing the perpetrators of the attacks to justice. Chairman DELAHUNT's commitment to advancing peace, human rights, and security are laudable and long-standing. I am deeply proud to work with him on this resolution.

TRIBUTE TO SYLVIA PRESSLEY WOODS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. CLYBURN. Madam Speaker, today I rise to honor one of South Carolina's own, Sylvia Pressley Woods, affectionately known as the "Queen of Soul Food." In August of 1962, Sylvia put her charismatic personality to the test and purchased the restaurant, which then was only a small luncheonette, from her own boss.

Almost 50 years later, Sylvia's has become the landmark of 126th St. and Lenox Avenue and the one place where everyone knows they can get a taste of authentic Southern Soul food. The restaurant also serves to remind the community's residents that hard work, determination, and love of family can lead to success.

Sylvia's Restaurant, a Harlem soul-food landmark, attracts busloads of tourists from all over the United States and around the world. Sylvia's is a frequent stop for celebrities and politicians. With the launch of a line of prepared supermarket foods, the empire of restaurateur Sylvia Woods has expanded to touch the culinary lives of people all over the country.

Woods herself has a remarkable story that encapsulates much of 20th-century African-American history. She was born Sylvia Pressley in Hemingway, South Carolina, on February 2, 1926. Her father, Van Pressley, died three days after she was born from the after effects of chemical-weapons injuries he sustained while fighting in World War I. When she was three her mother departed for New York City in search of a chance to make money that would put her family on a solid financial footing.

Woods recalled with affection the warmth and closeness of her rural southern community. Nevertheless, she has painful memories. "I didn't like any part of farm life," she told Nation's Restaurant News. "I didn't understand why people would not let me drink out of the same water fountain, but they would trust me to cook for them and to take care of their dearest things, their babies." Her grandfather was hanged after being wrongly accused of participating in a grocery-store robbery when her mother was just an infant.

Sylvia Woods worked in a Queens hat factory for a time, as well, but a turning point came in 1954 when a cousin told Woods that she planned to quit her job at a lunch counter at 126th Street and Lenox Avenue, around the corner from the famed Apollo Theater and within walking distance of the Woods's 131st Street apartment. Woods, who had rarely even seen the inside of a restaurant, took the job with trepidation and without any thought of ever running one herself. But she impressed the owner, a fellow South Carolinian, with her energy. When he ran into financial trouble with an investment in a black resort in upstate New York, he offered to sell her the restaurant. After her mother took out a $20,000 loan backed by her family farm, Sylvia Woods became the owner of Johnson's Luncheonette in 1962.

With four children, Van, Bedelia, Kenneth, and Crizette, born between 1949 and 1967, Woods had little time to think of expansion, but Sylvia's became known far and wide for its fried chicken, collard greens, peach pies, and other soul-food standards. The restaurant moved two doors down from its original location in 1968 and gradually grew to occupy most of the Harlem block on which it rests. Sylvia's now can seat 450 and boasts a next-door catering operation.

Diners suggested that Sylvia's open new branches in other cities, but Woods and her son, Van decided on a different course—one inspired by the customers who would come in at holiday time with empty jars and ask whether they could buy Sylvia's barbecue sauce.

Launched in 1992 and featuring a picture of Woods herself on the label, the Sylvia's Queen of Soul Food line of canned and bottled foods impressed Pathmark supermarket CEO Jim Donald. He told Crain's New York Business that "Sylvia and Van Woods run their company with their heart and soul." Sylvia's hot sauces, candied yams, mustard greens, kidney beans, and 13 other items are available in supermarkets nationwide.

Sylvia's Soul Food cookbook was also published in 1992. It was followed in 1999 by the more extensive Sylvia's Family Soul Food Cookbook, which included Woods's personal reminiscences and numerous family photographs along with recipes gathered in a giant South Carolina family cook-off.

The good reputation of the "Sylvia's" name has put Sylvia Woods's cookery on a path to growth, with the restaurant's many admirers hoping to get in on the action. Additional full-service restaurants are planned for the future, increasing the Sylvia's stable of 200 employees and bringing the soul-food creations of Hemingway, South Carolina, to even more American diners. With all four Woods children involved with the business, it represents a family tradition of the best—and tastiest—kind.

Madam Speaker, please join me in honoring South Carolina's own, mother, restaurateur and enterprising businesswoman, Mrs. Sylvia Woods.

RECOGNIZING LINDA KITAZAKI

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. POE. Madam Speaker, heroes are people who devote their lives to serving others and making our world a better place in which to live. Linda Kitazaki was one of those people.

Linda was the executive director of Mothers Against Drunk Driving Southeast Texas. I knew her for over 20 years in my work as a judge in Texas. She was an advocate in every sense of the word who worked passionately to fulfill MADD's vision to stop drunk driving, support the victims of this violent crime and prevent underage drinking. Those who know her best describe her as compassionate, powerful, gracious and inspirational.

Linda became affiliated with MADD back in 1988 because of a near fatal crash involving teenagers who were drinking and driving. The situation was especially troublesome to Linda because the teenagers had been given alcohol by a parent. Because of her dedication to making a difference, she became the Administrator for the Harris County Chapter of MADD.

With the assistance of Penny Ellsworth, who joined MADD because her son was killed by a drunk driver, the two reorganized the Harris County Chapter.

MADD Harris County became the Southeast Texas Region Affiliate Office. With Linda at the helm, the small office grew to serve 10 counties and became one of the most prominent within the organization. Not only does the office provide services to the victims of drunk drivers, it also conducts outreach and education in order to prevent future tragedies. The idea of preventing young people from making bad decisions that would impact them for the rest of their lives truly resonated with Linda.

As a result of Linda's leadership, her MADD office became very strong and has 10 staff members and countless volunteers. She started new programs and initiatives. She was considered a maverick in new fundraising methods in the Houston area which were then replicated for national success in the organization. Her passion and commitment won her Employee of the Year recognition.

She also played a key role in developing the Take the Wheel Program, which focused all of the organization's resources and programs into Harris County because it had the highest number of drunk driving deaths in Texas. By partnering with law enforcement, businesses, government, community and religious leaders, the program seeks to save lives by encouraging personal responsibility in the use of alcohol and educating the public about the dangers of drunk driving.

On Dec. 13, 2007, Linda passed away unexpectedly. She leaves behind a legacy of compassion and exceptional service. On Dec. 19, 2007, friends and family will gather to celebrate the remarkable life of this extraordinary community servant. The State of Texas and our Nation owes much to Linda Kitazaki for making our streets and highways safer.

And that's just the way it is.

PERSONAL EXPLANATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Ms. DELAURO. Madam Speaker, due to medical reasons I missed a suspension vote and the vote on the motion to postpone consideration of the veto message for the Children's Health Insurance Program Reauthorization Act. Had I been present, I would have voted "aye" on rollcall No. 1154 and "aye" on rollcall No. 1155.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. ORTIZ. Madam Speaker, due to personal medical reasons, I was unable to vote during the following roll call votes. Had I been present, I would have voted as indicated below.

Rollcall No. 1163: "yea."
Rollcall No. 1164: "yea."
Rollcall No. 1165: "yea."
Rollcall No. 1166: "yea."
Rollcall No. 1167: "yea."
Rollcall No. 1168: "yea."
Rollcall No. 1169: "yea."
Rollcall No. 1170: "yea."
Rollcall No. 1171: "yea."
Rollcall No. 1172: "yea."
Rollcall No. 1173: "yea."

ALL ALONG HIS WATCHTOWER

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. SHULER. Madam Speaker, I rise today to present the following poem entitled All Along His Watchtower, which was written by Mr. Albert Carey Caswell in honor of Brent Hendricks, of the 172nd Striker Brigade from Forest City, North Carolina. Mr. Hendricks lost his leg when an IED blew up his humvee.

Bump, bump bump bump bump . . .
Bump, bump bump bump bump . . . bump, bump bump bump bump . . .
Whether, upon football fields of green . . . or on so Heroic Battlefields of Honor Seen . . .
All Along His Watchtower, "They could get no relief" . . .
Striking Hard, Striking Fast!
A bold heart, That is his motto, That is his path!
Dying twice, when . . . The Dark Riders in the distance, they began to approach . . . .
When Brent, began to howl . . . "I'm not ready now!"
The Nort Catolacki Kid,
6′9″ . . . built for power and speed . . . 9 sacks in one football game . . . a man who would not heed!
Until, on battlefields of horror he would bleed . . . In The Real Game of Life, all for our Country 'Tis a Thee!
Giving up his fine leg, as he did . . .
Brent Hendrick, an Army Man . . .
A Real American Hero, who before us now stands . . .
Strength In Honor, who respects so commands . . . cheating death, as towards evil he ran . . .
Into that dark valley of death, for our nation to so bless . . . Striking Hard, Striking fast . . . all in death's path!
But, when you're 6′9″ . . . and have a 17½ shoe . . .
You can kick some glutenous maximus too! Now isn't that true! As this patriot's heart comes into view!
Could we, would we . . . ever such magnificence find so too?
All ready, operations . . . he's had 65!
But, this Heroes Heart . . . will not wilt, will not die!
Like Arnold, he'll be back . . . Back . . . Back . . . Back in Iraq . . . with his brothers in arms . . . or he'll resign!
And The Wind Cries Hero!
Do Do Do Do . . .

I ask my colleagues to join me in expressing our appreciation for this soldier's dedication to the United States Armed Forces and to this Nation. His service and sacrifice is a shining example of the quality of men and women who serve this great Nation at home and abroad.

RECOGNIZING ROOSEVELT PETRY, JR.

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. POE. Madam Speaker, today I am proud to recognize Mr. Roosevelt Petry, Jr., President and CEO of GP Industrial Contractors, Inc.

He began his professional career as a draftsman for Bethlehem Steel, performing piping, mechanical, electrical, and structural drafting. He worked for fifteen years on electrical instrumentation, mechanical and pipe designing, residential, and commercial construction, and has been a senior designer, project engineer, project manager, and project superintendent. Each job garnered Mr. Petry the necessary skills for his company to secure massive projects such as the Toyota Center, Minute Maid Park, and other high profile projects around the country.

Mr. Petry received his bachelor's degree from Lamar University in 1997, and one year later, he founded GP Industrial Contractors. He partnered with an acquaintance who owned Gulf Copper Manufacturing Company to form a company specializing in building refineries and petrochemical plants. Piping, steel fabrication, carpentry, maintenance, and engineering, are just a few of the services his company offers.

Mr. Petry attributes all of his success to God, and doesn't think twice about giving back to the community. With a focus on youth education, he shared his knowledge as an instructor at Lamar University, teaching AutoCAD, surveying and drafting. He and his wife recently donated money to create an endowment scholarship at Lamar State College, for nursing and engineering students in Port Arthur. Currently, he hosts the Roosevelt Petry, Jr. Business Hour on KSAP 107.1—the Breeze, in Port Arthur, TX. After Hurricane Rita, Mr. Petry's GP Industrial Contractors were there to help the small gulf coast community of Sabine Pass pick up the pieces, assisting in rebuilding.

He has served the community as Commissioner of the Port Arthur Housing Authority; Chairman of the Port Arthur Economic Development Corporation; Member of the Port Arthur Citizen Advisory Committee; Member of the National Society of Black Engineers; Board of Directors for Junior Achievement; and Board of Directors for the United Way. He also serves on the Military Academy Selection Board for our Congressional District.

Over the years, Mr. Petry's hard work and community involvement have resulted in several honors and awards, including Score's 2007 Business Man of the Year Award; 2006 Port Arthur Economic Development Corporation's Business of the Year Award; 2004 Houston Minority Business Council's Emerging Ten Award; 2002 Lamar State College Port Arthur's Industrial Business of the Year Award; 2004 Make Ready, Inc. 4th Annual Humanitarian Award; and he was featured in the National Society of Black Engineers in 2000.

This Port Arthur native has shown that your environment and circumstances don't predict your future. Hard work and perseverance have been the lifeblood of Mr. Petry's success. Port Arthur's future is brighter because of Mr. Petry's continuing commitment and involvement in our community. Roosevelt Petry seizes the opportunities that come his way and has a positive attitude and zest for life.

And that's just the way it is.

COMMENDING THE STATEMENT OF VICE PRESIDENT AL GORE AT THE U.N. CLIMATE CHANGE CONFERENCE IN BALI

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. LANTOS. Madam Speaker, at a watershed moment in global diplomacy last week, our distinguished former Vice President, Al Gore, stepped in to fill an enormous U.S. vacuum in leadership. At the world summit on global warming in Bali, Indonesia, this new Nobel laureate once again took on the necessary role of the nation's conscience in the effort to save our planet from a looming climate catastrophe. With a candid and cleareyed address, Vice President Gore provided a powerful bridge of hope to world leaders who were struggling to make real progress in setting a roadmap toward a treaty designed to stave off the most devastating impacts of global warming.

In his speech, Vice President Gore courageously confronted the "inconvenient truth" that right now, at this moment in history; the principal obstruction to progress in the global effort to confront the Earth's greatest existential threat is the United States of America. He urged the assembled delegates in Bali to overcome their anger and frustration at this obstacle, vowing that "over the next two years, the United States is going to be in a place it is not now." The Vice President also offered a solution, suggesting that rather than trying to move the Bush Administration, the climate summit simply should circumvent it by leaving "a large open space" in the document to be filled in when U.S. leadership is finally restored.

Inspired by the Vice President's address, the U.N. delegates finally and resolutely rebuffed the administration's effort to block consensus on a "Bali Roadmap" by reaching a consensus that commits all nations to negotiate a new, scientifically valid deal to fighting global warming by 2009. The resolve to face down the White House was best perhaps best articulated by the delegate from Papua New Guinea—who, addressing the U.S. delegation in the final diplomatic showdown, declared, "If you cannot lead, leave it to the rest of us. Please get out of the way."

Madam Speaker, our distinguished former congressional colleague, Al Gore, has provided our Nation and our global community with great leadership. At a time when our own Administration has let us down, Vice President Gore has reminded the world that, in his words, "political will is a renewable resource."

I commend the text of the Vice President's historic address to my colleagues. To date, this landmark in the global climate discussion has not been published in its entirety anywhere, but I am honored now to place a verbatim transcript of it in the CONGRESSIONAL RECORD. Al Gore's words should inspire all of us to work to fill in the "large open space" that our current administration has left in the place where U.S. leadership normally resides.

SPEECH AT THE UNITED NATIONS CLIMATE CHANGE CONFERENCE, BALI, INDONESIA, DECEMBER 13, 2007

(By Al Gore)

I am not an official of the United States, and I am not bound by the diplomatic niceties. So, I am going to speak an inconvenient truth. My own country, the United States, is principally responsible for obstructing progress here in Bali. We all know that.

We all know that. But, my country is not the only one that can take steps to ensure that we move forward from Bali with progress, and with hope. Those of you who applauded when I spoke openly about the diplomatic truth here have a choice to make. You can do one of two things here. You can feel anger and frustration and direct it at the United States of America, or you can make a second choice. You can decide to move forward and do all of the difficult work that needs to be done and save a large open blank space in your document and put a footnote by it. And when you look at the footnote, write the description of the footnote. This document is incomplete, but we are going to move forward anyway on the hope—and I am going to describe for you why I think you can also have the realistic expectation—that that blank will be filled in.

This is the beginning of a process designed to culminate in Copenhagen two years from now. Over the next two years, the United States is going to be somewhere it is not now. You must anticipate that. Targets must be a part of the treaty that is adopted in Copenhagen. And the treaty, by the way, should not only be adopted in 2009: I urge you in this mandate to move the target for full implementation of this treaty to a point two years sooner than presently contemplated. Let's have it take effect fully in 2010, and not 2012. We can't afford to wait another five years in order to replace the provisions of the Kyoto Protocol.

So we must leave here with a strong mandate. This is not the time for business as usual. Somehow we have to summon, and each of you must summon a sense of urgency here in Bali. These are not political problems, they are moral imperatives. But our capacity to strip away the disguise and see them for what they really are and then find the basis to act together to successfully address them is what is missing.

The greatest opportunity inherent in this climate crisis is not only to quickly deploy the new technologies that will facilitate sustainable development, to create the new jobs and to lift standards of living. The greatest opportunity is that in rising to meet the climate crisis, we in our generation will find the moral authority and capacity for long term vision to get our act together in this world and take on these other crises, not political problems, and solve them. We are one people, on one planet. We have one future, one destiny. We must pursue it together, and we can.

The great Spanish poet from Sevilla Antonio Machado wrote, "Path walker, there is no path. You must make the path as you walk."

There is no path from Bali to Copenhagen unless you make it. It's impossible given the positions of the powerful countries, including my own, and the instructions from which they are not going to depart. But you can make a new path. You can make a path that goes around that blank spot. And you can go forward.

There are two paths you can choose. They lead to two different futures. Not too long from now, when our children assess what you did here in Bali, what we in our generation did here in this world. As they look backward, at 2007, they will ask one of two questions. I don't know which one they will ask, I know which one I prefer they ask, but trust me, they will ask one of these two questions.

They'll look back and either they will ask, "What were you thinking? Didn't you hear the IPCC four times unanimously warning the world to act? Didn't you see the glaciers melting? Didn't you see the North Polar ice cap disappearing? Didn't you see the deserts growing and the droughts deepening and the crops drying up? Didn't you see the sea level rising, didn't you see the floods, didn't you pay attention to what was going on? Didn't you care? What were you thinking?"

Or they will ask a second question, one that I much prefer them ask. I want them to look back on this time and ask, "How did you find the moral courage to successfully address a crisis that some many have said was impossible to address? How were you able to start the process that unleashed the moral imagination of humankind to see ourselves as a single global civilization?" And when they ask that question, I want you to tell them that you saw it as a privilege to be alive at a moment when a relatively small group of people could control the destiny of all generations to come. Instead of shaking our heads at the difficulty of this task and saying, "Woe is us, this is impossible, how can we do this?" We're so mad at the ones that are making it harder; we ought to feel a sense of joy that we have work that is worth doing, that is so important to the future of all humankind. We ought to feel a sense of exhilaration that we are the people alive at a moment in history when we can make all the difference. That's who you are. You have everything you need. We have everything we need, save perhaps political will, but political will is a renewable resource.

Thank you very much.

HONORING ADAM CLAYTON POWELL, JR. THROUGH ECONOMIC AND SOCIAL JUSTICE FOR SECURITY OFFICERS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. RANGEL. Madam Speaker, I rise today to draw attention to an event honoring my pioneering predecessor, former Congressman Adam Clayton Powell, Jr., of New York, and acknowledged in the New York CARIB News December 10 story, "Honoring The Legacy of Adam Clayton Powell Jr." Local 32BJ—the largest private sector union in New York and the largest property service union in the country—has evoked the memory and legacy of Mr. Powell in its campaign to organize private security guards. The more than 60,000 New York security officers deserve a living wage that meets their needs and those of their families. This battle is the most recent offshoot of Mr. Powell's influence on social and economic justice. It is in his spirit that these hard-working Americans fight for the benefits due them, and I wholeheartedly join them in this campaign.

HONORING THE LEGACY OF ADAM CLAYTON POWELL, JR.

NEW YORK, NY.—In a major step forward for Local 32BJ's city-wide campaign to organize security officers, Reverend Dr. Calvin O. Butts welcomes Local 32BJ President Mike Fishman and Reverend Johnny Ray Youngblood to the Abyssinian Baptist Church for its annual commemoration of the life and work of Adam Clayton Powell, Jr.

This is the first time the union's security officer campaign is being brought to the attention of Abyssinian's members.

"Honoring the legacy of Adam Clayton Powell means continuing his fight for social and economic justice," said Mike Fishman, Local 32BJ President.

"It is unfair that these men and women risk their lives protecting million dollar buildings, but don't make enough to support their families."

More than 60,000 men and women in New York, most of whom are African-American, work as private security officers. Although they keep our city safe, many of them earn less than $10/hr, receive no affordable health care and little, if any, state-of-the-art security training.

"As leaders in this city in the fight for social and economic justice the support of Reverent Butts and Reverend Youngblood is vital to the success of our campaign," Fishman added.

"Local 32BJ's campaign to raise wage and living standards is about more than 60,000 security officers—it is about New York itself," said Reverend Calvin Butts.

"The union's campaign is our community's campaign because it represents a unified call-to-action to pay men and women not only what they deserve, but what they need, to support their families—regardless of color.

"Labor and African-American leaders have a long history of working together—including organizing campaigns led by Dr. Martin Luther King on behalf of sanitation workers and by Adam Clayton Powell on behalf of pharmacists in Harlem.

"Nothing is more important in the union's security officer campaign than fighting for respect," said Rev. Youngblood. "Armed with respect for ourselves and from the community, and empowered with hard-earned respect from employers, we will win this fight for economic and social justice."

The recent event took on added significance because the union's campaign has been gaining momentum, and now represents more than 6,000 security officers in New York—double the number from just a few years ago.

With new campaigns visible at Jet Blue and Fordham University, which both use Summit, a low-wage security contractor, the campaign has picked up steam in recent months.

With more than 85,000 members, including 60,000 in New York, Local 32BJ is the largest private sector union in New York and the largest property service union in the country.

MISSED VOTES

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

JANUARY 22, 2007

Mr. SMITH of Washington. Madam. Speaker, due to events in my district, I was unable to vote on rollcall No. 42: Passage of H. Res. 475. Had I been present, I would have voted "yes."

JANUARY 22, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 43: Table the appeal of the ruling of the Chair for H. Res. 476. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 44: Motion to Suspend the Rules and Agree to H. Res. No. 52. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 45: Motion to suspend the rules and Agreed to H.R. 390. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 46: Motion to Suspend the Rules and Agree to H. Res. 29. Had I been present, I would have voted "yes."

FEBRUARY 8, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 87: Agreeing to the Amendment of H.R. 547, and amendment to include language which encourages the Assistant Administrator to utilize Land Grant Institutions, Historically Black Colleges and Universities, Hispanic Serving Institutions and other minority serving institutions among other resources to undertake research for programs covered by the bill. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district. I was unable to vote on rollcall No. 88: Agreeing to the Amendment of H.R. 547, an amendment to add a new paragraph to section 3, Biofuel Infrastructure and Additives Research and Development, to include issues with respect to where in the fuel supply chain additives optimally should be added to fuels. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 89: Agreeing to the Amendment of H.R. 547, an amendment to add a new paragraph to section 3 which includes issues with respect to certification by a nationally recognized testing laboratory of components for fuel dispensing devices that specifically reference compatibility with alcohol blended and biofuels that contain greater than 15 percent alcohol. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 90: Agreeing to the Amendment of H.R. 547, an amendment to add a new section 7 entitled Additional Funding. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 91: the Motion to Recommit with Instructions of H.R. 547. Had I been present, I would have voted "no."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 92: Passage of H.R. 547. Had I been present, I would have voted "yes."

FEBRUARY 26, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 111: Motion to Suspend the Rules and Agree on H. Con. Res. 52. Had I been present, I would have voted "yes."

MARCH 12, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 136: Motion to Suspend the Rules and Pass, as Amended on H.R. 85. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 137: Motion to Suspend the Rules and Agree on H. Res. 136. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 138: Motion to Suspend the Rules and Agree on H. Res. 89. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 187: Motion to Suspend the Rules and Pass, as amended on H.R. 802. Had I been present, I would have voted "yes."

Madam speaker, due to events in my district, I was unable to vote on rollcall No. 188: Motion to Suspend the Rules and Pass, as Amended on H.R. 137. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 189: Motion to Suspend the Rules and Pass, as

Amended on H.R. 580. Had I been present, I would have voted "yes."

MAY 14, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 342: Motion to Suspend the Rules and Pass on H.R. 1124. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 343: Motion to suspend the rules and agree to H. Res. 223. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 344: Motion to Suspend the Rules and Agree (H. Res. 385). Had I been present, I would have voted "yes."

MAY 16, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 358: Call in Committee Quorum. Had I been present, I would have voted "present."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 359: Motion that the Committee Rise (H.R. 1585). Had I been present, I would have voted "no."

JUNE 11, 2007

Madam Speaker, due to events in my district. I was unable to vote on rollcall No. 448: Motion to Suspend the Rules and Pass on H.R. 2356. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 449: Motion to Suspend the Rules and Agree on S. 676. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district. I was unable to vote on rollcall No. 450: Motion to Suspend the Rules and Agree on H. Res. 418. Had I been present I would have voted "yes."

JULY 23, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 687: Motion to Suspend the Rules and Pass H.R. 404, as amended. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 688: Motion to suspend the rules and agree to H. Res. 553. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 689: Motion to suspend the rules and agree to H. Res. 519. Had I been present I would have voted "yes."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 690: On ordering the previous question on H. Res. 558. Had I been present, I would have voted "yes."

AUGUST 1, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 781: Motion to adjourn. Had I been present. I would have voted "no."

SEPTEMBER 4, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 847: Motion to Suspend the Rules and Pass H.R. 694, as amended. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 848: Motion to Suspend the Rules and Pass H.R. 3020, as amended. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 849: Motion to Instruct Conferees on H.R. 2669. Had I been present, I would have voted "no."

SEPTEMBER 17, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 867: Motion to Suspend the Rules and Pass H.R. 3246, as amended. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 868: Motion to Suspend the Rules and Pass H.R. 1657, as amended. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 869: Motion to Suspend the Rules and Pass H.R. 3527. Had I been present, I would have voted "yes."

OCTOBER 1, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 924: Motion to Suspend the Rules and Agree on H. Res. 185. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 925: Motion to Suspend the Rules and Pass H.R. 2276. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 926: Motion to Suspend the Rules and Pass H.R. 3325. Had I been present, I would have voted "yes."

OCTOBER 15, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 961: Motion to Suspend the Rules and Agree on H. Res. 738. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 962: Motion to Suspend the Rules and Pass H.R. 2089. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 963: Motion to Suspend the Rules and Pass H.R. 20, as amended. Had I been present, I would have voted "yes."

OCTOBER 17, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 980: Passage of H.R. 2095. Had I been present, I would have voted "yes."

OCTOBER 29, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 1010: Motion to Suspend the Rules and Pass H.R. 3224, as amended. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 1011: Motion to Suspend the Rules and Agree on H. Res. 573, as amended. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 1012: Motion to Suspend the Rules and Agree on H. Res. 747. Had I been present, I would have voted "yes."

NOVEMBER 5, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 1034: Closing Portions of the Conference on H.R. 3222. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 1035: Motion to Suspend the Rules and Pass H.R. 513, as amended. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 1036: Motion to Suspend the Rules and Agree on H. Res. 744. Had I been present, I would have voted "yes."

NOVEMBER 7, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 1058: Motion to Suspend the Rules and Agree on H. Con. Res. 236, as amended. Had I been present, I would have voted "yes."

NOVEMBER 13, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 1082: Motion to Suspend the Rules and Pass H.R. 3315. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 1083: Motion to Suspend the Rules and Pass H.R. 1593, as amended. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 1084: Motion to Suspend the Rules and Pass H.R. 3403, as amended. Had I been present, I would have voted "yes."

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 1085: Motion to Suspend the Rules and Pass H.R. 3461, as amended. Had I been present, I would have voted "yes."

NOVEMBER 14, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 1095: Motion to Adjourn. Had I been present, I would have voted "no."

DECEMBER 6, 2007

Madam Speaker, due to events in my district, I was unable to vote on rollcall No. 1141: Motion to Suspend the Rules and Pass H.R. 2085. Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. GUTIERREZ. Madam Speaker, I was unavoidably absent from this Chamber last night and this morning. I would like the RECORD to show that, had I been present. I would have voted "yea" on rollcall votes 1163 through 1176.

PAYING TRIBUTE TO THE "PARTNERSHIP FOR A DRUG-FREE AMERICA" ON THEIR 20TH ANNIVERSARY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, December 18, 2007

Mr. RANGEL. Madam Speaker, today I rise to ask my colleagues to take a moment to honor one of our most successful and important educational campaigns, the Partnership for a Drug-Free America, for 20 years of outstanding service.

Best known for its national drug-education campaigns, the Partnership for a Drug-Free America continues its mission to reduce illicit drug use in America by uniting communications professionals, renowned scientists, and parents.

What began in 1986 as a 3-year endeavor to "unsell" drugs to the American public, has turned into the largest public service campaign in our Nation's history. The pro bono work of some of the country's best advertising agencies across all forms of media has allowed the Partnership's anti-drug message to reach the public on local and national levels for the past two decades.

The organization first entered the wider public consciousness in 1987, with its "This is Your Brain on Drugs" broadcast and print public service announcements, which used the analogy that if a person's brain were an egg, using drugs would be like frying that egg. Another PSA featured a television, a trip to Paris, and a new car all disappearing right under the nose of a cocaine user. Still another that year focused on how a drug-induced high is like diving into an empty swimming pool. All these commercials and print campaigns were praised in a speech given to those involved executively with PDFA by then-President George H.W. Bush in late 1989.

Since then, the Partnership has grown from simple advertising into a drug prevention and treatment resource. Parents and caregivers can request materials and teaching aids that they can use to effectively address drug and alcohol abuse with their children. A major new initiative now unfolding integrates the latest science and research with the most effective traditional media and digital communication techniques to give parents the tools, resources and support they need to help their children lead healthy lives. This effort—the first ever for the Partnership—will include a Web-based interactive information resource center, parent-to-parent support network, a national toll-free call center and user-friendly online/offline tools.

Time and time again, the Partnership proves that the media industry can play a very positive role in influencing our young people to turn away from drugs. Fueled by their educational programs and grassroots community outreach efforts, the use of illicit drugs across the country has fallen by almost a third. Adolescent drug use alone is down by 19 percent in just the past 4 years and 32 percent since its inception.

To celebrate the accomplishments and longevity of the organization, the Partnership will kick off its 20th anniversary at its annual gala being held on November 27, 2007 at the Waldorf Astoria in New York City. The Partnership will honor William C. Weldon, chairman and CEO of the Johnson and Johnson Corporation.

In light of this momentous occasion, I congratulate the staff and volunteers of the Partnership for a Drug-Free America on 20 years of influential service to our Nation. I ask my colleagues to join me in commending them for continuing on with their vision to raise awareness on how we can prevent substance abuse in our communities and make America a safer and sober place to live.

TRIBUTE TO JOHN COUCH

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. McCARTHY of California. Madam Speaker, I rise today to honor John Couch, a community leader from Atascadero, California, on his retirement after 17 years of serving the city, most currently as chief of police.

Chief Couch grew up in North Dakota. After graduating high school in 1970, Chief Couch enlisted in the United States Army and was stationed in Vietnam, serving with the 114th Assault Helicopter Company. He completed his service with the Army in 1973 and enrolled in California State University, Sacramento, where he earned his degree in criminal justice administration in 1977. After his graduation, Chief Couch worked for the city of Santa Clara Police Department for 13 years and achieved the rank of sergeant. Since 1990, Chief Couch has served in the Atascadero Police Department.

Chief Couch was elevated to the rank of chief on October 7, 2004. During his tenure, he has instituted many improvements to the police department. For example, Chief Couch facilitated the purchase of additional motorcycles for the Traffic Division and added computers and in-car video to all Atascadero Police Department patrol vehicles. He improved the efficiency of law enforcement in Atascadero by creating a special enforcement team, upgraded the capabilities in dispatch, made technical improvements to the radio repeater system, and implemented a crime free multi-housing program and a new traffic safety program. Chief Couch also succeeded at improving the police department retention and recruitment process and the department's relations with the community it serves by expanding community outreach and education programs.

Community service is a central priority for Chief Couch even in his off-duty life. Chief Couch is a member of the Atascadero Kiwanis Club. He also serves on the local board of directors for both the Women's Shelter and the Salvation Army. Finally, in addition to serving as chief of police, John is the chief driver and mechanic of the bus for the Atascadero Bible Church.

Chief Couch and his wife Margie have been married for 25 years and have raised two children, Brittany and Jared.

Dedicated to serving his community in a variety of ways, Chief Couch's leadership at the Atascadero Police Department will be sorely missed and difficult to replace, but his well-deserved retirement will give him the ability to spend more time with friends and family. I commend his service to the City of Atascadero and I hope that Chief Couch enjoys his transition into the next stage of his life.

CONGRATULATIONS TO MIDLAND HIGH SCHOOL FOOTBALL TEAM

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. CAMP of Michigan. Madam Speaker, today I rise to congratulate and pay tribute to the Midland High School football team for reaching the Michigan High School Athletic Association 2007 Division Two State Championship game. This was the team's third trip to the state finals since 1990.

The Midland Chemics led most of the hard-fought final game against Detroit Martin Luther King High School. However, King took the lead in the fourth quarter and held off Midland. The game marked the end of a successful season, in which the Chemics finished with an 11–3 record.

A week earlier it was Midland who pulled off the impressive come-from-behind victory, defeating Lowell High School. They scored 24 unanswered points in the second half to win 31–27 and earn their spot in the title game. In the playoffs they also defeated Davison, Bay City Central, and Arthur Hill en route to the finals.

The accomplishments of these student athletes are a testament to the years of hard work and dedication leading up to their playoff run. I commend them on a successful season.

On behalf of the 4th Congressional District of Michigan, I congratulate the Midland High School Football team on their achievements and wish them all the best of luck in their future endeavors.

RECOGNIZING DANIELLE "DANIE" VANDERPOOL

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. LATHAM. Madam Speaker, I rise today to recognize Danielle "Danie" Vanderpool as a dedicated volunteer, assisting veterans at the Iowa Paralyzed Veterans of America in Des Moines.

Danie, a nine-year-old from Indianola, Iowa has volunteered for the dinner and a movie night every Monday night for the past 3 years. After dinner she cleans off the tables, helps set up chairs and serves popcorn, putting smiles on veterans' faces. Danie was inspired to volunteer by her wheelchair-bound grandmother, Shonnae Lundy, who also volunteers at the IPVA.

Danie has left a lasting positive impact on many veterans and their families. The late

Jimmy Hauck, a U.S. Navy veteran, nicknamed Danie the "Popcorn Girl." Jimmy took a liking to Danie as she always kept all the popcorn bowls full. She truly exemplifies the Iowa spirit of neighbors helping neighbors.

It is a great honor to represent Danie Vanderpool in Congress. I commend Danie's willingness to volunteer and I wish her all the best in her future endeavors.

HONORING 10 MEMBERS OF THE NORTH CHICAGO FIRE DEPARTMENT

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. KIRK. Madam Speaker, I rise today to honor 10 members of the North Chicago Fire Department for going beyond the call of duty to save the life of a 10th district resident.

On November 26 of this year, the fire department was dispatched to the scene of a gunshot victim. Once notified that the victim had received a gunshot wound to the face, a Flight for Life helicopter was immediately called. With the gunman presumed to still be in the area, paramedics Patrick Michael and Gerry Goniwicha went to the aid of the victim despite considerable risk to their lives. Patrick and Gerry quickly moved the injured person to the ambulance and began to clear an airway and stop the bleeding.

As the paramedics worked, additional personnel were called to help the victim and establish a landing zone for the helicopter. Paramedics Joshua Rickabaugh and Joshua Monroe came to the assistance of the ambulance crew to help with patient care and transportation to the helicopter.

At the landing zone site, Commander Keith Humphries met with paramedics Chris Shearer, Keith Peacy and Jason Lambert to set up a safe place for the helicopter to land. The firefighters successfully established a landing zone in very tight quarters and the patient was quickly transferred to the helicopter. Once in the helicopter, Flight for Life nurse Julie Heyer, and flight medic Stu McVicar took over treatment until the team reached the Level I Trauma Center at Lutheran General Hospital.

This victim had a shattered jaw and severed carotid artery, with the bullet initially going into the heart. The victim is still in critical condition, but without the firefighters and medical personnel going into an area where a gunman could still be present, performing their skills flawlessly even with the extreme injuries involved, the victim would not have had a chance.

On behalf of the House of Representatives, I commend Patrick Michael, Gerry Goniwicha, Keith Humphries, Joshua Rickabaugh, Chris Shearer, Keith Peacy, Jason Lambert, Joshua Monroe, flight nurse Julie Heyer, and flight medic Stu McVicar for their amazing actions.

STATEMENT ON THE RETIREMENT OF BUTCH HINTON

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. SKELTON. Madam Speaker, let me take this means to pay tribute to a dedicated and loyal public servant, Henry L. "Butch" Hinton. On January 4, 2008, Mr. Hinton will retire following a distinguished 37-year career with the United States Government Accountability Office, GAO, capped by 13 years as the Managing Director of the agency's Defense Capabilities and Management team.

Mr. Hinton began his career with GAO in 1970, rising through the ranks to lead one of its major divisions—the National Security and International Affairs Division, and after an organizational realignment, one of its key teams—the Defense Capabilities and Management team. He is an acknowledged subject matter expert on a wide variety of national security programs and policy issues dealing with defense planning and budgeting, force structure and readiness, weapon systems acquisitions, homeland defense, military and civilian personnel, logistics, infrastructure, and business and force transformation. In addition, he has an in-depth understanding of the Federal legislative and regulatory processes.

Through the years, I have had the privilege of working with Mr. Hinton in my capacity as both chairman and ranking member of the House Armed Services Committee. As a result of his work on highly sensitive and complex issues related to military readiness, threats to national and global security, the global war on terrorism, the base realignment and closure process, and human capital management, he has been a two-time recipient of the Comptroller General's Award for exceptional effort and achievement of results in support of the Congress and the American taxpayer. He has also received GAO's Integrity Award, two GAO Distinguished Service Awards, and GAO's Meritorious Service Award.

GAO was created in 1921 with the mandate to audit, evaluate, or investigate virtually all Federal Government operations—wherever they might take place. In other words, the GAO serves as a "watchdog" over the taxpayers' money—guarding against fraud, abuse, and inefficient allocation of public funds.

GAO evaluations under Mr. Hinton's guidance and leadership have saved taxpayers billions of dollars. During his career as head of GAO's National Security and International Affairs Division, and GAO's Defense Capabilities and Management team, Congress has implemented numerous recommendations resulting from his work. He has also led the work on reports to improve the readiness and capabilities of active and reserve forces, oversight of military operations including the use of contractors on the battlefield, reliability of cost reporting, transparency over military compensation costs, defense planning in such areas as infrastructure and force protection, and efforts to transform the Department of Defense's business operations, including the need for a Chief Management Officer.

Madam Speaker, Butch Hinton's tenure at GAO has been characterized by success on every level. He has served as an example of a truly exceptional public servant. I am sure my colleagues will join me in wishing him well in his retirement.

HONORING MAYOR FRED TURNAGE

HON. G.K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. BUTTERFIELD. Madam Speaker, for the past 34 years, Rocky Mount, North Carolina has known only one mayor—Fred Turnage. During his tenure, he showed time and time again that he was one of our State's finest and most effective leaders.

Part of what makes him such a great leader is that he truly understands how to be a public servant. Mayor Turnage wanted to improve the quality of life of every single person living in Rocky Mount; he always had big plans for improving the city for the people; and, he always worked as hard as he could to achieve his goals.

Mayor Turnage successfully navigated the city through its darkest time in the aftermath of Hurricane Floyd in 1999. The storm dumped 20 inches of rain on a region already saturated by two previous storms. Floyd engulfed neighborhoods, communities and entire towns with floodwaters and killed 16 people in the Twin Counties.

Almost a tenth of the city was flooded; 1,000 structures were destroyed with damage estimated at $400 million; and, hundreds of residents were evacuated from their homes.

During those dark days, Mayor Turnage provided the strong leadership needed to give people a sense of comfort and the belief that the community could rebuild and be stronger than it was even before the storm.

Under his leadership, Rocky Mount successfully moved forward with a plan to rebuild, expand and strengthen the city beyond what it had been prior to the storm. Grants, private funds and city budget commitments paid for the new Imperial Centre, Rocky Mount Sports Complex, YMCA, Braswell Memorial Library, several parks and the train station.

During his three decades at the helm of the city, Mayor Turnage helped to successfully navigate the community as it moved from a tobacco and textile city to one that relies on diverse factories, small businesses and tourism.

Mayor Turnage has presided over more than 700 City Council meetings and he's missed just six in his 34-year tenure. Two of those absences occurred because he was out of town on city business.

He grew up in Rocky Mount, graduated from what was then Rocky Mount Senior High in 1954 and moved on to Wake Forest University. He graduated from law school in 1961 and returned to Rocky Mount to work as an attorney. He then worked as assistant clerk of court for about 18 months before he opened his own law firm. In those days there were no district attorneys, so he ran successfully for prosecuting attorney for Nash County.

In 1971, he was elected to the City Council. At age 37, two years later, he was elected Rocky Mount's youngest mayor.

In December, Mayor Turnage turned over the gavel and the city had its first new mayor in 34 years. Mayor Turnage, and his wife, Norma, have been strong and steady leaders for their community, and they have succeeded in making their community a better place for everyone there.

Please join me in recognizing the great accomplishments of Rocky Mount's mayor, Fred Turnage.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Ms. WOOLSEY. Madam Speaker, on December 18, I was unavoidably detained and was not able to record my votes for rollcall No. 1174–1182, had I been present I would have voted:

Rollcall No. 1174, "yes"—Providing for the consideration of the Senate Amendment to the House Amendment to the Senate Amendment to H.R. 6. Energy Independence and Security Act.

Rollcall No. 1175, "yes"—Providing for the consideration of the Senate Amendment to the House Amendment to the Senate Amendment to H.R. 6, Energy Independence and Security Act.

Rollcall No. 1176, "yes"—Veterans Guaranteed Bonus Act.

Rollcall No. 1177, "yes"—Energy Independence and Security Act.

Rollcall No. 1178, "yes"—Terrorism Risk Insurance Revision and Extension Act.

Rollcall No. 1179, "yes"— Sudan Accountability and Divestment Act.

Rollcall No. 1180, "yes"—Expressing the unconditional support of the House of Representatives for the members of the National Guard.

Rollcall No. 1181, "yes"—Providing for the concurrence by the House in the Senate Amendments to H.R. 3997, with an amendment.

Rollcall No. 1182, "yes"—U.S. Capitol Police and Library of Congress Police Merger Implementation Act of 2007.

IN RECOGNITION OF THE PANPAPHIAN ASSOCIATION OF AMERICA ON THE OCCASION OF ITS ANNUAL DINNER-DANCE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise today to pay tribute to the PanPaphian Association of America for its tremendous contributions to our cultural and civic life. Founded two decades ago by Hellenic Cypriot Americans of Paphian ancestry, the Association has carried out its vital educational and humanitarian mission while helping promote peace and understanding on the occupied island of Cyprus.

The PanPaphian Association of American is holding its annual dinner-dance this month, at which its members will honor Mr. Nikos Tziazas with the Evagoras Pallikarides Award. Born in Paphos, Mr. Tziazas immigrated to the United States in 1979 after graduating from high school and serving more than two years in the Cypriot National Guard as an artillery officer. While in college, he became an active member of the Zenon Association; general secretary and a member of the soccer team at the Eleftheria Football Club; and an active member of the Cypriot Students Association. After graduating from St. Francis College with a degree in management and finance in 1986, Nikos Tziazas started his first company, National Mortgage Finders, and simultaneously began coaching soccer at the Eleftheria Pancyprian Youth association. In 2006, he became president of its soccer club. Under his leadership, the club became one of the largest and most successful in the Cosmopolitan Junior Soccer League and in the community of persons of Hellenic descent. In 2005 he served as president of the Panpaphian Association. Currently Nicos Tziazas is president of Lyons General Insurance Agency, and remains active in youth activities as president of the Eleftheria Pancyprian Youth Soccer Club. He is a devoted to his wife, Kalina, and his children, Kristothea and Nicholas.

The PanPaphian Association is bestowing its Distinguished Fellow Cyprian Award on Despina Axiotakis. She was born in Asgata, Limassol on Cyprus, where her father, Kyriacos Ioannou, was well known as the "Palikari" for exhibiting tremendous feats of strength. With her family, she immigrated here in 1956. After her education at the Traphagen School of Fashion, she entered the business world and today serves as president of Axiocom Productions, a firm specializing in public relations.

Despina Axiotakis became active in the political arena, serving the presidential campaigns of Governors Michael Dukakis and Bill Clinton. She has served on the Board of Directors of the Greek Children's Fund and the Church of the Assumption in Windham, New York. While serving as president of the Asgata Association Cyprus Woman's Division, she founded the Asgata Youth and Dance Division that included teaching the group Hellenic and Cypriot dances. In addition, she was the editor of the "Asgata Newsletter" for more than eight years. She serves as general secretary of the Cyprus Federation of America, a position she has held for more than 15 years. At the same time she has served as executive director of the Cyprus United States Chamber of Commerce. Despina is devoted to her husband, John, their 2 children, Lucas and Irene, and their 5 grandchildren.

The PanPaphian Association is honoring as its "Member of the Year" Mr. Michael Ioannou Michaels. Born in Kalavasos, Cyprus, he immigrated to the United States at the age of 21 and began working on ships as a welder. Mr. Michaels eventually started his own construction company. Although he adopted the United States as his new home, he never lost the connection with his native country, and became involved in several organizations such as the Cyprus Federation of America, the PanPaphian Association, and Kalavasos Fraternity, which he serves as acting president, and also participates in the Pancyprian soccer team and the Cyprian dance group. One of his most noteworthy contributions to civic life is his generous and selfless devotion to the Rachel Cooper Foundation, which enables children with congenital heart disease from Cyprus and other countries to be flown to the U.S. for urgent medical care. Although he recently lost his beloved wife Olympia, Mr. Michaels remains devoted to her memory and to his daughter, Martha, and her husband, Andy.

Madam Speaker, I ask that my distinguished colleagues rise to join me in paying tribute to the PanPaphian Association of America and all its good works.

HONORING THE WEST GENESEE HIGH SCHOOL FOOTBALL TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. WALSH of New York. Madam Speaker, I rise today in tribute to the West Genesee High School Football Team, 2007 Class AA New York State Football Champions. The West Genesee Wildcats defeated Monroe-Woodbury Crusader by a score of 42–21, earning West Genesee High School's first state football championship title.

On behalf of the people of New York's 25th Congressional District, I congratulate these young men on their outstanding athletic achievement and praise head coach Steve Bush, and Assistant Coaches Joe Corley. John Lawrence, Tim Lane, Corey Brooks, and Dana Eells on their team's success. I look forward to another exciting year when the Wildcats take the field to defend their title in 2008.

Joe Kesler, Dave Hildman, Matt McCabe, Joe Fazio, Ryan McConnell, George Eunice, Jim Marks, James Grecco, Nick Aiken, Tim Moran, Jeremy Jones, Kyle Nojaim, Nick Collins, Pat Shanley, Mike Carter, Jeremy Connors, Tim Town, Mike Simiele, Yaw Awuah, Mike Mercer, Ben Waldron, Sirron Wright, Mike Delaney, Marcus Armstrong, Josh Cruz, Tom Flynn, Will Furdyn, AJ Reese, Scott Erikson, Nate Wells, Rich Longo, Mark Ferguson, Nick Pedrotti, Christos Dimkos, Mike Gagnon, Nick Cammuso, Nick Rinaldi, Kevin Heron, Stefan Cavedine, Mike Severance, John Gacek, Vinny Lananna, Ossamia Mere, Craig Simmons, Ben Wysokowski, Stephen Pooler, Tony Pedrotti, Doug Ayer, Jake Fietkiewicz, Dan Kolinski, Jeff Mancuso, Kevin Petrick, Luke Cometti

THE NATIONAL DIABETES COORDINATOR ACT

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. INSLEE. Madam Speaker, yesterday I introduced The National Diabetes Coordinator Act, H.R. 4836. As some of my colleagues who have worked on issues relating to diabetes may be aware, the Federal Government spends over $80 billion per year treating diabetes and its complications.

Since 1980, the number of Americans suffering from diabetes has doubled to more than 20 million, and that number is projected to double again by 2025.

The serious complications stemming from diabetes—including heart disease, high blood pressure, stroke, blindness, amputation and renal disease—are well documented and even more importantly, they are largely preventable with proper management and treatment.

To that end, H.R. 4836 would establish a National Diabetes Coordinator to coordinate research and prevention activities throughout the federal government, including agencies such as the Department of Veterans Affairs and the Department of Defense.

We need this kind of comprehensive approach to get our hands around what is rapidly becoming an all-encompassing epidemic. A recent study found that one out of every eight Federal health care dollars is spent treating people with diabetes. The total amount of money spent on diabetes is nearly equal to the entire budget for the U.S. Department of Education, roughly $80 billion.

While we expend vast resources on this effort, of that $80 billion, less than 1 percent is spent on direct diabetes prevention. When you also consider that 18 of 21 Federal agencies spend money on diabetes, there is a clear need for a National Coordinator to establish a strategy to prevent and reduce diabetes and its complications.

We have seen evidence that this approach can work. A recent Agency for Healthcare Research and Quality, AHRQ, study demonstrated that Medicare and Medicaid could save $2.5 billion a year by presenting diabetes and its complications with appropriate primary care. The city of Asheville, North Carolina saved $2.000 per employee with an innovative diabetes management program. The NIH-sponsored Diabetes Prevention Project proved that we can prevent and delay diabetes and its complications by 58 percent.

A National Diabetes Coordinator will provide the Federal leadership necessary to maximize the funds the Federal Government is currently spending to save money and lives. Further, a National Diabetes Coordinator with specific responsibilities to work across agencies to prevent and reduce diabetes and its complications will be a model for how the U.S. can deal with other chronic diseases such as heart disease.

As we consider how to move forward in the fight against diabetes, I encourage my colleagues to think of these statistics: one in three kids born today will get diabetes, and that figure rises to one in two in minorities. Further, 32 percent of the Medicare program is spent on the 18 percent of beneficiaries with diabetes. We need Federal leadership provided in H.R. 4836 to help reverse these trends and make a difference for future generations.

A TRIBUTE TO REVEREND LEARY E. BONNETT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Reverend Leary E. Bonnett. Reverend Bonnett, a native of Guyana, completed the General Certificate of Education and high school examinations through the University of London before migrating to the United States.

Reverend Bonnett earned his Bachelor of Arts Degree in Economics from Queens College of the City University of New York. He went on to pursue a Master of Arts Degree in Human Resources Development from Webster University in St. Louis, Missouri as well as a Master of Divinity Degree from New York Theological Seminary. Reverend Bonnett is currently completing work towards a Doctor of Ministry Degree at United Theological Seminary in Dayton, Ohio. specializing in spirituality and leadership for the 21st century.

Reverend Bonnett enlisted in the U.S. Army after college in order to fulfill a deterred draft commitment granted to full-time students during the Vietnam War. He attended Officers Candidate School at Fort Benning, Georgia and was commissioned as a Second Lieutenant. After 13 years of distinguished military service, he separated from active duty with rank of Major. His military decorations include the U.S. Army Good Conduct Medal; the U.S. Army Achievement Medal; and the U.S. Army Commendation Medal.

Reverend Bonnett is the former Executive Director of a parochial day school in the Rockaway section of Queens. While there he streamlined the curriculum to meet New York State standards. In addition, Reverend Bonnett served with the Salvation Army providing therapeutic crisis intervention to at-risk youths. After the attacks of September 11, 2001, he joined a team of family support specialists with the American Red Cross to providing benefits and support to family members who lost loved ones or were injured in the terrorist attack.

Reverend Bonnett is currently the Director of Christian Education at the Berean Missionary Baptist Church in Brooklyn. He is the Founder and Executive Director of Silence The Guns, an educational organization dedicated to eliminating handgun usage among America's children. He is also the author of two books; Failure is Not the Problem: and Joy Cometh in the Morning.

Reverend Bonnett resides in Brooklyn with his wife, Dr. Terry Jan Blackett-Bonnet. He has three children, Kimbia, Amilcar and Haron.

Madam Speaker, I would like to recognize Reverend Bonnett's selfless contributions and his works as a mentor to the children of Brooklyn.

Madam Speaker, I urge my colleagues to join me in paying tribute to Reverend Leary E. Bonnett.

RECOGNIZING KERN RIVER OIL FIELD'S TWO BILLIONTH BARREL OF OIL PRODUCED

HON. KEVIN McCARTHY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. McCARTHY of California. Madam Speaker, I rise today to recognize an important milestone achieved in oil production in my district as the Kern River Oil Field recently produced its two billionth barrel of oil.

Over 100 years ago in 1899, "black gold" was discovered at Kern River when a father-son team hand-dug a 45 foot deep discovery well. This oil discovery set off a boom in Kern County leading to population growth and the discovery of more and more oil fields in the region. In 1903, Kern River, in addition to other oil fields discovered at the turn of the century in the region, made California the top oil-producing state in the Union. In fact, in 1904, Kern River produced more than 17.2 million barrels of oil, which, at that time, was more oil produced than in the entire State of Texas.

In the early 1900's, oil production peaked at nearly 50,000 barrels per day, and then decreased to an average of about 10,000 barrels per day. However, due to human ingenuity, hard work, the advent of the steam injection (or "steamflooding") oil production process in the early 1960's, and cogeneration in the 1980's, today, Kern River produces approximately 82,000 barrels of oil per day.

With its production of the two billionth barrel of oil, Kern River joins only two other fields in a select, elite class of oil fields in California that have produced over two billion barrels of oil. Just to put this into perspective, two billion barrels of oil, once refined, on average, yields more than 43 billion gallons of gasoline. Subsequently, the Kern River Oil Field is the fourth largest field in the lower United States, the third largest field in California, and the second largest field in Kern County.

Today, Chevron North America Exploration and Production owns and produces nearly all of the oil at Kern River. A vital economic backbone of Kern County, Chevron at Kern River employs more than 345 individuals and has upwards of 800 contractors working at the field, and creates countless secondary and tertiary oil and non-oil related jobs in the community. In addition. Chevron at Kern River contributes more than $24 million in property taxes to the County of Kern on an annual basis, and is a community leader in supporting various education and charitable causes.

Kern River is a heavy crude oil field, meaning the oil is a thick, viscous liquid that needs to be heated and pumped out of the ground. Generally, primary heavy oil recovery extracts between 5–10 percent of the oil from the ground, while hot waterflood recovery processes increase that recovery rate to between 15–25 percent. Yet, the steamflood recovery process can increase recovery rates to 50–80 percent. With the steamflood technological recovery advances of Chevron at Kern River. Chevron has been able to maximize production of the vast oil reserves of this field and has extended the life of this field for decades.

As a leader in heavy oil production, Chevron has established an International Heavy Oil

Center at Kern River in order to collaboratively develop and deploy heavy oil production technologies worldwide, as well as to become a hub for heavy oil development. These technological advances developed at Kern River, as well as at other fields, will increase the ability of the industry to maximize the Earth's oil reserves' potential and help satisfy our energy demands.

What started out in 1899 as one hand-dug well, Kern River has developed into one of the largest oil fields in the United States with more than 9,000 producing oil wells. Again, I rise today to recognize the importance of Kern River producing its two billionth barrel of oil and to join with Chevron in celebrating this milestone. I look forward to continued production at this field for many years to come.

TRIBUTE TO FULTON-MIDDLETON HIGH SCHOOL FOOTBALL TEAM

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. CAMP of Michigan. Madam Speaker, today I rise to congratulate and pay tribute to the Fulton-Middleton High School football team for reaching the Michigan High School Athletic Association 2007 Division Eight State Championship Game. It was the team's first finals appearance since winning the 1998 State championship.

The Fulton-Middleton Pirates lost a hard-fought final game to Crystal Falls Forrest Park High School. In the defensive battle, they pulled within one score of the Crystal Falls Trojans late in the fourth quarter, but were unable to get back the ball to attempt a game-tying drive. It was the Pirates only loss of the season. On the road to the final game, the Pirates defeated Fowler, New Lothrop, Our Lady of the Lakes, and Climax-Scotts in the playoffs.

The Pirates accomplishments pay testament to the years of hard work and dedication of these student athletes. I commend them on a successful season.

On behalf of the 4th Congressional District of Michigan, I congratulate the Fulton-Middleton High School football team on their achievements and wish them all the best of luck in their future endeavors.

RECOGNIZING FORT DODGE, IOWA CITY COUNCILWOMAN JANE BURLESON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. LATHAM. Madam Speaker, I rise today to recognize Fort Dodge, Iowa city councilwoman, Jane Burleson, for her 24 years of distinguished public service to the people of Fort Dodge.

In 1982, the citizens of Fort Dodge elected Jane as the first woman and first African American to serve on the council. Jane overcame many barriers to serve and contributed a fresh and different perspective. Her dedication and commitment to improving the city is a true measurement of her leadership and care for her community. Jane's guiding presence on the council will certainly be missed, but the legacy she leaves will inspire many to dream big reach high and achieve great accomplishments.

I know that my colleagues in the United States Congress join me in commending Jane Burleson for her leadership and service to Fort Dodge, Iowa. I consider it an honor to represent Jane in Congress and I wish her the very best in her future endeavors.

HONORING LT. THOMAS CHRISTENSEN AND FIREFIGHTER JEREMY BROWN OF THE WAUKEGAN FIRE DEPARTMENT

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. KIRK. Madam Speaker, I rise today to honor Lieutenant Thomas Christensen and Firefighter Jeremy Brown of the Waukegan Fire Department.

As Hazardous Device Technicians, Lt. Christensen and Firefighter Brown were the driving force behind the City of Waukegan's effort to secure a grant from the Illinois Terrorism Task Force for an Andros F6A Robot and transport vehicle to better respond to hazardous device incidents.

Currently there are only 12 bomb squads in Illinois. The Waukegan squad services Lake and McHenry counties in northeastern Illinois. Last year, the squad responded to more than 40 bomb calls. The most notable was a bank robbery where the suspect claimed to have an explosive device which he left on the teller counter after fleeing the crime scene.

With the F6A Robot and transport vehicle, the Waukegan Fire Department is better equipped to respond to bomb related calls. This equipment would not be possible without the diligence of Lt. Christensen and Firefighter Brown. The two men conceived the idea, developed the justifications and specifications and oversaw the construction.

Lt. Christensen and Firefighter Brown represent an outstanding division that was first formed in 1971. The team consists of several certified bomb squad members who put their lives on the line on a daily basis for northeastern Illinois.

I am proud of the achievements of these fine first responders.

TRIBUTE TO BERNIE FECHTEL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. SKELTON. Madam Speaker, let me take this moment to recognize the work of Bernie Fechtel of Jefferson City, Missouri. A successful businessman in central Missouri, Mr. Fechtel served as the Chairman of the Board for the Jefferson City Chamber of Commerce in 2007.

During his time as Chairman, the local Chamber was awarded the Missouri Chamber of Commerce and Industry's "Chamber of the Year" award in recognition of the Chamber's effectiveness and efficiency in implementing its economic goals. Jefferson City is the fifth city in history to receive this distinguished award.

Mr. Fechtel will continue to serve the Jefferson City Chamber of Commerce in 2008 as it's Chairman-Emeritus. I trust that Members of the House will join me in thanking Bernie Fechtel for his outstanding leadership and vision.

A TRIBUTE TO MRS. MARGARET BEULAH COLVERT ALLEN

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. BUTTERFIELD. Madam Speaker, I rise today to pay tribute to one of America's most deserving citizens, Mrs. Margaret Beulah Colvert Allen, who will be celebrating her 100th Birthday on August 2, 2008. Although Mrs. Allen was born in Statesville, NC, she presently resides in Congressman BOBBY SCOTT'S Congressional District, so we are both equally pleased and proud to share her as our friend and constituent.

Over the years, Mrs. Allen has assumed many different roles. She was a dedicated homemaker and was also employed for several years as a substitute teacher, seamstress, supervisor of arts and crafts at her area community recreation center, and a food service worker at the Veterans Administration Hospital.

Madam Speaker, Mrs. Allen has dedicated 75-faithful years of her life as a member of the Saint Paul A.M.E. Church. She has served as steward and stewardess and on several different committees including the Committee of Concern, which she chaired for many years. Mrs. Allen was also very involved in her community's Y.W.C.A. and the elementary and high school Parent Teacher Association.

By all accounts, Mrs. Allen is a "wonderful mother." Due to her husband's early death, Mrs. Allen was forced to rear five children as a single parent. Marion A. Christian, John C. Allen, III, Charles C. Allen, Beverly A. Henderson and Lynne C. Allen are the Allen children. All of the Allen children completed college and have reared successful children of their own.

Madam Speaker, over her lifetime, Mrs. Allen has lived through some of the most significant historical periods of our time. Like so many of the great historical monuments she has stood the test of time and has survived Reconstruction; lynching; World War I; the Great Depression; World War II; the period of segregation; the Civil Rights Movement; Voting Rights Movement; School Desegregation and other momentous times. She is indeed a walking history reference and we take great pride in recognizing her for being blessed with such longevity.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Ms. WOOLSEY. Madam Speaker, on December 17, 1 was unavoidably detained and was not able to record my votes for rollcall Nos. 1163–1173.

Had I been present I would have voted:

Rollcall No. 1163—"yes"—Expresses heartfelt sympathy for the victims and families of the shootings in Omaha, Nebraska, on Wednesday, December 5, 2007.

Rollcall No. 1164—"yes"—Honoring local and State first responders, and the citizens of the Pacific Northwest in facing the severe winter storm of December 2 and 3, 2007.

Rollcall No. 1165—"yes"—Same Day Rule.

Rollcall No. 1166—"yes"—Same Day Rule.

Rollcall No. 1167—"yes"—Sine Die Adjournment resolution of the 1st Session of the 110th Congress.

Rollcall No. 1168—"yes"—Providing for consideration of the Senate amendment to H.R. 2764, State, foreign operations appropriations, FY 2008.

Rollcall No. 1169—"yes"—Providing for consideration of the Senate amendment to H.R. 2764, State, foreign operations appropriations, FY 2008.

Rollcall No. 1170—"yes"—To award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma.

Rollcall No. 1171—"yes"—Department of State, Foreign Operations, and Related Programs Appropriations for FY 2008—Amendment No. 1.

Rollcall No. 1172—"no"—Department of State, Foreign Operations, and Related Programs Appropriations for FY 2008—Amendment No. 2.

Rollcall No. 1173—"yes"—Recognizing and celebrating the centennial of Oklahoma statehood.

IN TRIBUTE TO ANGIE MARKHAM

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise to pay tribute to Angie Markham, a great American who serves as the Executive Director of the Federation of Italian-American Organizations of Queens, Inc. Angie Markham is devoted to her family and her community. In recognition of her selfless dedication to the well-being of others, she was honored by the Taminent Regular Democratic Club of the Borough of Queens in New York City at its 76th Annual Dinner Dance.

Next year will mark two full decades of distinguished service by Angie Markham as Executive Director of the Federation of Italian-American Organizations of Queens, Inc. As the leader of the Federation, Angie Markham has developed and managed countless worthwhile initiatives that have provided essential services to the community. These include an annual Columbus Day Parade in Queens; a surplus food distribution program; an annual 5-Kilometer Run to Help Fight Drug Abuse; Italian Heritage Cultural Month festivities coordinated with the office of the Queens Borough President, St. John's University, and several other community-based organizations; soccer camps, clinics, and tournaments for area youth; weekly cultural and entertainment events every summer in Athens Square Park in Astoria; classes in Italian language and culture, English as a second language, and civics. While devoting her time and attention to this incredible range of activities, Angie Markham has also remained devoted to her family as a beloved wife and mother.

In recognition of her many outstanding contributions to the community, Angie Markham has been honored by numerous organizations and leaders. She has been honored by the Queens Borough President's office, by State Senator George Onorato, by State Assemblyman Michael Gianaris, and by New York City Councilman Peter Vallone, Jr., as well by numerous government agencies and civic associations.

In being honored by the Taminent Regular Democratic Club, Angie Markham's achievements were recognized by one of the largest and most vibrant political and civic organizations in our nation's greatest city. The Taminent Club represents voters in the neighborhoods of Astoria and Long Island City in the New York State Assembly's 36th District and is led by its able District Leaders, the Honorable Gloria DeMarco Aloise and the Honorable George Onorato. The Taminent Club proudly carries the banner of the world's oldest political party in one of the most diverse counties in the United States of America. Borough of Queens.

Madam Speaker, I ask that my distinguished colleagues join me in recognizing the outstanding contributions to our cultural and civic life made by Angie Markham.

HONORING THE BISHOP LUDDEN HIGH SCHOOL FOOTBALL TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. WALSH of New York. Madam Speaker, I rise today in tribute to the Bishop Ludden High School Football Team, 2007 Mass C New York State Football Champions. The Bishop Ludden Gaelic Knights defeated the Dobbs Ferry Eagles by a score of 21–16, earning Bishop Ludden's first state football championship title.

On behalf of the people of New York's 25th Congressional District, I congratulate these young men on their outstanding athletic achievement and praise head coach John Cosgrove, and Assistant Coaches Mike Rogers and Bill Cloonan on their team's success. I look forward to another exciting year when the Gaelic Knights take the field to defend their title in 2008.

Steven Barrett, Eric Beauford, James Braithwaite, Connor Brown, Casey Christo, Conor Cosgrove, Christopher Davis, Mark Deangelis, Yaroslav Fentsor, Nicholas Ferrante, Daquan Grobsmith, Christopher Harding, Michael Hogan, Eugene Law, Jiyhouh Ly, William McGrath, Julio Ortiz, Omar Osbourne, Joseph Rathbun, John Rooney, Patrick Rosanio, Benjamin Searle, Nathaniel Stewart, Connor Sweeney, Jake Szelewski, Devin White, Wendall Williams, and Joevon Works.

THE MEDIA OWNERSHIP ACT

HON. JAY INSLEE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. INSLEE. Madam Speaker, as much of America now knows, yesterday in a split decision, the Federal Communications Commission (FCC) voted to approve new media ownership rules that in many ways are far worse for the public interest than anything previously revealed by FCC Chairman Martin.

Prior to yesterday's vote. Chairman Martin had attempted to portray his proposal as a "moderate compromise" that would allow one company to own both a daily newspaper and a low-rated broadcast TV station in only the 20 largest media markets. But research from Free Press—collected in the Devil in the Details report—exposed how the loose and ambiguous "waiver" standards in the proposal left a giant loophole for companies to sidestep the ban in any market and for any station.

The final rule, rewritten in the middle of the night before the hearing, retains all of the original loopholes and adds additional loopholes that appear to allow cross-ownership mergers in virtually any market.

While I had held out hope that the FCC would delay this vote given the outpouring of public commentary opposing the rule changes, it is clear that the Chairman of the FCC is not listening. I see no other choice than to push for congressional action, and to that end, yesterday I introduced H.R. 4835, the Media Ownership Act of 2007, in the House to stop these new cross-ownership rules from going forward.

I am pleased to have been joined by my Washington State colleague Representative DAVE REICHERT in this bipartisan effort, and it is my hope that we can move swiftly to prevent these new rules from going into effect. This effort is the companion to work being done in the Senate Commerce Committee where a bipartisan group of Senators have led the effort against these changes.

When Chairman Martin was before the Energy and Commerce Committee earlier this month, I asked him how he could ignore the public outcry he heard when he visited Seattle, Washington, where—despite less than 5 days notice—thousands turned out and stayed until 1 a.m. on a Friday night to voice their concerns. I asked him how we could believe that he had thoughtfully considered the public's concerns, when less than 3 days later, the Chairman published an op-ed in the New York Times outlining his plan for media consolidation.

Clearly, Chairman Martin is not listening to the American people, and now we need to step up and ensure that their voices are heard. I hope my colleagues here in Congress will join me in this effort, and I hope this legislation moves swiftly.

MOURNING THE DEATH OF FORMER CONGRESSMAN AUGUSTUS FREEMAN "GUS" HAWKINS

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. AL GREEN of Texas. Madam Speaker, I wish to mourn the passing of former Congressman Augustus Freeman "Gus" Hawkins, a committed public servant and civil rights leader, who died on November 10, 2007. Congressman Hawkins was born on August 31, 1907, in Shreveport, LA. He later moved to California where he would eventually serve 14 terms in the U.S. House of Representatives, advocating for his constituents in South Los Angeles. Prior to his passing, he was the oldest living former member of the House of Representatives at the age of 100.

In his youth, Mr. Hawkins was a scholar and civil rights activist. In 1931, he received his undergraduate degree in Economics from the University of California, Los Angeles. One year later, he continued his academic pursuits and studied political science at the University of Southern California. In addition to his intellectual skills and political savvy, Mr. Hawkins was a primary leader in progressive and civil rights campaigns in the urban areas of Los Angeles. His desire to eliminate injustice in his community propelled him to challenge a Republican incumbent in the California State Assembly. He defeated his opponent and quickly became the 62nd district's voice for civil rights and equality regardless of race, creed, or color. He remained in the California State Assembly from 1935 to 1963.

In 1963, Mr. Hawkins was elected to serve California's 21st Congressional District in the U.S. House of Representatives, making him the first African American elected from the State of California. He firmly demonstrated his commitment to public service by supporting legislation that would improve housing standards, labor, education, and conditions for the working poor. He made history by sponsoring the equal employment section of the Civil Rights Act of 1964 that created the Equal Employment Opportunity Commission. In addition, he fought consistently to raise the minimum wage and he and Senator Hubert Humphrey (D–Minnesota) crafted the Humphrey-Hawkins Act of 1978, which was designed to combat unemployment and inflation. During his 28 years in the House, he served as the chairman of the Committee on Education and Labor, and the chairman of the Committee on Administration. He was also one of the founding members of the Congressional Black Caucus, which was founded in 1971. When he retired in 1991, he had created over half a century's worth of landmark legislation on both the State and Federal level.

Madam Speaker, I urge my colleagues to remember the legacy and mourn the passing of former Congressman Augustus Freeman Hawkins.

ARTHUR I. JACKNOWITZ, PROFESSOR AND DISTINGUISHED CHAIR, DEPARTMENT OF CLINICAL PHARMACY CONCERNED ABOUT CMS COMPOUNDING POLICY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. TOWNS. Madam Speaker, I would like to call my colleagues' attention to a compelling letter written by Arthur I. Jacknowitz, Pharm. D, Professor and Distinguished Chair in the Department of Clinical Pharmacy at West Virginia University's School of Pharmacy at the Robert C. Byrd Health Sciences Center in Morgantown, WV. Writing on behalf of more than 650 pharmacies and 359,000 Medicare beneficiaries in West Virginia, Professor Jacknowitz expressed his deep concern over the adverse impact that CMS's new policy excluding compounded inhalation medications from Medicare beneficiaries would have in West Virginia and across the Nation.

Madam Speaker, I ask unanimous consent to enter Professor Jacknowitz's letter into the RECORD.

WEST VIRGINIA UNIVERSITY,
SCHOOL OF PHARMACY,
Morgantown, WV, October 30, 2007.

KERRY WEEMS, ADMINISTRATOR,
Centers for Medicare and Medicaid Services, 200 Independence Avenue, SW, Room 314 G, Washington, DC.

DEAR ADMINISTRATOR WEEMS: Compounding pharmacists play an essential role in many patients' lives by enabling physicians to prescribe customized medication therapy to best meet their needs. Indeed, for the growing number of people with unique therapeutic requirements that cannot be addressed with commercially available products, a compounded product may be the only viable treatment option.

Compounding of medications for patient use has been a significant component of the practice of pharmacy and medicine since the beginnings of our profession. Virtually all practicing pharmacists will be involved with compounding activities at some point during their career. In fact, it is estimated that the 30 to 40 million prescriptions are compounded each year. Pharmacists are the only health care professionals that have studied chemical compatibilities and can prepare alternate dosage forms. In fact, each state requires that pharmacy schools must, as part of their core curriculum, instruct students on the compounding of pharmaceutical ingredients. Compounding pharmacies are licensed and regulated by their respective state boards of pharmacy, rather than the FDA.

With this mind, I am writing to you as a Professor of Pharmacy and on behalf of more than 650 pharmacies and 359,000 Medicare beneficiaries they serve in our state of West Virginia to express my concern about the Center for Medicare and Medicaid Services (CMS) new policy excluding compounded inhalation medications from Medicare beneficiaries. CMS issued this new policy without explanation or medical rationale driven by the Food and Drug Administration's (FDA) posture and legal position regarding compounding. It is a reversal of your agency's long-standing policy on inhalation medications. By excluding compounded inhalation medications for Medicare beneficiaries stating that they are no longer medically necessary you are discriminating against compounded medications in general. I believe that this new policy may have far-reaching and serious consequences for Medicare beneficiaries who rely on nebulizer medications. Eliminating compounding will severely restrict access to these critical medications for Medicare beneficiaries and their prescribing physicians.

The FDA's legal position on compounding medications, its aggressive enforcement policies against several compounding pharmacies and the agency's intervention and influence on CMS's recent policies on compounded medications establishes a dangerous precedent for all pharmacy compounding throughout the United States. Ignoring the recent Federal court decision Medical Center Pharmacy v Gonzales. 451 F. Supp.2d 854, 865 (W.D. Tex. 2006), the FDA reasserted its legal position "that all compounded drugs are unapproved new, and therefore illegal, drugs under the Federal Food, Drug and Cosmetic Act (FDCA)". Contrary to the FDA's position, the Federal Court held that "compounded drugs, when created for an individual patient pursuant to a prescription from a licensed practitioner, were implicitly exempt from the new drug definitions contained in the Act".

As a result of the FDA's position and CMS's new policy on compounding, more than 29,000 citizens of West Virginia suffering from Chronic Obstructive Pulmonary Disease (COPD) that depend on these medications as well as the hundreds of compounding pharmacies and their employees, will be adversely affected. For this reason, I am asking that CMS rescind the recent policy excluding compounding medications.

Thank you, for you consideration.

Sincerely,

ARTHUR I. JACKNOWITZ,
Professor and Distinguished Chair,
Department of Clinical Pharmacy.

CONGRATULATIONS TO ST. FRANCIS HIGH SCHOOL FOOTBALL TEAM

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. CAMP. Madam Speaker, today I rise to congratulate and pay tribute to the St. Francis High School football team for reaching the Michigan High School Athletic Association 2007 Division Seven State Championship game. It was their fifth State finals appearance in 10 years.

The St. Francis Gladiators lost a hard-fought state championship game to Mendon High School. It was the end to an impressive playoff run in which they outscored their opponents 188–8 in the four games leading up to the finals. They finished their season with a 12–2 record.

The Gladiators accomplishments are a testament to the years of hard work and dedication of these student athletes. They have proudly carried on their school's tradition of excellence. I commend them on a successful season.

On behalf of the 4th Congressional District of Michigan, I congratulate the St. Francis

High School football team on their achievements and wish them all the best of luck in their future endeavors.

RECOGNIZING ROBERT NEWELL WISNER

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. LATHAM. Madam Speaker. I rise today to recognize the retirement of Robert Newell Wisner, after 41 years as an Iowa State University Extension economist.

Since February of 1967, Robert Wisner has provided a remarkable service to the agricultural community in Iowa and across the globe. He is extremely innovative in his methods of presenting market outlooks and analyzing marketing and risk-management strategies. Robert's publications on risk management and genetically-modified crop marketing have been widely used in Japan and China and have benefited countries in Europe as well. He pioneered work on revenue assurance contracts and regularly educated crop insurance agents about different risk management tools.

Robert also has a gift in relating his work to the common farmer. He has converted his highly complicated market research and analysis into an easily understandable format. Robert is known for checking up-to-the-minute information, seconds before presentations, to give his audience the most accurate statistics. He has worked hard to gain the confidence of farmers by conducting over 2,200 extension meetings and authoring more than 1,500 publications. Robert is a trusted source of expert agricultural economic information and for this I offer him my utmost congratulations and thanks.

I know that my colleagues in the United States Congress join me in commending Robert Wisner for his leadership and service to the farmers of America. I consider it an honor to represent Robert in Congress and I wish him a long, happy and healthy retirement.

HONORING OFFICER ARMANDO ALEXANDER OF THE WAUKEGAN POLICE DEPARTMENT

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. KIRK. Madam Speaker, I rise today to honor Officer Armando Alexander of the Waukegan Police Department for his selfless act of heroism.

On February 3. 2007. Officer Alexander was assisting with closing a local bar. At 2:49 a.m., Officer Alexander heard gunfire erupt in the parking lot next to the establishment. Without regard for his own personal safety, he ran toward the gunfire where he witnessed two subjects firing shots at a victim in a parked car. The victim was shot three times before the suspects fled. Officer Alexander then chased the suspects on foot through a residential development and construction site. He apprehended one of the suspects and recovered the firearm used in the crime. The second suspect was later arrested.

Officer Alexander's outstanding efforts took two dangerous gang members off the streets of my district and made Waukegan, Illinois, a safer place.

As a member of the Significant Incident Group on the Waukegan Police force, Officer Alexander is a leader and a role model for local law enforcement in the 10th Congressional District of Illinois.

I am proud to count this heroic American as a constituent and a friend.

TRIBUTE TO ROBERT AND ROSALEE WELLING

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. SKELTON. Madam Speaker, let me take this moment to recognize the exemplary and extended service of Bob and Rosalee Welling, who will receive the Distinguished Service Award from the University of Central Missouri.

Bob received his juris doctorate from St. Louis University School of Law. Following law school he spent 2 years in the United States Army and then moved to Warrensburg, MO, to begin a 50-year career in law. In 1985, Bob received the Missouri Bar President's Award.

Bob served as president of the Missouri State Board of Education and as a member of the Board of Directors of the National Association of State Boards of Education. He was a former chair on the board's Governmental Affairs Committee and was a mentor in the association. Bob has also presided as chair of the Regional Council for Children's Mercy Hospital in Kansas City, MO.

Currently, Bob is a member of Children's Mercy Hospital Planned Gift Council and board member of its nonprofit subsidiary, Family Health Partners. He is also serving as a gubernatorial appointee to the Missouri Military Preparedness and Enhancement Commission.

Rosalee graduated from the University of Central Missouri with a bachelor's degree in education and a master's degree in speech pathology and audiology. Following graduate school, she served as a physical education and health teacher in the Raytown School District and then as a speech pathologist at the Children's Therapy Center. She then joined the University of Central Missouri and taught until her retirement in 2002.

While at the university, she served for 13 years as director of the Early Childhood Communication Special Education Preschool, spent 6 years as the coordinator of Clinical Services in the Welch-Schmidt Center for Communication Disorders, and was guest lecturer in the Department of Phonetics at the University of Helsinki, Finland.

Today, Rosalee is director emeriti of the University of Central Missouri Alumni Association Board and the Foundation Board. She also serves as a tutor in the Johnson County Adult Literacy Program.

The Wellings are known in the State of Missouri for their outstanding civic involvement and volunteer service. I trust that Members of the House will join me in wishing Bob and Rosalee Welling and their family the best in their future endeavors.

IN TRIBUTE TO NICK TENAGLIA

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise to pay tribute to Nick Tenaglia, a native son of Astoria in Queens who has dedicated his energies throughout his life to serving others. In recognition of his selfless dedication to his community, Nick Tenaglia was honored by the Taminent Regular Democratic Club of the Borough of Queens in New York City at its 76th Annual Dinner Dance.

A lifelong Astoria resident, Nick Tenaglia has distinguished himself both for his service to the community and for his proficiency as an outdoorsman and nature lover. After graduating from Our Lady of Mt. Carmel Elementary School and LaSalle Academy, he chose a career in the building trades. Nick Tenaglia joined the Carpenters Union, where he served an apprenticeship for four years. In 1985, he joined the staff of the New York City Department of Environmental Protection, and eight years later was promoted to Supervisor.

It was fitting that Mr. Tenaglia made his professional home at the municipal agency charged with protecting the beautiful and diverse natural environment of the New York City metropolitan area, because he is an avid and skilled angler and marksman. In 1997 and 1998, Nick Tenaglia was named the New York City Fresh Water Fishing Champion, and he has also earned awards from the Commissioner of the New York City Department of Parks and Recreation. He regularly participates in New York State Rifle and Pistol Club competitions. In his spare time, he can frequently be found at his property in the Pocono Mountains.

In being honored by the Taminent Regular Democratic Club, Nick Tenaglia's achievements were recognized by one of the largest and most vibrant political and civic organizations in our nation's greatest city. The Taminent Club represents voters in the neighborhoods of Astoria and Long Island City in the New York State Assembly's 36th District and is led by its able District Leaders, the Honorable Gloria DeMarco Aloise and the Honorable George Onorato, a distinguished New York State Senator. The Taminent Club, which Mr. Tenaglia serves as a Member of the Board of Directors and as Sergeant-at-Arms, proudly carries the banner of the world's oldest political party in one of the most diverse counties in the United States of America. Borough of Queens.

Madam Speaker, I ask that my distinguished colleagues join me in recognizing the outstanding contributions to the community made by Nick Tenaglia.

HONORING THE FAYETTEVILLE MANLIUS HIGH SCHOOL GIRL'S CROSS COUNTRY TEAM

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. WALSH of New York. Madam Speaker, I rise today in tribute to the Fayetteville Manlius, F–M, High School Girl's Cross Country Team, 2007 Nike Team National Champions. The F–M Girl's Cross Country Team won at the State, regional, and national levels to earn their second consecutive national championship title, and become the first team ever to win back to back Nike National Championships.

On behalf of the people of New York's 25th Congressional District, I congratulate these young women on their outstanding athletic achievement and praise head coach William Aris, and assistant coaches John Aris and David Davis on their team's success. I look forward to another exciting year when the Hornets defend their title in 2008.

The team members are Kathryn Buchan, Katie Buchan, Mackenzie Carter, Courtney Chapman, Hannah Luber, Molly Malone, and Jocelyn Richards.

SUPPORTING THE FEDERAL FOOD DONATION ACT

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. AL GREEN of Texas. Madam Speaker, I am proud to support the Federal Food Donation Act, an important piece of legislation that will help address the scourge of hunger in America.

Each year, 35 million Americans, including 12 million children, go hungry, even though we live in the richest nation in the world. In many ways, the situation is getting worse, as increasing costs for food, energy and housing mean that increasing numbers of working families have difficulty affording sufficient food. According to a report by the U.S. Conference of Mayors, 80 percent of cities studied reported increases in requests for emergency food assistance during the last year. Despite this increase in need for food assistance, too little has been done to ensure that food banks, pantries and other charitable organizations have sufficient resources to address the needs of their hungry clients.

The Federal Food Donation Act will help alleviate the shortage of food among organizations that work to serve the hungry. This important bill will amend the Federal Acquisition Regulation to provide that contracts will contain provisions encouraging the donation of excess, apparently wholesome food to nonprofit organizations working to combat hunger. The bill will ensure that excess food acquired for the use of the federal government does not go to waste and instead goes to help feed the hungry.

The Federal Food Donation Act represents an important step forward in the effort to combat poverty. I am hopeful that the bill will also spur more organizations in the private sector to follow suit and to ensure that they make good use of excess food. Additionally, I am hopeful that Congress will soon pass legislation strengthening the Food Stamp program by substantially increasing benefits and easing access to the program for eligible beneficiaries, to help ensure that the 25 million Americans who receive Food Stamp benefits each year receive sufficient assistance to prevent them from becoming hungry.

Madam Speaker, I am proud to express my support for the Federal Food Donation Act. Our country must no longer tolerate the presence of widespread hunger and I believe that this legislation will play a critical role in combating hunger. I am proud to express my full support for this legislation and I thank my friend and colleague, Mrs. EMERSON, for her sponsorship of the bill and for her leadership in fighting hunger.

A TRIBUTE TO DADY BELFORT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Dady Belfort. Dady, one of four children, was born in Les Cayes on the Island of Haiti to Rose Nostalie and Joseph Santiford Belfort. In 1977, she migrated to the United States enrolling in Erasmus Hall High School. After her high school graduation in 1980, she attended Kings Borough Community College and is currently enrolled at John Jay College, pursuing a Master's Degree in Criminal Justice.

Dady became a police officer for the City of New York in 1989. Since joining the force, she has received numerous citations during her 18 years of service. In 2002, she became the force's Community Affairs Officer and in 2005 she was promoted to Detective.

Dady is very active in her community. She is a regular participant in the New York Cares coat drive as well as numerous toy drives. Dady walks each year in the Our Lady of Miraculous Medal Parish's walk-a-thon for the Knights of Columbus, and the walk for breast cancer at Jones Beach. She is a member of the Canarsie Lions Club, and the Haitian American Law Enforcement Fraternal Organization. Dady coordinates with various organizations' outreach programs to help the less fortunate by collecting food for the homeless, adopting a family for the holidays, and frequently assisting at the Gerald R. Ryan Outreach Center Soup Kitchen.

As a young girl, Dady has always wanted to make a difference in her community. She lives her life by one simple saying, "Happiness is not an individual matter. When you are able to bring relief or bring back the smile to one person, not only that person profits but you also profit. The deepest happiness you can have comes from the capacity to help relieve the suffering of others. So if we have the habit of being peaceful, there is a natural tendency for us to go into the direction of service."

Dady is married to Cecil Ramsay and they have three children; Rodnny, Samantha and Christopher.

Madam Speaker, I would like to recognize this pillar of New York who has set the bar extremely high for individual service to her community.

Madam Speaker, I urge my colleagues to join me in paying tribute to this Dady Belfort.

TRIBUTE TO MAJOR GENERAL DAVID H. HUNTOON, JR.

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. PLATTS. Madam Speaker, today I rise to recognize the achievements of Major General David H. Huntoon, Jr., currently serving as the 46th Commandant of the United States Army War College, located in my Congressional District at Carlisle Barracks, Pennsylvania. Gen. Huntoon became the 46th Commandant of the Army War College in August 2003. His service in this post will come to a close in January, when he will be reassigned to Fort Myers.

The resume of Gen. Huntoon is long and distinguished, fitting for the Commandant of an institution with a long and distinguished history. Gen. Huntoon was commissioned in 1973 from the Military Academy at West Point. He served thirteen years as an infantry officer; he served in the Directorate of Plans at Fort Bragg during Operation Desert Shield and Desert Storm and Operation Just Cause; and he has served as a National Security Fellow at the Hoover Institute, as an Executive Officer to the Chief of Staff of the Army, and as the Director of Strategy at the Pentagon.

As the Commandant of the Army War College, Gen. Huntoon has been dedicated to training strategic leaders in the war against terrorism. He speaks of the need to restore the peace shattered on 9/11. He speaks with reverence of both family and the military family. and he has worked to bring the community of Carlisle into the folds of his daily command.

It has been a privilege and an honor to get to know Gen. Huntoon and his family over the past few years. I want to thank him for his dedicated service to the mission of the United States Army War College and to the defense of our great Nation. I wish him and his family the best in their future endeavors.

HONORING THE LIFE AND ACCOMPLISHMENTS OF GEORGE PARASKEVAIDES

HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. BILIRAKIS. Madam Speaker, I rise today to honor the life and accomplishments of George Paraskevaides, a humanitarian of unmatched proportions. Mr. Paraskevaides was one of the most renowned Cypriot philanthropists of his day. His life story reads like a classic tale of rags to riches. Born in Athens, Greece in 1916, George Paraskevaides moved with his family back to Cyprus where he excelled in school and ultimately graduated from the Polytechnic Institute in Milan, Italy. After World War II, Mr. Paraskevaides, together with Stelios Ioannou, formed the most preeminent architectural engineering firm in Cyprus, Joannou & Paraskevaides.

George Paraskevaides' keen intellect and unmatched work ethic, allowed Joannou & Paraskevaides to become one of the most prolific firms in the Middle East, Africa, and Asia. This lucrative company allowed Mr. Paraskevaides to engage in the work he enjoyed most: helping others. George quickly became recognized in Cyprus as a champion of Cypriot issues and sick children.

His death on December 5, 2007 at the age of 91 has left a gaping hole in the hearts of Cypriots the world over. He was the voice of all that is true and good about the island nation. President of the Republic of Cyprus, Tassos Papadopoulos, said of the passing of George Paraskevaides. "He was a model of humanity, dignity and kindness. He offered a lot in a selfless way to those who needed help and was a benefactor for Cyprus, serving his country with patriotism. He leaves behind him charity work for which he will be dearly remembered as a man of high moral standards." I could not concur more with this sentiment.

George Paraskevaides is recognized the world over for his good works and philanthropy. He has received innumerable awards including the Medal of Exceptional Contribution, the highest honor of the Republic of Cyprus, Order of the British Empire (O.B.E.) by Queen Elizabeth II, the Order of Oman III, Class Civil by Sultan Qaboos of Oman, the Rotary Foundation Medal. and the Medal of Merit of the Lions International Club of Nicosia, the St. Paul's Medal by the Greek Orthodox Archbishop of North and South America, and the St. Marcus Medal by the Pontifice. He is an Archon of the Ecumenical Patriarchate of Constantinople and was also honored with the Holy Cross of the Ecumenical Patriarchate. In addition, the works of the George and Thelma Paraskevaides Foundation has been recognized for having formed links with Shriner's Hospital in Springfield. MA, and Children's Heart Fund Hospital in Minneapolis and has provided numerous scholarships for less fortunate Cypriots. Paraskevaides founded the Cyprus Kidney Association, the Surgical and Transplant Foundation and the Cyprus Heart Association.

Madam Speaker, while the list of awards is impressive, I am sure the biggest award that George Paraskevaides won in his life was the love and affection of his wife, Thelma, and his family. He will be missed but never forgotten. May his memory be eternal!

HONORING NGHIA VAN DONG

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. DAVIS of Virginia. Madam Speaker, I rise today to honor Nghia Van Dong for his service during the Vietnam War.

Nghia Van Dong was born in Hai Phong, Viet Nam, during the end of the Indochina War. Following the Geneva Conventions which brought the conflict to a resolution, Mr. Dong joined fellow refugees in repatriating to the Republic of South Viet Nam. This trip would prove fruitful, as Mr. Dong met his future wife Hanh on the ship which carried him to Saigon.

At the start of the Viet Nam War, Nghia Van Dong knew that his country needed him. He quickly signed up to help with the war effort, and was assigned to the U.S. Army Special forces for a period of ten years. When Consul General McNamara asked the Commander of the Special Forces to recommend one of his best senior Vietnamese employees for the important post of chauffer and body guard, Mr. Dong was his immediate recommendation.

Mr. Dong served as person chauffer and body guard to the principal officer of American Consulate, while at the same time supervising all the guard personnel. He filled these roles from October 2, 1970, until the final evacuation on April 29, 1975. He was cited for gallantry on a number of occasions, and also for safe-guarding the life of Consul General Francis T. McNamara.

He has a citation for personally attacking three Viet Cong machine gun positions and destroying each of them with small arms and hand grenades. In a moment of sheer bravery, Nghia Van Dong placed himself between Consul General McNamara and a group of Vietnamese Marines, taking several bullets and saving the life of the Consul General. In total. Mr. Dong was wounded ten times over the course of the war.

At the close of the Viet Nam War, Nghia Van Dong came to the United States. Settling in Fairfax, Virginia, Mr. Dong found employment in Hospital Services, working at both Dewitt and Mount Vernon Hospitals. In 2005, Mr. Dong retired from Mount Vernon Hospital Food Service after 26 years of employment.

Mr. Dong and his spouse Hanh are active in the local Vietnamese Church and have been active for years as they enjoy the fruits of their long marriage—their 15 grandchildren. Although recent illness has kept him from many activities, Mr. Dong has always enjoyed fishing, drinking coffee, and playing the lottery. He has also been active in local veterans' groups.

Madam Speaker, in closing, I would like to thank Nghia Van Dong for his service during the Viet Nam War, and his outstanding legacy of public service here in Northern Virginia. I ask my colleagues to join me in celebrating the life of Mr. Dong.

HONORING BONNIE PALECEK

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. POMEROY. Madam Speaker, I rise today to honor a colleague and dear friend of mine as she retires as Executive Director of the Council on Abused Women's Services/Coalition Against Sexual Assault in my State of North Dakota. I have had the privilege of knowing Bonnie Palecek for over 25 years and have seen firsthand the leadership and devoted service she has provided in protecting victims of violence.

Bonnie Palecek has been with the North Dakota Council on Abused Women's Services/Coalition Against Sexual Assault for nearly 30 years. Bonnie established the Council on Abused Women's Services in 1980, and has led this network to now connect over 20 domestic violence prevention and intervention programs across the State. Under her leadership, this coalition is the voice for thousands of women and children affected by violence. Bonnie has tirelessly advocated for domestic violence victims and their families and has been the driving force behind passing countless pieces of legislation in North Dakota to protect victims of domestic abuse. After 30 great years, she will be difficult to replace.

I know that Bonnie Palecek will be sorely missed by all who have known her dedication to serving victims of sexual and domestic violence. I offer her my congratulations and best wishes for her continued success and happiness in the coming years.

LETTER FROM THE NATIONAL ASSOCIATION OF ATTORNEYS GENERAL (NAAG) OPPOSING H.R. 2046, THE "INTERNET GAMBLING REGULATION AND ENFORCEMENT ACT OF 2007"

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. GOODLATTE. Madam Speaker, I am submitting for the CONGRESSIONAL RECORD a letter from the National Association of Attorneys General (NAAG) signed by 45 Attorneys General opposing Representative BARNEY FRANK's legislation, H.R. 2046, the "Internet Gambling Regulation and Enforcement Act of 2007." In this letter, these Attorneys General declare that the Unlawful Internet Gambling Enforcement Act of 2006, which provided an additional Federal enforcement tool against Internet gambling and which was signed into law last year, has "effectively driven many illicit gambling operators from the American marketplace." The NAAG letter then goes on to detail the opposition of 45 top law enforcement officials to H.R. 2046. I request that the entirety of this letter be included in the RECORD immediately following my remarks, including the list of all the signers of this letter.

NATIONAL ASSOCIATION
OF ATTORNEYS GENERAL,
Washington, DC, November 30, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.
Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. JOHN BOEHNER,
Minority Leader, House of Representatives,
Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate
Washington, DC.

TO THE LEADERSHIP OF THE U.S. HOUSE OF REPRESENTATIVES AND SENATE: We, the Attorneys General of our respective States, have grave concerns about H.R. 2046, the "Internet Gambling Regulation and Enforcement Act of 2007." We believe that the bill would undermine States' traditional powers to make and enforce their own gambling laws.

On March 21, 2006, 49 NAAG members wrote to the leadership of Congress: "We encourage the United States Congress to help combat the skirting of state gambling regulations by enacting legislation which would address Internet gambling, while at the same time ensuring that the authority to set overall gambling regulations and policy remains where it has traditionally been most effective: at the state level." Congress responded by enacting the Unlawful Internet Gambling Enforcement Act of 2006, UIGEA, which has effectively driven many illicit gambling operators from the American marketplace.

But now, less than a year later. H.R. 2046 proposes to do the opposite, by replacing state regulations with a Federal licensing program that would permit Internet gambling companies to do business with U.S. customers. The Department of the Treasury would alone decide who would receive Federal licenses and whether the licensees were complying with their terms. This would represent the first time in history that the Federal government would be responsible for issuing gambling licenses.

A Federal license would supersede any state enforcement action, because §5387 in H.R. 2046 would grant an affirmative defense against any prosecution or enforcement action under any Federal or State law to any person who possesses a valid license and complies with the requirements of H.R. 2046. This divestment of state gambling enforcement power is sweeping and unprecedented.

The bill would legalize Internet gambling in each State. unless the Governor clearly specifies existing state restrictions barring Internet gambling in whole or in part. On that basis, a State may "opt out" of legalization for all Internet gambling or certain types of gambling. However, the opt-out for types of gambling does not clearly preserve the right of States to place conditions on legal types of gambling. Thus, for example, if the State permits poker in licensed card rooms, but only between 10 a.m. and midnight, and the amount wagered cannot exceed $100 per day and the participants must be 21 or older, the Federal law might nevertheless allow 18-year-olds in that State to wager much larger amounts on poker around the clock.

Furthermore, the opt-outs may prove illusory. They will likely be challenged before the World Trade Organization. The World Trade Organization has already shown itself to be hostile to U.S. restrictions on Internet gambling. If it strikes down State opt-outs as unduly restrictive of trade. the way will be omen to the greatest expansion of legalized gambling in American history and near total preemption of State laws restricting Internet gambling.

H.R. 2046 effectively nationalizes America's gambling laws on the Internet, "harmonizing" the law for the benefit of foreign gambling operations that were defying our laws for years, at least until UIGEA was enacted. We therefore oppose this proposal, and any other proposal that hinders the right of States to prohibit or regulate gambling by their residents.

Sincerely,

John S. Juthers, Attorney General of Colorado; Bill McCollum, Attorney General of Florida; Douglas Gansler, Attorney General of Maryland; Troy King, Attorney General of Alabama; Talis J. Colberg, Attorney General of Alaska; Terry Goddard, Attorney General of Arizona; Dustin McDaniel, Attorney General of Arkansas; Edmund G. Brown. Jr., Attorney General of California; Richard Blumenthal, Attorney General of Connecticut; Joseph R. (Beau) Biden III, Attorney General of Delaware.

Linda Singer, Attorney General of the District of Columbia; Thurbert E. Baker, Attorney General of Georgia; Alicia G. Limtiaco, Attorney General of Guam; Mark J. Bennett, Attorney General of Hawaii; Lawrence Wasden, Attorney General of Idaho; Lisa Madigan, Attorney General of Illinois; Stephen Carter, Attorney General of Indiana; Paul Morrison, Attorney General of Kansas; Charles C. Foti, Jr., Attorney General of Louisiana; G. Steven Rowe, Attorney General of Maine.

Lori Swanson, Attorney General of Minnesota; Jim Hood, Attorney General of Mississippi; Jeremiah W. (Jay) Nixon, Attorney General of Missouri; Mike McGrath, Attorney General of Montana; Kelly A. Ayotte, Attorney General of New Hampshire; Anne Milgram, Attorney General of New Jersey; Gary King, Attorney General of New Mexico; Roy Cooper, Attorney General of North Carolina; Wayne Stenehjem, Attorney General of North Dakota; Marc Dann, Attorney General of Ohio.

W.A. Drew Edmondson, Attorney General of Oklahoma; Hardy Myers, Attorney General of Oregon; Tom Corbett, Attorney General of Pennsylvania; Patrick C. Lynch, Attorney General of Rhode Island; Henry McMaster, Attorney General of South Carolina; Larry Long, Attorney General of South Dakota; Robert E. Cooper, Jr., Attorney General of Tennessee; Greg Abbott, Attorney General of Texas; Mark Shurtleff, Attorney General of Utah; William H. Sorrell, Attorney General of Vermont.

Robert McDonnell, Attorney General of Virginia; Rob McKenna, Attorney General of Washington; Darrell V. McGraw, Jr., Attorney General of West Virginia; J.B. Van Hollen, Attorney General of Wisconsin; Bruce A. Salzburg, Attorney General of Wyoming.

RECOGNIZING OHIO'S 2008 TEACHER OF THE YEAR

HON. JIM JORDAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. JORDAN of Ohio. Madam Speaker, I rise today to honor a remarkable teacher from Ohio's Fourth Congressional District.

Her name is Deborah Wickerham. A teacher for 32 years, Ms. Wickerham has taught at Chamberlin Hill Intermediate School in the Findlay City School system since 1992, currently teaching both deaf and hearing fifth graders in her inclusion classroom.

In 2001, Ms. Wickerham achieved National Board Certification, and currently works as a facilitator and mentor to help other teachers achieve certification. In addition to this and to her regular duties at Chamberlin Hill, she spends many after-school hours tutoring students who struggle with homework, organizational skills, and test preparation.

She has received numerous awards and recognition throughout her teaching career, including the Presidential Award for Elementary Science Excellence, the Vernier National Science Teacher of the Year Award, the Rotary Golden Apple Award, Jaycees Teacher of the Year honors, and the 2007 VFW Regional Teacher of the Year title.

Today, I am proud to announce to the House that Deborah Wickerham has been named the 2008 Ohio Teacher of the Year by the Ohio Department of Education.

According to her colleagues, Ms. Wickerham's secret to success is her ability to demonstrate, through her dedicated work in the classroom, the most important mission of teachers: to help even child succeed.

We all recognize the increasing challenges facing today's students. Now more than ever, they need the benefit of dedicated teachers like Ms. Wickerham.

Madam Speaker, I ask my colleagues to join me in congratulating Deborah Wickerham in earning this distinction, through which she will serve as a spokesperson for Ohio teachers, make public appearances and speeches across the state, and continue her outstanding work in the classroom.

TRIBUTE TO NOUVEL CATHOLIC CENTRAL HIGH SCHOOL

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. CAMP of Michigan. Madam Speaker, today I would like to congratulate and pay tribute to Nouvel Catholic Central High School for winning the Michigan High School Athletic Association 2007 Division Six Football State Championship. It is the team's second consecutive state title.

The Nouvel Panthers Defeated Blissfield 12–7 in the state final game on November 23. The win was a fitting cap to a successful season. The Panthers finished with an impressive 10–3 record. The ability of the Panther players to regroup after these losses and ability to win the close games down the stretch is a clear indication of the dedication these young men have for their sport.

This tremendous group of student athletes has proudly carried on their school's tradition of excellence.

On behalf of the 4th Congressional District of Michigan, I congratulate the Nouvel Catholic Central football team on this milestone achievement and wish them the best of luck in their future endeavors.

RECOGNIZING CAROLYN KINGLAND-HANSON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. LATHAM. Madam Speaker, I rise today to recognize Carolyn Kingland-Hanson as the recipient of the Golden Apple Award for her commitment and enthusiasm as a teacher in the Hampton-Dumont School District in Iowa.

Carolyn says she is humbled by the honor and believes all her fellow teachers at Hampton-Dumont are equally deserving of the award.

Carolyn has taught high school English and literature for 22 years and has a gift in working with teens. She is able to transform difficult literature into exciting and easy to learn lessons. Carolyn turns her classroom into a stage as students have the opportunity to act out scenes and dances that are in the books they are studying. Her recipe for success is her love of, and commitment to, her students. Her passion for literature and the teaching profession will continue to have a significant impact on her students for years to come.

I congratulate Carolyn Kingland-Hanson on her well-deserved award, and I'm certain that she will continue to touch the lives of many students in her community. It is a great honor to represent Carolyn in Congress, and I wish her continued success.

HONORING A NORTH CHICAGO POLICE OFFICER

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. KIRK. Madam. Speaker, I rise today to honor Detective Luis Rivera of the North Chicago Police Department Tactical Narcotics Team. Besides fulfilling his duties as a narcotics and gang investigator since May 2005, Detective Rivera also serves on the North Chicago Police Department Major Crime Evidence Team, as a firearms instructor, tech officer, bike patrolman and former SWAT officer. Beyond his tireless dedication to the department, Detective Rivera has consistently displayed an extraordinary commitment to his community.

In January of this year while working undercover, Detective Rivera purchased 4 ounces of cocaine from a criminal resulting in four arrests and the seizure of 116.6 grams cocaine, one Chevy Blazer and $4,977. Detective Rivera also developed a narcotics gang conspiracy case on members of the Four Corner Hustler street gang operating in North Chicago that came to a conclusion on February 28, 2007. Through the use of confidential informants and undercover officers, 39 indictments were issued on 12 of the Four Corner Hustler street gang members by the Lake County States Attorney office. This investigation halted violence in the area.

In June he developed an informant that infiltrated a crew that was robbing local drug dealers. While gathering information to make a case, the leader of the group and member of the Gangster Disciples street gang committed a home invasion, resulting in the violent death of a young female along with 2 males who were seriously wounded. Lake County Major Crimes Taskforce investigated the crime and had murder warrants. Detective Rivera then developed an operational plan to take the suspect into custody. The detective used his informant to lure the suspect to a location on July 3, 2007, to discuss doing another robbery. Members of the North Chicago SWAT team arrested the suspect upon his arrival.

Last August Detective Rivera used an informant to infiltrate another armed robbery crew along with an undercover ATF agent. On October 25, 2007, the North Chicago Tactical Narcotics Team. agents from ATF and their SWAT officers as well as Waukegan Net Agents conducted a sting on this crew, arresting four Gangster Disciples and the recovery of a hand gun. All 4 subjects were charged through the United States Attorneys office.

Detective Rivera is truly taking criminals off the streets, making our community safer. Our district is fortunate to have police officers, like the detective, who risk their lives every day. I ask that my colleagues join me in honoring him today.

IN TRIBUTE TO ANTONIO MELONI

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise to pay tribute to Antonio Meloni, a tireless, energetic and effective civic activist. Antonio Meloni is devoted to his community and his family, and in recognition of his selfless dedication to the well-being of others, he was honored by the Taminent Regular Democratic Club of the Borough of Queens in New York City at its 76th Annual Dinner Dance.

A resident of Astoria for forty-two years, Antonio Meloni has distinguished himself for his outstanding service to the community. He has been a leader in local crime-fighting and neighborhood beautification efforts, working with at-risk youth in the Second Chance Task Force, serving as an instructor in women's self-defense courses, and working to prevent and clean up the urban blight of graffiti. Mr. Meloni has been extraordinarily active in numerous civic organizations, ranging from the Astoria-Long Island City Kiwanis Club; the 114th Precinct Community Council; the local New York City Community Emergency Response Team; the Variety Boys and Girls Club; the Knights of Columbus; the Church of the Immaculate Conception, where he serves as a Minister of Welcome; the Astoria Civic Association, which he currently serves as Vice President; and Queens Community Board 1, on which he has chaired the Public Safety Committee for many years, among many other organizations. Of Antonio Meloni's many accomplishments in service to the community, one of which he is particularly proud is the design and completion of the "Greater Love Than This" memorial to veterans of our nation's armed forces, a monument that is located next to the existing World War I Memorial in Astoria Park. In recognition of his many civic contributions, Mr. Meloni has been honored over the years by former New York City Mayor Rudolph Giuliani, the New York State Crime Prevention Coalition, the New York City Council, and numerous community organizations.

Next year will mark two full decades of distinguished service by Antonio Meloni as Executive Director of Immigration Advocacy Services. In this capacity, he has developed and managed countless worthwhile initiatives that have provided essential services to new arrivals to our nation's greatest city. While devoting his time and attention to this incredible range of activities, Antonio Meloni has also remained devoted to his beloved family, including his wife Denise and his two children Michael and Angela.

In being honored by the Taminent Regular Democratic Club, Antonio Meloni's achievements were recognized by one of the largest and most vibrant political and civic organizations in our nation's greatest city. The Taminent Club represents voters in the neighborhoods of Astoria and Long Island City in the New York State Assembly's 36th District and is led by its able District Leaders, the Honorable Gloria DeMarco Aloise and the Honorable George Onorato, a distinguished New York State Senator. The Taminent Club proudly carries the banner of the world's oldest political party in one of the most diverse counties in the United States of America. Borough of Queens.

Madam Speaker, I ask that my distinguished colleagues join me in recognizing the outstanding contributions to our cultural and civic life made by Antonio Meloni.

A TRIBUTE TO THE MODELL FAMILY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute and honor the work and accomplishments of the Modell family. The Modell family migrated from Russia in the 1870s settling on the Lower East Side of New York City. They soon began peddling clothing, jewelry, and other odds and ends from a pushcart.

George Modell opened a store at 79 Cortland Street in 1893. The business moved to Nassau Street during the 1930s when George's son Louis joined and established their pawnbroking business. Louis successfully expanded and assumed leadership of the company during World War II. In 1956, Gerald, Louis' eldest son had completed his studies at Columbia University and was commissioned into the army as an officer. In 1959, he joined the Modell Jewelry & Pawnbroker business.

Gerald Modell opened a second location in 1960 on West 47th Street, in the heart of the "Diamond District," where Modell began to extend financing to the diamond and jewelry industry. In 1965, Gerald expanded by starting a diamond importing company operating in Antwerp, Tel Aviv, and Bombay.

Gerald Modell's son Eric graduated from the University of Virginia's McIntire School of Commerce in 1997. After a 3-year career as a management consultant at PricewaterhouseCoopers, Eric joined the family business in 2000. Today Eric is the executive vice president and is committed to expanding the business even further.

Gerald Modell has been associated with the creation and operation of many charitable and philanthropic causes, mostly in the medical field. He currently serves on an Advisory Board at Columbia Presbyterian Hospital in New York City and is the founder and former vice president of the Mental Illness Foundation.

Today the Modells have six pawnshop locations in operation throughout New York City: the Diamond District; Gramercy Park; Spanish Harlem; Brooklyn Heights; Brownsville; and Bay Ridge. Annually, Modell makes tens of thousands of loans to the public for their short-term financing needs.

Madam Speaker, I would like to recognize and thank the Modell family for their nearly 115 years of service to the residents of New York.

Madam Speaker, I urge my colleagues to join me in paying tribute to the Modell family.

A LETTER FROM GOVERNOR MITCH DANIELS OF INDIANA

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. SOUDER. Madam Speaker, I wish to submit into the RECORD a letter from Indiana Governor Mitch Daniels expressing his concerns regarding H.R. 2046, the Internet Gambling Regulation and Enforcement Act, which would legalize Internet gambling and undermine the ability of states to make and enforce their own gambling laws. I share Governor Daniel's opposition to this bill, and will fight to make sure H.R. 2046 does not pass the House.

STATE OF INDIANA,
OFFICE OF THE GOVERNOR,
Indianapolis, Indiana, November 9, 2007.

Re Internet Gambling Regulation and Enforcement Act of 2007 (H.R. 2046)

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.
Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.
Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.
Hon. JOHN BOEHNER,
Minority Leader, House of Representatives,
Washington, DC.

DEAR SENATOR REID, SENATOR MCCONNELL, SPEAKER PELOSI AND REPRESENTATIVE BOEHNER: As Governor of the State of Indiana, I wish to express my concerns about a bill currently in the U.S. Congress known as the Internet Gambling Regulation and Enforcement Act of 2007 ("H.R. 2046"), which would legalize Internet gambling and undermine the ability of states to make and enforce their own gambling laws.

In contrast with limited, state-regulated forms of gambling such as horse tracks and riverboat casinos, gambling via the Internet is available from virtually any location (e.g., homes, offices, schools) twenty-four hours per day in an anonymous environment. Research and studies have indicated that Internet gambling is more accessible to minors, more attractive to college-age individuals, more susceptible to fraud and other criminal activity, and harder to regulate. These are some of the reasons why Indiana recently updated its gambling laws to specifically prohibit Internet gambling. Using the Internet to engage in gambling in Indiana, or with a person located in Indiana, is a felony under Indiana law.

Last year, in response to the growth of the Internet gambling problem, Congress passed the Unlawful Internet Gambling Enforcement Act of 2006, UIGEA, which has effectively driven many illicit gambling operators from the U.S. marketplace. But now, less than a year later, H.R. 2046 proposes to do the opposite, by replacing state regulations with a federal licensing program that would permit Internet gambling operators to engage in business with U.S. customers. The Department of Treasury would alone decide who would receive federal licenses and whether the holders of those licenses were complying with their terms. This would represent the first time in history that the federal government would be responsible for issuing gambling licenses.

Furthermore, a federal license under H.R. 2046 would supersede any state enforcement action because, as written, this bill grants a "safe harbor" defense against any prosecution or enforcement under any state or federal law to any person who possesses a valid license and complies with the requirements of H.R. 2046. In other words, any gambling operator who obtains a license from the Treasury Department and follows the requirements of H.R. 2046 would be excused from criminal charges.

Essentially, the bill would legalize Internet gambling in each state, unless the governor of a state clearly specifies the existence of a current state restriction e.g., an existing state law) barring Internet gambling. On that basis, a state may "opt out" of the legalization of Internet gambling or certain types of gambling. However, this opt-out provision is problematic because it does not clearly preserve the right of states to place conditions on legal types of gambling. H.R. 2046 also does not grant Indiana any right to challenge a licensing decision by the Treasury Department or bring an enforcement action against a gambling operator who circumvents Indiana's prohibition on Internet gambling.

In addition, even if Indiana exercises this opt-out and Indiana's ban on Internet gambling remains in effect, the opt-out provision of H.R. 2046 will likely be challenged before the World Trade Organization ("WTO") as a violation of U.S. trade agreements. In recent years, the WTO has ruled against the U.S. in disputes pertaining to free trade in gambling services. Accordingly, if the WTO strikes down the state opt-out provision as unduly restrictive of trade, then it is likely that we will see a significant expansion of legalized gambling in the U.S. and the preemption of state laws prohibiting or restricting Internet gambling.

I ask that you reject H.R. 2046 and any other proposals that would undermine Indiana's ban on Internet gambling.

Sincerely,
MITCHELL E. DANIELS, Jr.,
Governor, State of Indiana.

RECOGNIZING MABROOKA CHAUDHRY FOR RECEIVING THE MILKEN NATIONAL EDUCATOR AWARD

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. SARBANES. Madam Speaker, I rise today to recognize Ms. Mabrooka Chaudhry, an outstanding educator who has been selected to receive the Milken National Educator Award.

The Milken National Educator Award is given to outstanding elementary and secondary school teachers, principals, and other education professionals. The recipients must demonstrate exceptional educational talent through their instructional practices and student learning results in the classroom and the school. They must also represent themselves as leaders who engage and inspire students, colleagues, and the community.

Ms. Mabrooka Chaudhry, a social studies teacher at Atholton High School in Columbia, Maryland, has proven her ability in all of these areas. She empowers her students to debate and explore ideas in a safe, student-centered environment. Through online discussion groups and extensive writing assignments, she encourages students to articulate their ideas while improving their overall academic performance. Her students consistently perform well on the district's quarterly assessments in U.S. History, and 100 percent of her 2005–06 students earned a three or above on the AP American Government exam. She is currently serving as the U.S. History Curriculum Team Coordinator, and has facilitated the Multicultural Club, the Human Rights Awareness Club and the Muslim Student Association.

Ms. Chaudhry's love of her profession and the students that she teaches is evidenced by the energy she puts into her work and the achievements of her students. As someone who has been active and keenly interested in education policy throughout my professional life, I have the utmost respect for teachers like Ms. Chaudhry; she represents the passion and commitment of so many others across Maryland and the Nation who are working extremely hard to educate our children. As we work to rewrite the No Child Left Behind Act, the Congress ought to be doing all it can to provide these dedicated men and women with a law and the resources to empower this commitment and passion.

Madam Speaker. I want to again offer congratulations to Ms. Mabrooka Chaudhry, who has been recognized as an outstanding educator and will receive the Milken National Educator Award.

TRIBUTE TO PHILIP GIERS

HON. DAN BOREN

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. BOREN. Madam Speaker, I rise today to recognize the service and dedication of Philip Giers on the occasion of his retirement.

Philip has worked at the Veterans Administration for 37 years and on January 3rd he will retire after an impressive career. Fresh out of college, he began his service in West Haven, CT at the brand-new Blind Rehabilitation Center. Philip, a highly skilled woodworker, taught industrial arts to the blind. He then received his Masters degree in Special Education and started teaching cane travel and electronic mobility aids for the blind, where he became instrumental in the development of laser cane use and binaural sensory aid. In June of 1975, Phil and his wife, Christine, moved to Northampton, Massachusetts where he became Chief of Blind Rehabilitation at the Eastern Blind Rehabilitation Clinic in Leeds, which covered the entire eastern seaboard (as far east as the Mississippi River) and Puerto Rico. When the Blind Rehab Clinic was finally closed, Phil continued his work in public service in the Northampton VAMC's Human Resources Department and later in Pittsfield, MA where he was given the task of opening a sheltered workshop for veterans. He will end his long, award-winning career as manager of the sheltered workshop in Leeds VAMC, where he has worked to expand the influence of the work of veterans throughout western Massachusetts.

Phil's achievements and prominence has touched millions of people here in Washington, DC, as well: he was consulted in the development of our Metro system. He was also consulted in the development of the electric car and was called upon by Australia and several African nations on handicap accessibility issues.

Phil's dedication to helping the blind extends to his life outside of the office as well. He has been a member of Lions International since 1986 and has held several leadership positions, including president. The Lions Club is an advocate for bettering the lives of those with vision problems and Phil has worked tirelessly to further their cause on the local, State, national and international levels. Besides his work with the Lions Club he has been an active member of his church, Saint Mary's, for 28 years and has also served in leadership positions in Business Networking International. He is also an active blood donor, having donated 152 pints of blood over the past 37 years.

Phil is a respected leader in his community and a dedicated family man. He has been a loving husband to Christine for 34 years and father to Erica. While he will miss his work, Phil is looking forward to working more in his antique business, traveling with his wife and playing golf. We are all grateful for his service and wish him the best in his retirement.

TRIBUTE TO WILLIAM HAROLD DENSMORE

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. CALVERT. Madam Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside, California are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. William "Bill" Densmore is one of these individuals. On January 12, 2008 he will be honored at a retirement dinner.

Bill was born October 17, 1945 in Turlock, California and he was raised in the small town of Newman, California with a population of 2,500. He graduated from the prestigious University of California, Berkeley in 1967. Bill also attended Hastings College of the Law from 1967 to 1969. Bill served his country honorably in the United States Coast Guard from 1969 to 1973. In 1973, he was employed by the Riverside County Department of Veterans where he is now retiring from after 34 years of excellent service. He became Director of the Department in 1989.

Bill has achieved many successes during his time as Director—not only for the Riverside County Department of Veterans but for the entire community of Riverside. He founded the Interagency Coalition on Homeless Veterans and hosted ten annual Homeless Veterans Care Fairs to publicize the plight of homelessness. Bill remains active as an advocate for homeless veterans, serving on the City's Homeless Task Force, the FEMA Local Board, and advocating with the JPA at March Air Force Base for a permanent facility for U.S. vets, and homeless veterans service provider. Bill also founded the Riverside National Cemetery's (RNC) Memorial Honor Detail, an all-volunteer organization providing military honors for veteran burials at RNC. Bill founded Vets Express, a free transportation service for veterans traveling from Blythe and the Coachella Valley to the VA Medical Center in Loma Linda. He worked to name a stretch of I–10 the Veterans' Memorial Freeway and successfully advocated for the placement of three VA Outpatient Clinics in Riverside County. Bill also founded the Annual Salute to Veterans' Parade in the City of Riverside.

Bill has worked on several memorials and monuments task forces, including the Villegas Memorial, the Riverside County Wall of Honor, the Riverside County Veterans' Memorial, and the monuments and memorials at the Riverside National Cemetery. As a member of the Veterans' Advisory Committee, he instituted the annual David Goldware Friend of the Veteran Award, the Legislative Breakfast series, and regular county-wide veterans' benefits workshops. Bill has advocated for and staged events at RNC as a way of introducing RNC to more Inland Empire residents.

Bill has also served on the GoRiverside Committee to promote the use of public transportation and he conducted the first county and state veterans' needs surveys, published the results with the help of the San Bernardino Veteran Service Officer, and distributed the surveys statewide to elected officials and veterans advocates and leaders. Bill continues to serve on the Evergreen Memorial Cemetery Committee to assist in restoration of this historic landmark in the city of Riverside and has served two four-year terms on the city of Riverside's Planning Commission.

Bill Densmore's tireless passion for veterans and community service has contributed immensely to the betterment of the community of Riverside, California. Bill has been the heart and soul of our veterans community events and I am proud to call him a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he retires.

SALUTING MAYOR DENNIS TRUDEAU AS HE PREPARES TO RETIRE

HON. PAUL C. BROUN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. BROUN of Georgia. Madam Speaker, today I wish to honor and pay tribute to a faithful public servant in my 10th Congressional District of Georgia.

Dennis Trudeau has served Grovetown as mayor for over 20 years, but his service for the greater good has been a lifelong pursuit. Mayor Trudeau is a patriot who served his community, his country, and his world with distinction.

Before taking that first oath of office in 1988, he served his resident country of Canada with distinction in uniform. Trudeau grew up in Canada and enlisted in the Canadian Army as soon as he came of age. He was one of the thousand of brave men who stormed the beaches of Normandy and was even taken as a prisoner of war. Mayor Trudeau later joined the United States Army in July of 1946 and after retiring from active duty in July of 1967 worked with the U.S. Army Signal School until 1984. He is a man of courage, dedication, and strength.

It is obvious the people of Grovetown believed in Mayor Trudeau or they would not have re-elected him time and time again. In a newspaper editorial one resident wrote, "He has lent dignity and restored a sense of pride to the residents of Grovetown." As the U.S. Congressman of Georgia's Tenth District, I consider it an honor to represent this fine leader and his dear town in Washington, DC.

Mr. Trudeau, we salute you and your service and wish you the best as you embark on the next phase of your life.

PERSONAL EXPLANATION

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. MATHESON. Madam Speaker, I missed votes on December 11th and December 12th 2007 in order to attend the funeral of a close family member, which was held in Utah.

Had I been present and voting, I would have voted as follows: On rollcall vote No. 1142, "aye," on rollcall vote No. 1143, "aye," on rollcall vote No. 1144, "aye," on rollcall vote No. 1145, "aye," on rollcall vote No. 1146, "aye," on rollcall vote No. 1147, "aye," on rollcall vote No. 1148, "aye," on rollcall vote No. 1149, "aye," on rollcall vote No. 1150, "aye," on rollcall vote No. 1151, "aye," on rollcall vote No. 1152, "aye," on rollcall vote No. 1153, "aye," on rollcall vote No. 1154, "aye," on rollcall vote No. 1155, "aye."

TRIBUTE TO JOYCE HAMLETT: A WOMAN CONTINUING TO BLAZE NEW TRAILS AS KEEPER OF THE MACE

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. MEEK of Florida. Madam Speaker and Members of Congress, as a Member of Congress, I am moved by Ms. Joyce Hamlett's trust in patience, trust in truth and trust that God has planned a great path for her life. I rise to ask you to join me in recognizing the excellent service and continued professional success of Ms. Joyce Hamlett, newly appointed Assistant Sergeant of Arms for the U.S. House of Representatives.

Congressional business begins when the Mace is set, and ends when it is lifted. There is one woman with the great responsibility to ensure that the Mace is available for this historical purpose. And, in times of emergency, one woman guards the Mace and preserves its protection.

Ms. Joyce Hamlett is the first African American woman to serve as the Keeper of the Mace. Her moral upbringing prepared her for this honorable position. Ms. Hamlett was raised by her grandfather in a church community that fostered the importance of honesty and faith. Indeed, Ms. Hamlett's strong heritage has served as the guiding force throughout her career on Capitol Hill.

In the early 1980s, Ms. Hamlett departed Broadway, North Carolina and began her successful professional journey alongside her mother, Betty Pearson, at the Capitol Café. Within five years, Ms. Hamlett rose to cook for lawmakers upstairs in the Capitol Hill restaurant.

Her respectable interaction with lawmakers continued when she went on to serve as elevator operator under the Architect of the Capitol. During that time, she formed long-lasting friendships with many Members of Congress.

In the early 1990s, Ms. Hamlett interviewed for the position of chamber security, and soon after began to firmly enforce House rules on the floor of the U.S. House of Representatives. As chamber security, she was well-known as one who worked hard to safeguard the principles and rich tradition of the U.S. House of Representatives.

Because of her excellent service, Ms. Hamlett was promoted to her current position as Keeper of the Mace. Ms. Hamlett is not only Keeper of the Mace, but she is also keeper of a strong moral foundation and keeper of the wisdom and principle represented by the Mace's solid-silver eagle.

Madam Speaker and Members of Congress, I congratulate Ms. Joyce Hamlett, a woman that continues to blaze new trails with distinction as Assistant Sergeant of Arms for the U.S. House of Representatives.

THE ECONOMIC RELATIONSHIP BETWEEN THE UNITED STATES AND RUSSIA

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. GUTIERREZ. Madam Speaker, I rise today to express my concerns about the economic relationship between the U.S. and Russia, and to once again call on the Bush Administration to exert pressure on Russia to ratify its Bilateral Investment Treaty with the U.S.

In October I chaired a hearing in the Domestic and International Monetary Policy, Trade and Technology Subcommittee on the U.S.-Russia economic relationship as it relates to the financial losses U.S. shareholders suffered as a result of the dissolution of the Yukos Oil Company. During the 1990s, Yukos was not only the largest private company in Russia, it was also a model of corporate governance that set an early example for other Russian companies entering the global market. Its chairman, Mikhail Khodorkovsky, was well known in the U.S. and Europe for his leadership in helping Russia make the transition to a market economy.

But the Yukos Company's vast energy resources and Mr. Khodorkovsky's Western leanings proved too much for Kremlin operatives eager to assert state control over the energy sector and discipline Russian businessmen who supported opposition parties.

In what was widely reported by major news publications at the time, Russian authorities used arbitrary and possibly extralegal means to dismantle Yukos and redistribute $100 billion of its assets to state companies overseen by the Kremlin. At the end of the day, American investors in Yukos lost somewhere between $7 and $12 billion and Mr. Khodorkovsky, convicted on trumped up tax charges, was condemned to a penal colony.

Quite simply, U.S. and other would-be foreign investors need to know whether the rule of law will be upheld in Russia. And the Bush Administration needs to be motivated to start asking the Kremlin some tough questions when it comes to protecting the interests of U.S. investors.

From a Russian perspective, instances like the Yukos situation will create an uncertainty among potential investors, which could result in a substantial loss of investment and impede Russia's integration into the global economy.

In a December 12, 2007, article in the Washington Post, Dr. Anders Aslund of the Peterson Institute for International Economics writes that the Yukos incident, "unleashed a great wave of renationalization in the post-communist world," and that the men in the Kremlin are, "taking over one big, well-run private company after another, turning them into less efficient state-owned firms."

In support of his assertions, Dr. Aslund mentions Leonid Reiman, a former KGB official, who is now Russia's Minister of Communications, while still controlling $8 billion in personal telecommunications assets.

The United States and Russia signed a Bilateral Investment Treaty (BIT) in 1992 but the treaty has not been ratified by Russia. Ratification of the BIT would provide protection for U.S. investors against the types of actions taken by the Russian government in the Yukos case.

The failure of Russia to ratify the BIT, has been a key weakness in the U.S.-Russia economic relationship. Compared to investors from many other nations, U.S. investors are at a disadvantage. For example, 38 countries—including France, Germany, Ireland, Italy, Spain and the U.K.—have concluded bilateral investment treaties with Russia that have also been ratified. The presence of these treaties allows Yukos shareholders from these countries to sue the Russian government, but that option is not available to U.S. shareholders.

I want to again call on the Bush Administration to persuade Russia to ratify the BIT. By ratifying the BIT, President Putin would send a strong message to U.S. investors that investing in projects in Russia is safe, and that the Yukos situation is the exception, not the rule.

Madam Speaker, I recommend to my colleagues Dr. Aslund's article in the Washington Post of December 12, 2007, and I request that the article be printed in the CONGRESSIONAL RECORD.

RUSSIA'S NEW OLIGARCHY

FOR PUTIN AND FRIENDS, A GUSHER OF QUESTIONABLE DEALS

(By Antlers Aslund)

The news that Dmitry Medvedev, Vladimir Putin's nominee to succeed him as president, wants Putin to become prime minister of Russia next year opens one option for Putin to retain power after his term ends. Putin has little choice but to stay in power as long as he can. –

A year ago, a famous Russian journalist asked me: Is it true that Putin has a net fortune of $35 to 40 billion?" (This journalist, of course, has long been excluded from Kremlin-controlled media.)

This fall, the respected Polish magazine Wprost published its annual response to Forbes, its list of the richest people in Eastern Europe. Besides the well-known business executives, there is Gennady Timchenko, a little-known character with a purported fortune of $20 billion. A small oil trader who resides in Geneva, Timchenko is from St. Petersburg, where he belongs to the same luxurious dacha collective as Putin.

I first heard of Timchenko in February 2004. Ivan Rybkin, a Russian politician who audaciously opposed Putin in the presidential election that year, claimed that Putin was "one of Russia's biggest oligarchs" and that he operated through three middlemen, including Timchenko. Rybkin charged that the Putin-Timchenko group was gobbling up the embattled oil giant Yukos. He swiftly disappeared under mysterious circumstances and after he re-emerged, was forced to suspend his campaign.

Indeed, the privately owned Yukos oil company has been devoured by the state-dominated Rosneft, whose chairman is Igor Sechin, Point's closest adviser and collaborator. The confiscation, which began in 2003, was publicly justified with not-very-credible citations of tax violations. Rosneft's gain was probably about $100 billion in Yukon assets. U.S. investors in Yukos have lost at least $7 billion; some claim the figure is as much as $12 billion. In October, the House Financial Services Committee's subcommittee on domestic and international monetary policy held a hearing on this, at which I testified.

The Bush administration, however, has not protested this outrageous confiscation of private American property. Then-Secretary of State Colin Powell expressed strong support for Putin in October 2004: "The Russian people came out of the post-Soviet Union era in a state of total chaos—a great deal of freedom, but it was freedom to steal from the state and President Putin took over and restored a sense of order in the country and moved in a democratic way." Putin appreciated—and might have been encouraged by—these words. Two months later, Yukon's main oil field was sold to Rosneft in an auction that Putin's economic adviser, Andrei Illarionov, called "the scam of the year" (for which he was sacked). U.S. shareholders in Yukos have come to realize that the United States has no single valid agreement that safeguards their property rights; European investors, though, can sue the Russian state under three treaties.

The Yukos confiscation has not cost Putin anything. In fact, he unleashed a great wave of renationalization in the post-communist world. His chums from St. Petersburg are taking over one big, well-run private company after another, turning them into less efficient state-owned firms. One of Putin's close friends from the KGB, Leonid Reiman, is his minister of communications. Last year, an independent arbitration court in Zurich ruled that Reiman, despite his denials, was the real owner of Russian telecommunications assets currently valued at on less than $6 billion. Reiman has amassed this extraordinary fortune as a state official, partly through beneficial privatizations, partly through privileged licenses issued to his companies. A government with any standards would fire such an official, but Putin suppressed this negative information within Russia and kept Reiman on, showing that he accepts corruption.

The Russian daily Kommersant published a long interview with Russian businessman Oleg Shvartsman on the eve of the recent Duma elections. Sensationally, he described how he raided private enterprises to the benefit of KGB officials described his activity as "velvet reprivatization." Kremlin spokesmen have denied the report.

Even more striking was an interview last month with the Kremlin-connected Russian political observer Stanislav Belkovsky in the German daily Die Welt. Belkovsky, who initiated the Kremlin attack on Yukos, claimed that Putin controlled specific shares of three companies (Surgutneftegaz; Gazprom; and Gunvor. Timchenko's company) worth some $40 billion. Putin has not commented on this allegation.

According to Transparency International, Russia is growing more corrupt even as most other post-communist countries are controlling their corruption. The fundamental dilemma for Russia, and Putin, is that a system so corrupt cannot be very stable. It's less clear why President Bush does not call Putin out on this or even defend the interests of U.S. citizens and corporations.

INTRODUCTION OF THE BEST BUDDIES EMPOWERMENT FOR PEOPLE WITH INTELLECTUAL DISABILITIES ACT OF 2007

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. BLUNT. Madam Speaker, I am pleased today to join my colleague from Maryland, the House majority leader; to introduce the Best Buddies Empowerment for People with Intellectual Disabilities Act of 2007. As Mr. HOYER will attest, this is not the first time we have come together in a meaningful way in this important area—and we were both proud when the Special Olympics Sport and Empowerment Act of 2004 became law in the 108th Congress.

It's estimated that between 7 and 8 million Americans live with intellectual disabilities, impacting nearly 1 out of every 10 families. For these individuals, life is not always welcoming—and very rarely is it easy. People with intellectual disabilities are often excluded from society—whether at school, in the workplace or in their communities—simply because of their differences. So I was glad to learn of a program called Best Buddies. This organization. founded in 1989 by Anthony Kennedy Shriver, helps integrate people with intellectual disabilities into mainstream society, end their social isolation, and embark upon productive, fulfilling lives. The Best Buddies program works with volunteers to establish meaningful friendships with their non-disabled peers in order to help increase the self-esteem, confidence, and abilities of people with and without intellectual disabilities. This is a program that has enhanced the lives of actual people by providing real and safe opportunities for one-on-one friendships and new options for employment.

And while these activities may not sound like life-changing events to the average person, for individuals with intellectual disabilities, they make a world of difference. This bill helps accomplish that goal in a number of significant cant ways. It authorizes the Secretary of Education to award grants or contracts with Best Buddies to conduct and expand its activities—with an eye on increasing the participation of individuals with intellectual disabilities, as well as to promote outreach programs. This bill will go a long way toward dispelling negative, hurtful stereotypes and make clear the extraordinary gifts that people with intellectual disabilities nonetheless possess and utilize. More important, it will help move people with intellectual disabilities from the margins of society to the mainstream of society.

I am also pleased to note that this bill is budget neutral. The $10 million authorization in this bill is offset by repealing two programs that in the most recent fiscal year were funded at $10.4 million. I know Mr. HOYER and I look forward to working with our colleagues to enact this bill into law, in the hope that we can help raise the hope and dignity of people with intellectual disabilities, and further empower their full participation in our communities.

RECOGNIZING SHARON ADAMSON

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. LATHAM. Madam Speaker, I rise today to recognize the retirement of Sharon Adamson, coordinator for Boone County CARES (Child Abuse Resources and Educational Services), and to express my appreciation for her dedication and commitment to the safety of the children in Boone County, Iowa. For the past 14 years, Sharon has contributed her time and talents for the betterment of many young children, and for this I offer her my congratulations and thanks.

A native of Charles City, Sharon graduated from Moody Bible College in Chicago and received her B.A. in education from Trinity College in Deerfield. IL. After receiving her master's degree in counselor education she became a guidance counselor at an elementary/junior high school in Wisconsin before moving to Boone. While at CARES. Sharon played a key role in the growth of seven programs: Happy Bear, No More Secrets. Time Out for Moms, Parent Education, Children in the Middle, Stork's Nest, and Community CARES. She is very proud of Community CARES because it is a community created through "radical" hospitality which provides a safe place where people in need can go.

Sharon has made a significant impact on the Boone community by dedicating her career to benefiting and working towards growing a safe environment for all children. I know that my colleagues in the United States Congress will join me in commending Sharon Adamson for her leadership and service. I consider it an honor to represent her in the United States Congress and I wish her the best in her future endeavors.

A TRIBUTE TO ANNA GONZALEZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Anna Gonzalez, a resident of Brooklyn for more than 40 years. Anna is the current director of the Hope Gardens Multi-Service Center; a community center that seeks to educate and empower the people of Bushwick, Brooklyn.

Anna Gonzalez, formerly Anna Rodriguez, attended Clara Barton High School. Ms. Gonzalez worked as a nurse during her 20s until she decided to take time off to raise a family. She first became involved in community activism at Public School 86, the elementary school her children attended. She worked as a parent leader, volunteering to help improve the school and then as a leader of a successful boycott to prevent the school's rezoning by local officials.

Ms. Gonzalez's participation in the boycott was a springboard to her next position as Community Associate with the Knickerbocker-Wycoff Service Center, an organization that assists residents with their problems and concerns. Ms. Gonzalez then worked at St. Barbara's Roman Catholic Church, organizing and running youth activities and religious educational services. In 1981, she accepted a position at the P–60 Senior Center, now the Hope Gardens Multi-Service Center. Within 6 months she was promoted to director.

Ms. Gonzalez's tenure as the Director of Hope Gardens has been marked by huge growth in the number of services that are being offered as well as the number of people being served. Today, Hope Gardens is an important community resource. However, her professional responsibilities did not interfere with her community involvement. Ms. Gonzalez was elected twice, the first time as a write-in candidate, to Community School Board #32, serving as chair for 2 years. She has also served on Community Planning Board #4 for more than 20 years, serving as chair for more than 6 years.

Ms. Gonzalez has been married to Pablo Gonzalez for 46 years; is the mother of four children: George, Aida, Jose, and Ralph; and the grandmother of seven children: Christopher, Justin, Anissa, Jacob, Megan, Kelsey, and Jeremy.

Madam Speaker, I cannot say enough about Anna Gonzalez. She is extremely generous with her time and cares a lot about her community.

Madam Speaker, I urge my colleagues to join me in paying tribute to this awesome woman.

PERSONAL EXPLANATION

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, on December 19, 2007, I missed votes because of scheduled eye surgery in Dallas.

Were I able to attend today's session in the House of Representatives, I would have voted "yea" on rollcall votes Nos. 1183, 1184, 1185 and 1186.

RECOGNIZING KIARA DELLE HARGROVE FOR RECEIVING THE MILKEN NATIONAL EDUCATOR AWARD

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. SARBANES. Madam Speaker, I rise today to recognize Ms. Kiara Delle Hargrove, an outstanding educator who has been selected to receive the Milken National Educator Award.

The Milken National Educator Award is given to outstanding elementary and secondary school teachers, principals. and other education professionals. The recipients must demonstrate exceptional educational talent through their instructional practices and student learning results in the classroom and the school. They must also represent themselves as leaders who engage and inspire students, colleagues, and the community.

Ms. Kiara Delle Hargrove, a chemistry teacher at Baltimore Polytechnic Institute, makes learning exciting by turning science experiments into competitions. She places importance on making sure her students are well-rounded individuals by integrating reading and writing strategies into her science lessons. She also differentiates instruction in order to teach a variety of academic levels at once. To ensure that students enter high school with the proper skills, Ms. Hargrove teaches remedial math and science study skills to incoming freshmen through the Summer Bridge Program, and serves as the ninth-grade advisor. As co-advisor of the Math Engineering and Science Association (MESA), she helps elevate the study of math and science among girls, especially African-Americans, at Sudbrook Magnet Middle School. Ms. Hargrove was chair of the School Improvement Team, is co-author of the School Improvement Plan, and has influenced many of her fellow teachers to go beyond traditional approaches to teaching.

Ms. Hargrove's love of her profession and the students that she teaches is evidenced by the energy she puts into her work and the achievements of her students. As someone who has been active and keenly interested in education policy throughout my professional life, I have the utmost respect for teachers like Ms. Hargrove; she represents the passion and commitment of so many others across Maryland and the Nation who are working extremely hard to educate our children. As we work to rewrite the No Child Left Behind Act, the Congress ought to be doing all it can to provide these dedicated men and women with a law and the resources to empower this commitment and passion.

Madam Speaker, I want to again offer congratulations to Ms. Kiara Delle Hargrove who has been recognized as an outstanding educator and will receive the Milken National Educator Award.

RECOGNIZING THE COMMUNITY OF DELAWARE, OHIO

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. TIBERI. Madam Speaker, it is with great pleasure that I rise to recognize the community of Delaware, OH. Ohio Magazine recently named Delaware one of Ohio's Best Hometowns.

Praised for its small town atmosphere, eclectic character and friendly neighborhoods, Delaware is a charming place to call home. Kindness and hospitality are lifelong qualities of this community and its members.

As one of Ohio's fastest growing communities it's easy to see why Ohio Magazine has named it one of Ohio's Best Hometowns. Home of the Little Brown Jug, Ohio Wesleyan University, and the Central Ohio Symphony, Delaware has much to offer its residents and visitors alike. The blending of old and new has created an energetic and historic downtown while preserving the personality of small-town America.

I offer my congratulations to Mayor Windell Wheeler and the members of the Delaware community. All have produced a welcoming place for Central Ohioans to call home.

REMEMBERING HENRY HYDE

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. DREIER. Madam Speaker, we are all saddened by the passing of our friend and colleague, the gentleman from Illinois (Mr. Hyde). He will be sorely missed not only by his fellow Members, but by the countless people who came in contact with him on a daily basis.

One such person is Mr. Bert Caswell, a guide with the Capitol Guide Service. I am including for the RECORD a poem written by Bert about the late Mr. Hyde, as well as a recent article from The Hill discussing his poetry. I hope all Members will take the time to read this poem and remember Henry Hyde.

SOMETHING'S, YOU CAN NOT HYDE?

Something's!
You can not Hyde!
That lives with us, so very deep down inside. . .throughout our lives!
All in what we say and do!
All in who we so touch. . .that make us a real who's who!
As in our times, that which so comes into view!
For it's all about how you so carry yourself, as when you rise!
For it's all in what you so do, in others eyes, as your time upon this earth goes by!
For these, are the things that which one can not Hyde!
Fast breaking in our lives!
To court our hearts, all in our part called life that which so defines!
All in The Game of Life, you were so great Henry Hyde!
Henry Hyde, was such The Man. . .
Who upon the hardwood and on the floor of The House, did so boldy stand!
All because of his great heart, and stance. . .and his gentle hand!
From That Land of Lincoln. . .
From one court of greatness to another, always thinking!
As across the aisle he reached out his hand!
Quiet in his calm and caring grace.
For his service to God and Country he now so holds his place. . .
And for all of those magnificent children, he did stand!
Oh, Henry Hyde,
You were, But The Man! For in you we can so understand!
What it is to be a leader, a patriot, a family man. . .and God fearing man!
Yes, In Life. . .Something's, You Just Can Not Hyde!

FOR THE RECORD

(By Arie Dekker)

Congress's day-to-day proceedings and debates can be found immortalized in the official Congressional Record. The record's nearly 2,000 books, comprising more than 150 volumes, line the brick walls of the Senate Library and preserve the words of presidents, ambassadors, legislators and Bert Caswell, a 54-year-old Capitol tour guide from Baltimore.

Caswell may seem like an odd addition to the Record of floor speeches, inaugural addresses, scholarly essays and research studies. But his unflinching patriotism as captured in his accessible and unpretentious poetry is consistently submitted to honor America's diverse heroes.

"I never thought I was a writer," Caswell said. "I thought writing was punctuation and spelling, and I can't do either."

But when former Majority Leader Bob Dole (R-Kan.) resigned from the Senate to run for president in 1996, Caswell was so moved that he wrote the poem "The Measure of a Man" in Dole's honor. After the poem was casually distributed around Capitol Hill, then-Sen. Don Nickles (R-Okla.) officially inserted it into The Congressional Record.

"And from that moment, my life was changed," Caswell said.

Caswell had written only two poems before and has since composed more than 500 in tribute to lawmakers, presidents, veterans, entertainers, athletes and others. About 20 of his poems have wound up in The Congressional Record, after having been submitted by members from both sides of the aisle.

In memory of Sean Taylor, the football star who was recently killed by intruders in his Miami home, Rep. Kendrick Meek (D-Fla.) submitted a new Caswell poem to the Record on Dec. 4 entitled "Taylor Made." Meek's spokesman Adam Sharon said Caswell and Meek talk as friends practically every day about their comings and goings. He said Meek is impressed with Caswell's "big heart" and willingness to go above and beyond his regular duties—not only writing poetry, but giving Capitol tours to special visitors like wounded veterans and children from the Make-A-Wish Foundation.

"The congressman finds that extremely commendable," Sharon said.

Rep. Pete Sessions (R-Texas) submitted a Caswell poem last month to honor Gunnery Sgt. Angel Barcenas, a Marine whose legs were amputated last year after sustaining injuries in Iraq. Barcenas had previously served Presidents Bill Clinton and George W. Bush on Marine One, and he recently led a group of Marines, police officers, and firefighters in a formation run to ground zero in New York City.

"Poetry has been a medium for not only documenting history but also upholding the principles that have made our nation great—principles such as courage, honor and perseverance," Sessions said in an e-mailed statement. "I applaud Bert for using his gift of poetry to honor America's bravest."

Listening to Caswell talk about his poetry is like taking a crash course in American history and culture. He has written about sports legends, political leaders, war veterans, firefighters, entertainers, civil rights leaders and Holocaust survivors.

"I write about heroes, people that inspire me," he said. "I really am impressed with the people who have power and fame, and yet they wield it and they make the world better. And that's what it's really all about."

Caswell's subjects include sports stars Steve Young, Cal Ripken Jr. and Mario Andretti; civil rights leaders Rosa Parks and Martin Luther King Jr.; reporter David Bloom; entertainers Bob Hope, Jason Alexander and Tom Hanks; Congressional Gold Medal recipient Dorothy Height and former astronaut and Sen. John Glenn (D-Ohio).

Caswell wears his patriotism on his sleeve. He makes an ideal tour guide, welcoming Capitol visitors with instant anecdotes about their home states' or cities' contributions to the greater national identity. He will seriously discuss their college sports teams' strengths and vulnerabilities, impersonate California Gov. Arnold Schwarzenegger (R), or crack jokes about the highest court in the land not being the Supreme Court, but rather a basketball court up the street.

Caswell has worked for the Capitol Guide Service for 21 years, although he did not plan it that way. As an all-American lacrosse star, he played on the national champion University of Maryland team in 1975. Before becoming a regular contributor to The Congressional Record, he was listed in NCAA record books as a top scorer at the 1975 Division 1 lacrosse tournament. He later coached the Maryland team for five years.

He earned two graduate degrees from Bowie State College, one in education and the other in administrative management. He then taught high school physical education and science for about 10 years.

In addition to being included in The Congressional Record, Caswell's poetry has been presented at official ceremonies and posted in government buildings. Several of his poems are posted in the amputee ward at the Walter Reed Army Medical Center. One of his poems is on display in a memorial to the police officers who were killed when a gunman entered the Capitol in 1998 and opened fire.

"I see more in three months than most people see in a lifetime," Caswell said, drawing a connection between his job as a tour guide and his passion for writing about American heroism. He said working at the Capitol exposes him to people from around the world and also gives him a unique first-hand view of lawmakers, who he says are underappreciated for their service. He is currently compiling his poetry for a book that will include anecdotes about the many famous people he has encountered in Washington.

"I have had the privilege of getting to know Bert during my time in Congress," said Rep. Joe Wilson (R-S.C.), who has inserted three of Caswell's poems into the Record this year. "As a Capitol Hill tour guide, [Caswell] is instrumental in sharing the rich history of our beautiful Capitol Building."

Caswell writes his poetry on a small laptop so he can write wherever and whenever inspiration strikes. His writing process is simple: He records what's on his mind, lets it sit for a while, and returns typically only once to double-check his work. He said the average poem takes no more than 30 minutes to complete.

"Mostly everything the first time comes out great," he said. "And then I go back and tweak it. Normally the first draft's pretty good."

He does not have a favorite poet or style of poetry. He actually avoids reading other poetry to keep his own work pure.

"I don't read other people's work, hardly, because I don't want it to change my words," Caswell said.

HONORING AND APPRECIATING AMERICA'S FIRE FIGHTERS

HON. JOHN CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. CAMPBELL of California. Madam Speaker, I rise today to urge my colleagues to support H. Res. 695, a resolution calling for the creation of a "National Fire Fighter Appreciation Day". I introduced this legislation to celebrate and honor the brave men and women of America's fire departments. Since 1735, professional and volunteer fire fighters have been an invaluable facet of our communities, towns, and cities. Ever vigilant, this Nation's fire fighters respond quickly to emergencies of all kinds and protect and save lives each and every day. From the earliest days of Benjamin Franklin's Union Fire Company to the famous fire departments of New York City, Chicago, and Boston, every fire station in this country has a proud history and tradition of distinguished service. Today, over one million fire fighters answer the call of duty and perform extraordinary acts of selflessness and valor without hesitation.

In my district alone, the Orange County Fire Authority serves 22 cities with approximately 1,000 fire fighting personnel protecting over one million residents. Southern California's beautiful, yet volatile environment is prone to natural disasters, flash floods, and wildfires. Every year, Orange County fire fighters place themselves on the front lines of these disasters and tirelessly work day and night to rescue endangered residents and prevent damage to cities and land. Recently, we watched as these fire fighters joined those from several other southwestern states to successfully battle the wildfires that raged across Southern California in October. I commend the tremendous bravery of Orange Country fire fighters and am proud to honor each one today on the Floor of the House.

As internal and external threats facing this country change constantly, the role of the fire fighter has also modified and expanded. Not only do fire fighters defend our homes and buildings from fire, the highly trained personnel of the fire department provide emergency medical services, hazardous material response, special rescue response, and terrorism response. Whether it be a daring rescue of a family trapped in a burning house, preventing a forest fire from spreading, responding to the scene of an accident, or providing medical assistance at the location of a terrorist attack, fire fighters significantly impact the lives of Americans every day. And, in some cases, fire fighters have paid the ultimate price and given their lives to protect their surrounding communities. We will never forget these fallen heroes.

In light of the exceptional service of fire fighters across this nation and with full recognition and great respect of their quiet courage and valor, I ask that you join me in support of this resolution to express the desire of the House of Representatives for the establishment of a "National Fire Fighter Appreciation Day" to be observed annually. While we can never thank these men and women enough, this proposed national day of honor is a fitting tribute to those that keep sentinel watch over our lives and property.

Madam Speaker, I'm proud to honor America's fire fighters today.

WILDLIFE FOREVER CELEBRATES 20 YEARS OF HABITAT AND WILDLIFE PRESERVATION

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. RAMSTAD. Madam Speaker, Congress has devoted considerable resources and effort to protecting the environment over the past few decades.

Wildlife Forever, based in Brooklyn Center, Minnesota, has been a visionary partner in our nation's efforts to conserve America's wildlife heritage through conservation education, preservation of habitat and management of fish and wildlife.

Today, I rise to salute Wildlife Forever as it celebrates its 20th anniversary and thank all the members and volunteers for all they do to protect our precious environment.

Since 1987, Wildlife Forever has provided funding to more than 800 projects in all 50 states through private special interest conservation groups, state game and fish departments and federal agencies. Species that have received direct benefit from Wildlife Forever grants include the American bald eagle, billfish, black bear, blacktail deer, bluebirds, bluegill, Canada geese, catfish, coyote, crappie, ducks, elk, gray whale, great gray owl, grizzly bear, herons, kestrels, largemouth bass, Massasaqua rattle snake, moose, mule deer, muskie, otter, peregrine falcon, pheasant, prairie chicken, quail, ruffed grouse, salmon, sea bass, Sonoran pronghorn, songbirds, striped bass, trout, trumpeter swan, walleye, white-tailed deer, wild turkey—the list goes on and on.

Partnerships are key to Wildlife Forever's success. Project highlights over the last 20 years include: Acquisition of 32,340 acres of land for public recreation; Wetland Restoration of more than 29,400 acres; Construction and placement of more than 9,224 bird and waterfowl nesting structures; Research utilizing radio telemetry and global positioning system with elk, grizzly bear, white-tailed deer, black bear, bighorn sheep, moose, goshawks and coaster brook trout; 125,747,367 public impressions with a 'Stop Invasive Species' message; Stream improvements and riparian repair of over 240 miles; Land Management practices including controlled burns, prairie restoration, shrubbery plantings, and reforestation efforts of more than 325,310 acres; Fish hatchery support producing a yield of 30,371,109 fish stocked in public lakes and streams; Placement of more than 130 Watchable Wildlife interpretive signs.

Madam Speaker, our Nation sends its thanks and gratitude to Wildlife Forever President and Chief Executive Officer Doug Grann and his entire team for all they do to protect the environment.

TRIBUTE TO CRYSTAL CITY IN ZAVALA COUNTY, TEXAS

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. RODRIGUEZ. Madam Speaker, I rise to recognize the historic 100 year anniversary of the founding of Crystal City in Zavala County in the great State of Texas.

In 1907, two land developers, Carl F. Groos and E.J. Buckingham, set about developing this town on the site of the 10,000-acre Cross S Ranch, which they purchased in 1905. In 1908 the arrival of a railroad set the foundation for the city's development as a processing, packing, and shipping center for vegetables, and in particular the locally grown spinach.

Originally named for its crystal clear artesian wells, today Crystal City is known as the "Spinach Capital of the World." Texas Governor James V. Alfred bestowed the title on the city after the First Annual Spinach Festival was held there in 1936. Staking claim to its spinach status, Crystal City is also home to a larger than life statue of Elzie C. Segar's Popeye. The well known sailor that is "strong to the finish 'cause he still eats his spinach" also serves as the Annual Spinach Festival mascot. Crystal City's landmark Popeye statue was erected in 1937 and dedicated "To All the World's Children."

The Spinach Festival centers on the agricultural heritage of the region and is held every second weekend in November. The three day festival attracts over 60,000 people to Crystal City and celebrates the production and consumption of spinach. Throughout its history, the festival has been recognized in issues of National Geographic, Texas Highway, and Texas Monthly magazines, and by the publishers of the Special Event Industry and Event Business News. In 1945 the California Packing Corporation, later the Del Monte Corporation, built an extensive canning plant just northwest of Crystal City.

Today, Crystal City still serves as the center for Texas's "Winter Garden" region, an area named for its year-round production of vegetables by irrigation.

This community of over 7,000 people has a historically significant past. During World War II, Crystal City was home to the largest alien internment camp housing American civilians of German, Italian and Japanese ancestry. On November 1, 1947, more than two years after the end of World War II, the Crystal City internment camp was formally closed.

In the 1960s, Crystal City was also at the center of the beginning of the Mexican-American civil rights movement. In 1969, a conflict arising from the ethnicity of cheerleaders resulted in 200 Mexican-American students staging a walk-out from the high school, that soon spread to the middle and elementary schools. The U.S. Department of Justice became involved in the dispute and ultimately negotiated a settlement that paved the way for bilingual education and better testing programs.

Crystal City's rich—and sometimes turbulent—past has made it what it is today, a shining example of a truly American community.

I am proud to represent the people of Crystal City and to recognize the city upon its 100th anniversary.

CONGRATULATIONS TO ST. PAUL'S EPISCOPAL SCHOOL ON THEIR 2007 5A STATE FOOTBALL CHAMPIONSHIP

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. BONNER. Madam Speaker, it is with tremendous pride and personal pleasure that I rise today to honor St. Paul's Episcopal School on their 2007 5A Alabama State Football Championship.

In 1947, William S. Mann founded St. Paul's Episcopal School in Mobile, Alabama. St. Paul's began with a class of 20 kindergartners and has grown to an enrollment of more than 1,600 students, making St. Paul's the largest Episcopal school in North America. While perhaps best known for their outstanding faculty and top-notch college-preparatory curriculum, St. Paul's is also fast becoming acknowledged around the State for having one of the best athletic programs as well. In fact, just last year St. Paul's was recognized by the Birmingham News as having the best overall sports program in the entire State of Alabama.

First-year head coach Mike Bates led the 14–1 Saints to his school's first-ever football State championship. Even though St. Paul's has a rich and proud history of winning championship trophies in many other sports, this most recent honor on the gridiron brings the number of State championships won by St. Paul's teams to three this year. Madam Speaker, these three championships mark the school's 134th, 135th, and 136th respectively in St. Paul's storied history.

Indeed, the St. Paul's Saints proved they are a team of champions in their victory on December 7, 2007, at Legion Field in Birmingham as they defeated Briarwood Christian in a thrilling 14–13 victory.

The entire St. Paul's family is excited and proud of what these young men have accomplished. Whether on or off the field, the student athletes of St. Paul's continue to set positive examples for those who will follow them. Many of the young men who played on this year's team will become stars in their own right in college and perhaps, one day, in the pros. However, make no mistake, they are all champions in the game of life.

Madam Speaker, I ask my colleagues to join me in congratulating St. Paul's Episcopal School on their extraordinary football season and State championship. This team and the entire school deserve public recognition for this tremendous accomplishment.

I extend my congratulations to each member of the team and coaching staff:

ST. PAUL'S ROSTER

NAME, GRADE, AND JERSEY NUMBER

Strickler Adams, 12th, 17; Glen Adams, 9th, 19; Tyler Andrews, 10th, 46; Mark Barron, 12th, 4; Deige Barry, 12th, 33; Ryne Baxter, 12th, 68; Matt Bowden, 11th, 31; Mic Brown, 12th, 75; Angelo Bruno, 11th, 42; and Scott Byrd, 12th, 50.

Alan Carrol, 10th, 51; Davis Coker, 10th, 18; Joe Cotton, 11th, 58; Scott Crow, 11th, 81; Daniels Duhe, 11th, 21; Adam Dyas, 10th, 25; Chad Dyas, 11th, 40; Paul Elcan, 12th, 67; Dominic Francia, 11th, 11; and Gaines Gibson, 12th, 15.

Joe Gilmore, 11th, 56; Brett Granger, 12th, 29; Carson Hale, 11th, 16; Destin Hood, 12th, 1; Zain Husain, 12th, 3; Trevor Jones, 12th, 74; Tyler Kennedy, 12th, 63; Zach King, 10th, 62; Josh Lancaster, 12th, 54; and Scott Martin, 12th, 14.

Ivan Matchett, 12th, 5; AJ McCarron, 11th, 10; Corey McCarron, 9th, 43; Andrew McGee, 10th, 30; Clint McKinnon, 12th, 83; Bill McRae, 12th, 35; Andrew Miller, 12th, 8; Joseph Minus, 11th, 64; Williams Morrissette, 12th, 24; and Bishop Mostellar, 10th, 37.

Harrison Myles, 12th, 22; Patrick Myles, 10th, 20; Hunter Nelson, 11th, 44; Dulan Nicholas, 10th, 55; William Oneal, 12th, 28; Luke

Phillips, 12th, 23; Marcus Porter, 11th, 53; Marcus Powell, 10th, 41; Thomas Praytor, 12th, 72; and Gray Rentz, 12th, 26.

Matt Rippy, 11th, 9; Grant Rogers, 12th, 12; Mason Thames, 10th, 78; Mike Thomas, 11th, 52; Walton Thompson, 11th, 61; David Turner, 10th, 80; Louis Watson, 12th, 2; Lee Wingard, 10th, 60; Billy Wyatt, 12th, 65; John Wyatt, 10th, 27; and Ryan Zarzour, 12th, 6.

COACHING STAFF

Head Coach: Mike Bates.

Assistant Coaches: Muskingum Barnes, Ron Danley, Tim Hardigree, Tyler Siskey, Thomas Smith, and Shane Sullivan.

RECOGNIZING TOM NIELSEN

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. LATHAM. Madam Speaker, I rise today to recognize Humboldt, Iowa Police Officer Tom Nielsen as a recipient of The Sullivan Brothers' Award of Valor for saving another's life by risking his own.

The Sullivan Brothers' Award of Valor Program was established in 1977 to recognize peace officers and firefighters, who while serving in an official capacity, distinguished themselves by performing a heroic act while fully aware of a threat to his/her personal safety. The strict nomination process includes background investigations, and the final determination is made by the Governor of Iowa.

On June 10, 2007, Officer Nielson received an emergency alert indicating that a distraught woman had jumped into the river above the Reasoner Dam. Officer Nielsen quickly responded to the call and rescued the woman, who remained combative during his lifesaving effort.

Officer Nielsen's bravery goes above and beyond what we are asked of as citizens of this country. His courage illustrates the compassion of Iowans: willing to risk their own lives for a neighbor in need. For this I offer him my utmost congratulations and thanks.

I commend Officer Tom Nielsen for his bravery. I am honored to represent him in Congress and I wish him the best in his future endeavors.

A TRIBUTE TO SHERNET NEUFVILLE-GRAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to the efforts of Shernet Neufville-Gray to positively change the health care community in the Brooklyn, New York area.

Shernet Neufville-Gray is a divorced mother of two daughters, Chloe, age 16, who is a leukemia survivor and Quimani, age 11. Born and raised in Kingston, Jamaica, Shernet is a product of a family that instilled the value and importance of education. In 1988, Shernet received her Bachelor of Arts degree from the University of the West Indies in Mona Campus, Jamaica. In 1997, she earned her Master's degree in Public Administration from New York University.

Shernet feels that her mission in life is to provide and facilitate the delivery of service for the underserved. Her recognition of these endeavors began as early as age 19 while working as a student-teacher intern in one of the violence ridden areas of Kingston, Jamaica.

Shernet moved from Jamaica to the United States approximately 20 years ago and shifted her career focus to healthcare. Within this field she has worked at resolving dilemmas in various healthcare settings. Shernet currently serves as the Associate Director of Psychiatry's Division of Chemical Dependency for the Health and Hospitals Corporation at the Woodhull Medical and Mental Health Center and its surrounding network. In this capacity, Shernet has been instrumental in developing, revising and implementing policies that serve as advocacy for persons in recovery from drug and alcohol abuse. This she does while resolving patient complaints and ensuring that the facility and staff meet regulatory and stakeholders expectations regarding service. Her prior capacities as research analyst at the Brooklyn Hospital Center helped her promote the use of evidence-based practices in healthcare. There, Shernet spearheaded improvement in the hospital's patient education practice as well.

Not only has Shernet spent her entire career serving as an advocate for the underserved, but she is heavily involved in community organizations. She is a founding member of the Vander Park Glenwood Lions Club, and she is also a member of an organization of Jamaicans (JON-J) that provides services to youths, immigrants and anyone in need. Shernet is also an active member of the United Methodist Church, where she works in various fundraising capacities and volunteers in the church's soup kitchen.

Madam Speaker, I would like to once again recognize the selfless contributions that Shernet Neufville-Gray has made to the Brooklyn community.

Madam Speaker, I urge my colleagues to join me in paying tribute to this outstanding woman and the great things for which she stands.

TRIBUTE TO CHERITH NORMAN

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. WOLF. Madam Speaker, I rise today to express my deep appreciation for Cherith Norman's service to our country as senior congressional adviser in the Bureau of Legislative Affairs at the U.S. Department of State. I have had the privilege of getting to know Cherith during her time as senior congressional adviser in the State Department's Bureau of Legislative Affairs on budget and appropriations issues. She is one of the best congressional liaisons from the State Department that I have worked with during my entire time in office. I have been deeply impressed by her work ethic and commitment to serving the United States government. She is conscientious, dedicated, and quick-thinking, and has been a tremendous asset to both me and my staff.

Cherith worked for Senator JIM DEMINT for 6 years while he was a U.S. Representative and also during his congressional campaign. She worked at the State Department for 4 years, serving as a political appointee since 2003 in the Bureau of Legislative Affairs. During her time at the State Department, Cherith has served as interlocutor between the appropriators and the department on critical spending issues; planned countless congressional member and staff trips overseas; coordinated with the White House, National Security Council, the Office of Management and Budget and other Executive Branch agencies to present the President's international affairs budget to Congress each year; advised senior State Department officials on policy and funding strategy for international programs and State Department operations, and, in a courteous, conscientious and efficient manner, facilitated clear communication between Congress and the State Department.

Cherith is moving to New York to serve on the staff of Ambassador Zalmay Khalilzad in the U.S. mission to the United Nations. Cherith's strong work ethic and selfless attitude have been the hallmarks of her service to our government and to the department, and I believe that she will serve the State Department very well in this new capacity. I know I am joined by many of my colleagues in the House of Representatives in expressing our appreciation for her work here in Washington, our sadness at her departure, and our best wishes for her future endeavors in our mission to the United Nations.

INTRODUCING THE BROADCAST LICENSING IN THE PUBLIC INTEREST ACT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Ms. ESHOO. Madam Speaker. I think there is a lack of quality civic dialog taking place in our country today. Our news has become homogenized and formulaic and there is a persistent dumbing down of national issues. The corporatization of media and the massive consolidation of our media outlets have made broadcasters less responsive to their local audiences. This has eroded public discourse in our country, and this has an impact on the health of our democracy.

Last month Congress held a joint session to hear French President Nicolas Sarkozy. In his remarks he celebrated the life of the great French political philosopher Alexis de Tocqueville. In his seminal work Democracy in America, de Tocqueville marveled at the diversity and number of newspapers and journals in America. He believed that there was a symbiotic relationship between a democracy and the media when he said that there "is a necessary connection between public associations and newspapers: Newspapers make associations, and associations make newspapers." A healthy democracy, according to de Tocqueville, needs a strong diverse media. The diversity that de Tocqueville extolled has been in precipitous decline, a fact that has not been lost on the 70 percent of Americans that believe that media consolidation has gone too far.

Two major conglomerates control two-thirds of the national radio market. Increasingly, "local broadcasts" are voice tracked or recorded remotely and passed off as live local broadcasts. Four out of ten commercial TV stations surveyed in 2003 aired no local public affairs programs; 92 percent of the election coverage aired by the national networks in the 2 weeks before Election Day 2004 was devoted to the Presidential contest, leaving only 8 percent for local elections and referendums. Slightly less than 2 percent of stories were devoted to the U.S. House or Senate races, and an additional 2 percent examined ballot initiatives or referenda. These are but a few startling facts that demonstrate the crisis.

The perils of media consolidation are not just theoretical—they've manifested in a failure of broadcasters to serve in the public interest. At 2 a.m. on January 18, 2002, there was a train derailment in Minot, ND. All six commercial radio stations in Minot were owned by the same broadcaster, yet when emergency responders tried to reach somebody at the stations to air emergency warnings and instructions, nobody responded. Clear Channel was voice tracking its broadcast in Minot. Over 240.000 gallons of a hazardous material—anhydrous ammonia—were leaked. One person was killed. 110 were immediately treated, and more than 1,000 people needed medical care in the months that followed.

The consolidation we've witnessed has coincided with the erosion of public interest standards imposed on broadcasters. The idea that broadcasters are public fiduciaries has been lost. I believe relaxed ownership rules and rubber-stamped postcard license renewals have contributed to this degradation. The public interest standard was created out of a compromise between civic groups and broadcasters. Broadcasters wanted editorial control, while civic groups in the 1920s wanted broadcasters to be regulated as common carriers. As a compromise, broadcasters were given editorial control but were also required to serve the "public interest, convenience and necessity." When a broadcaster receives a license they are investing in public responsibility and service. This responsibility should not be reduced to a postcard. Broadcasters must demonstrate that they are meeting the needs of their community. We need to reinvigorate the public interest requirement on broadcasters.

I'm introducing legislation today entitled the Broadcast Licensing in the Public Interest Act. This legislation attempts to put new life in the public interest standard. First, the bill reduces a broadcast license term from 8 years to 3. The 3-year term will bring greater oversight and scrutiny to license renewals. Second, the bill requires broadcast licensees to demonstrate that they have made a dedication to the civic affairs of its community and to local news gathering. The bill also mandates that broadcasters air locally produced programming and make a commitment to provide a public presentation of the views of candidates and issues related to local, statewide or national elections. Finally, the bill obligates that broadcasters provide quality educational programming for children. If enacted, this legislation would strengthen the public interest standard and force greater scrutiny on license renewals.

I urge members of this House to cosponsor this legislation and revive the public interest standards on broadcasters.

CONGRATULATING CARROLL COLLEGE FIGHTING SAINTS

HON. DENNIS R. REHBERG

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. REHBERG. Madam Speaker, I don't know if you've had a chance to see this week's Sports Illustrated Magazine. On the cover is a picture of Brandon Day, a football player for the Carroll College Fighting Saints—who on December 15 won their fifth National Title in six years. Carroll College plays in Helena. Montana as a part of the National Association of Intercollegiate Athletics. This year, they had a perfect 11 and 0 record in the regular season and survived the playoffs to defeat the Sioux Falls Cougars by a score of 17 to 9 to win the Championship. They say that defense wins championships—the Saints' defense allowed only 5.1 points per game, the fewest points allowed in all of college football. They shut out opponents five times during the year including once during the playoffs. But it wasn't just a powerful defense that earned this Championship—a well-balanced offense scored an average of 26.4 points per game. I would like to congratulate Coach Mike Van Diest, his team, his school and their fans on a truly remarkable season. Next year, the Saints will be building on the longest win streak in college football at fifteen games. I ask that the team roster be added to the record with my comments.

Team Roster: John Camino, Brian Sloan, John McKenna, Zack Gill, Justin Smith, Chase Gill, Travis Browne, Zach Richardson, Cody Zimmerman, Wilson Bowlby, Shane Van Diest, Marcus Miller, Andrew Lopez, Bryce Picard, Jon Von Eschen. Zach Schaal, John Barnett, Will Barnett, Gary Wagner, Brian Murphy, Stevie Sloan, Jeren Starr, Thomas Dolan, Cody Lamb, Kody Swartz, Gabe Le, Zach Thiry, Jeff Deal, Nick Milodragovich, Christian Prosperie, Mike Waldenberg, Tyson Bogumill, Jake Whetzel, Body Whetzel, Pat Regan, James Byrd, Kurt Stoll, T.J. Lehman, Tucker Vezina, Corey Peterson, Shawn Holland, Greg Bosick, Jake Orrino, Chanler Buck, Colton Sherley Sean Herrin, Brandon Day, Kyle Ferebee, Travis Schmidt, Ellis Beckwith, Ryan Egan, Matt Tummel, Thomas Robinson, Mac Gordon, Tyler Espinosa, Scotty Rice, Bubba Bartlett, Greg Thompson, Marshall McEwen, Tyler Pasha, Nick Gilchrist, Phil Lenoue, Ted Morigeau, Andy Fjeseth, Owen Koeppen, Trever Hass, Spencer Savage, Rick Young, Garret Garrels, Nick Petrusha, Ron Baze, Doug Adams, Alex Pfannanstiel, Bryson Pelc, Ben Wahl, Conrad Addison, Kolten Knatterud, Dan Layton, Kerry Cicero, Chad McMillan, Conor Fox, Justin Howe, Brent Williams, Mike Pafthausen, Mike Vickhammer, Ryan Gilmore, Adam Brockway, Scott Holbrook, Donald Phipps, Leonard Thurmond, Bryan Camino. David Whitmoyer, Kipp Curtis, Lat Wipplinger, Tyler Sanders, Mac Kirk, Dan Lovin, Roman Morris, Isiah Linnell, Luke DenHerder, Kyle Moore, Kris Drumheller, Zach Zosal, Casey Sternhagen, Cole Whitmoyer, A.J. Allen, Garret Thompson, Ryan DeKruyf, Mike Ogrin, Mason Siddick, Will Hamilton.

President: Dr. Thomas Trebon; Athletic Director: Bruce M. Parker; Sports Information Director: Brandon Veltri; Head Football Coach: Mike Van Diest; Assistant Coaches: Nick Howlett, Jim Hogan, Jarrod Wirt, Gary Cooper, Tyler Emmert, Nick Hammond, Mark Lenhardt, Tim LeRoy, Jed Thomas.

PERSONAL EXPLANATION

HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. BONNER. Madam Speaker, on Tuesday, December 18, 2007, I was absent for two votes due to an important meeting regarding a significant economic development need in my district. Had I been present, I would have voted "yea" on rollcall Nos. 1179 and 1180.

CONGRATULATING PRESIDENT-ELECT LEE MYUNG-BAK

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. WILSON of South Carolina. Madam Speaker, today America's great ally, the Republic of Korea, elected a new President. To provide congratulations and in recognition of the achievement of President-Elect Lee Myung-bak, I wish to submit the following article from the Associated Press regarding today's presidential election in South Korea.

LEE CLAIMS WIN IN SOUTH KOREA ELECTION

(By Burt Herman)

SEOUL, SOUTH KOREA (AP)—Former Hyundai CEO Lee Myung-bak claimed victory Wednesday in South Korea's presidential election, as voters overlooked fraud allegations in hopes he will revive the economy.

Lee's two main rivals both conceded defeat after returns and exit polls showed him winning nearly double the votes of his closest competitor.

"Today, the people gave me absolute support. I'm well aware of the people's wishes," said Lee, of the conservative Grand National Party. "I will serve the people in a very humble way. According to the people's wishes, I will save the nation's economy that faces a crisis."

The National Election Commission said Lee had 48.6 percent of the vote with 98 percent of ballots counted. Liberal Chung Dong-young was a distant second with 26.2 percent. The victory margin was by far the largest in any South Korean presidential election.

Lee, a former Seoul mayor who turned 66 on election day, has led the race for months. His victory ends a decade of liberal rule in the South, during which the country embarked on unprecedented reconciliation with rival North Korea that has led to restored trade and travel across the heavily armed frontier dividing the peninsula.

"I humbly accept the people's choice," Chung told reporters late Wednesday. "I hope (president)-elect Lee Myung-bak will do a good job for the country."

Candidate Lee Hoi-chang, who was trailing in third with 15.7 percent of the vote, congratulated Lee Myung-bak on his win.

"I hope he would uphold the people's yearning for a change in government and correct what the outgoing government has done wrong in the past," he told reporters.

The office of liberal President Roh Moo-hyun congratulated Lee.

"We respect the people's choice shown in this election," presidential spokesman Cheon Ho-seon said in a statement.

Hundreds of supporters watching results on a giant TV in front of the Grand National Party's headquarters burst into song Wednesday evening as returns showed Lee winning.

Lee has pledged to take a more critical view of Seoul's engagement with North Korea and seek closer U.S. ties. Efforts to end North Korea's nuclear weapons ambitions stand at a critical juncture, with the communist country set to disclose all its programs for eventual dismantlement by a year-end deadline.

State Department spokesman Tom Casey congratulated Lee on his victory.

"We have a long history of cooperation and friendship with South Korea and fully expect that'll continue with this new government," he said. "Certainly, we've got a number of important issues on our bilateral agenda including our mutual cooperation in the six-party talks."

RECOGNIZING CRAIG OLTHOFF

HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. LATHAM. Madam Speaker, I rise to recognize the retirement of Craig Olthoff, a longtime U.S. Department of Agriculture Farm Service Agency employee, and to express my appreciation for his dedication and commitment to the agricultural community of Iowa.

For the past 30 years Craig has been employed by the Farm Service Agency. He served as the Hardin County executive director from 1978 to 1989, when he was then promoted to district director. As district director, Craig oversaw 11 county offices in north central Iowa. I offer him my utmost congratulations and thanks for his dedication to providing reliable service to Iowa Farmers.

I know that my colleagues in the United States Congress join me in commending Craig Olthoff for his leadership and service to the USDA Farm Service Agency and the farmers in his district. I consider it an honor to represent Craig in Congress and I wish him a long, happy and healthy retirement.

A TRIBUTE TO ANDREA R. ADAMS, MPA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Andrea R. Adams. Andrea was born on Staten Island, New York and is a product of the City's public school system. After receiving her G.E.D., she enrolled in York College in Jamaica, New York and St. Joseph's College in Brooklyn. Andrea later attended Long Island University, graduating with a Master's of Public Administration and a certificate in Health Care Administration.

Andrea has worked in the health care field for 25 years. She has held various positions, among them: Medical Secretary; Technical Specialist; Health Educator; Hospital Training Director; Community Outreach Liaison; Executive Assistant; and currently, Director of Volunteer and Auxiliary Services.

Andrea is credited with spearheading the Gateway to Health Sciences School at Queens Hospital 12 years ago. She implemented this unique learning hospital/high school collaboration to lure inner city youth to occupations in the health profession. The hospital's on-site project opened the door to her present and most rewarding task; counseling young people allowing them to see the potential of a rewarding a career in the health care field. As the hospital's Volunteer Director, she also assists second career adults referred from health career schools, and senior citizens seeking a rewarding volunteer experience.

Andrea is a member of the National Association of University Women's Saturday Tutorial Program. This program assists children in improving their reading, math, penmanship, and communications skills. Andrea is an active supporter of many of the programs at St. Matthew's Community A.M.E. Church of which she is a member. Currently, the church is preparing to open an after school program center. Upon its completion, Andrea plans to be a regular participant of the skills enhancement program. She is also a member of the New York City Board of Education's "Speaker in the Classroom" program. Each year, she visits day care centers, schools and colleges to share information about various and unique careers in health care.

Andrea is a member of the Women's Concerns Committee at Queens Hospital Center and participates in developing projects to advance cultural awareness among hospital staff. Her diligent work in this area earned her the Mayor's Award in 2001. She is also a rape, domestic violence advocate and an outreach educator of the health care proxy law, breast cancer awareness, and HIV/AIDS transmission.

Madam Speaker, I would like to recognize the impressive achievements of Andrea R. Adams, who has spent her life giving so much to others. I also want to thank Ms. Adams helping the children of Brooklyn, New York.

Madam Speaker, I urge my colleagues to join me in paying tribute to this exceptionally kind woman.

FOURTH TIME A CHARM FOR WESTERN ALAMANCE

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. COBLE. Madam Speaker, the old adage, "If at first you don't succeed, try, try again" wasn't written specifically with the Western Alamance High School football team in mind, but as its players and fans will tell you, that statement perfectly captures the fighting spirit of the Warriors. On December 8, 2007, Western Alamance won the North Carolina 3–A high school football championship on its fourth try in the title game. The Warriors completed a perfect 16–0 season by defeating North Gaston 62–36.

Having lost three straight state championship games, the Warriors of Western Alamance were used to playing in a big game setting. As Head Coach Hal Capps told the Times-News, however, there was something different about this year's squad. "North Gaston is an outstanding football team, outstanding," Coach Capps told the Burlington newspaper, "but this team was on a mission, they were not going to be denied."

Senior receiver Levon Curtis, who was named the game's Most Outstanding Player, was part of those past title game losses, and he told the Times-News, "We did it. I didn't know it would ever happen. I've got to get it through my mind, we did it." Curtis certainly did it by scoring four touchdowns, two through the air and two on the ground. In all, Curtis caught seven passes for 153 yards and rushed for another 96 yards.

Coach Hal Capps will be the first to tell you that finally winning that elusive state championship took a total team effort. Members of his coaching squad included Terry Covington, Drew Hambright, Chris Jackson, Frank Lassiter, Kenny Lockner, Brad Melton, Mike Mitchener, Chris Myers, and Jeff Snuffer. They were ably assisted by team managers Kaitlyn Lockner, Rachel McKinney, Amanda Summers, and Amanda Thomas.

But it was the players who finally led the Warriors to the promised land. Members of the 3–A champs include Ethan Willis, Jonathon Corriher, A.J. Smith, Donald Britt, Ryan Blair, Jared Orton, Houston Spake, Nathan Jasper, Brandon Hill, Kenneth Lindsey, Chris Sparks, Wes Satterfield, Tucker Street, Chris Bradsher, Matt Maness, Connor Meehan, Scottie Thomas, Justin Torrence, Rod Shaw, Michael Wade, Doug Bernard, Olanders Sellars, Johnny Mitchell, P.J. Wright, Brad Brenner, Macon Rippy, Billy Williamson, Gary Strader, Kyle Norris, Levon Curtis, Nathan Bell, Kevin Lewis, Kyle Haizlip, Josh Baulding, Casey Roberts, Todd Ludwig, Joe Ahlgren, Christian Saconn, Robert Fields, Mac Mitchener, Blake Bledsole, Chris Sizemore, Jered Welborn, Josh Warren, Donald Schietzelt, Jay Johnson, Matt Apple, Shawn Huffines, Richard Miller, Laramie Stallings, Nick King, Corey Brothers, Bradley Dickey, Jamal Dark, Zack Palm, Allen Black, Tony Bejos, Jeremy Gooding, Tyler Clayton, Martin Dailey, Dace Crawford, Ashton Tinin, Wayne Stanfield, Joe Reinheimer, Ronnie Mimms, Jordan Gaines, Bill Blanchard, Jeremy Ray, Avery Booker, Josh Medlin, Alex Mitchell, George Wentz, Ben Smith, Brent Oliver, and Orvin Guiffaro.

All of these players assisted Western Alamance in a record-setting performance. Six State records were broken during the title game, including most combined points scored (98) in a championship contest. The only number that the Warriors will remember is four. Because on the fourth try, Western Alamance finally brought home the trophy.

Even amid all of the jubilation, there was some sadness associated with the team. Two days before the championship, the brother of offensive coordinator Jeff Snuffner died of cancer. Quarterback Donald Britt told the Times-News, "When we heard Coach Snuffner's brother died, something went off in us. We just wanted to do it for him. We wanted to go out there 110 percent, every play." Coach Capps told the Burlington newspaper that just before the game, he and his offensive coordinator hugged and told the other how much they loved each other. "I'm sitting there five minutes before the game," told the Times-News, "crying like a baby. That's what life is all about. It's about loving and caring about people and having relationships. When something doesn't go right, you pick each other up and go on."

The Warriors did more than go on. They went all the way to be named as North Carolina 3-A high school football champions. On behalf of the citizens of the Sixth District of North Carolina, we congratulate Western Alamance Principal Terri Spears, Athletic Director Carter Gerlach, Head Coach Hal Capps, and all of the players, coaches, staff, family, and fans, as well as the outstanding Warriors marching band. The team is a true inspiration to all of us who work hard to accomplish our goals. The Warriors proved that sometimes old adages are true because they never gave up.

TRIBUTE TO THE FREDONIA AMERICAN LEGION AUXILIARY

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. ENGLISH of Pennsylvania. Madam Speaker, today I rise to recognize the accomplishments of the Fredonia American Legion Auxiliary. The members of this organization have loyally served the Fredonia area and its veteran community for many years and their good deeds deserve to be acknowledged.

All of the Legion's activities work toward its mission to improve the quality of life for Fredonia's veterans and their families.

To raise money for veteran family events, such as their annual Children's Christmas Party, the Legion has held various events throughout the year including a Chinese auction, craft show, bingo night and several basket raffles.

As part of their community service efforts, members collected donations to give to local needy families during the holiday season.

The Legion hosted an "Americanism" Essay Contest at local grade schools to promote patriotism among the country's youth. The winners included third-grader Olivea Wright from Oakview Elementary and sixth-grader Kelsey Greathouse from Commodore Perry Elementary.

On Veterans Day and Memorial Day, members held honorary services with special guest speakers to pay tribute to U.S. veterans in the Fredonia area.

From September 2006 to June 2007, the Fredonia American Legion donated an impressive $18,700 in coupons to 37 commissaries around the world.

The officers of the Legion include: Mary Ellen Flynn, President; Sandy Lurtz, 1st Vice President; Ruth Foust, 2nd Vice President; Dorthy Young, Secretary/Treasurer; Shirley Kirsch, Chaplain; Darlene Hoffman, Historian and Sergeant-at-Arms; Mary Jane Lockcock, Sergeant-at-Arms.

I hope my colleagues will join me at this time in recognizing the service of the Fredonia American Legion and in congratulating its efforts.

MAJOR CONSTRUCTION PROJECT AT ATLANTA VETERANS AFFAIRS MEDICAL CENTER

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. LEWIS of Georgia. Madam Speaker, today, almost last, but certainly not least, Congress takes action on a bill to authorize a major medical facility project that will create modern inpatient wards at the Department of Veterans Affairs Medical Center in Atlanta, Georgia. This is an investment of $20.5 million to provide a standard of care our Nation guarantees for veterans across America. This is a relatively small bill but it is part of keeping a very big promise. We should always keep that promise.

This project will renovate 3 inpatient floors to meet ADA accessibility requirements. Our handicapped veterans should have bathrooms, showers and toilet facilities they can actually use. This project will also meet needs of a growing group of women veterans. It will provide patient privacy where it has been inadequate. And it will make the staff work more efficiently by simply making the layout of the building better for work. In addition, an enclosed connecting bridge will be built between the Medical Center and VA Regional Office buildings so there will be more fluid access between what goes on at the hospital and what goes on at the benefits administration.

The Atlanta VA Medical Center has an active affiliation with the University of Emory Medical School. This project will keep this relationship on sound footing. Hundreds of medical doctors and students with Emory make contributions at the hospital and see firsthand the result of sacrifices made from generation to generation. Unfortunately, with the number of our boys and girls coming home from war growing as we speak, these physicians are going to be caring for so many more people with so many more health problems.

I want to applaud the efforts of my colleague from Georgia, Senator JOHNNY ISAKSON, for working to pass this bill through the Senate. I know on this issue, the issue of caring for our veterans, all of us from Georgia and on a bipartisan basis in the House and Senate can agree that no expense should be spared in order to ensure the best care modern medicine can provide.

We have more work to do on this and so many other issues. It is my hope we can come together on more bills in the coming year, much larger bills, which benefit those who wear the uniform, as well as kids and seniors who need better health care.

TRIBUTE TO HUGHSTON ORTHOPEDIC HOSPITAL

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. WESTMORELAND. Madam Speaker, the city of Columbus in Georgia's 3rd Congressional District boasts a stellar health care community that enriches the well-being and quality of life for Muscogee and surrounding counties.

This year, Georgia Trend magazine singled out one of those health care facilities, Hughston Orthopedic Hospital, for its Honor Roll, naming it one of the 15 best places to work in the state.

Long known for its excellent patient care, Hughston's secret is now out: It also provides excellent employee care.

One of the founders of the hospital summed up the organization's ethos by saying, "It's not bricks, mortar and equipment that makes a hospital—it's people."

Employee input helps the hospital keep its edge in providing the best possible care. Every month, the President's Council convenes to allow employees to voice suggestions or concerns directly to the CEO, Don Avery.

Hughston employees receive 100 percent tuition reimbursement, flexible working schedules, day care discounts and a special HOPE fund to aid employees suffering hardships. Employees who go above and beyond the normal call of duty receive special recognition, such as the Spirit of Caring award for nurses dedicated to excellent care and the Frist Humanitarian Award for workers who engage in community service and extraordinary acts of kindness.

In 1984, Dr. Jack Hughston, known as the "father of sports medicine," and Dr. Thomas Frist Sr. founded the hospital. Today, the hospital famed for its sports medicine is a 100-bed orthopedic facility performing spinal surgeries and joint replacements.

Madam Speaker, I want to call special attention to the special people providing visionary leadership and top-notch medical care to the patients in the Greater Columbus area. They embody the spirit of hard work and compassion that keep America great.

On behalf of the 3rd Congressional District of Georgia and this House, I congratulate Hughston Orthopedic Hospital on this well-deserved recognition.

SUPPORT FOR RECOGNITION OF PLUTO AS A PLANET

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. WELLER of Illinois. Madam Speaker, I rise today to express my support for the renewed recognition of Pluto as a planet.

The planet Pluto was discovered on January 23, 1930, by Clyde Tombaugh. Although just 24 years of age with no formal education beyond high school, Mr. Tombaugh discovered this new planet by painstakingly and systematically examining and comparing photographic plates he had made of the night skies over New Mexico. For this achievement, Mr. Tombaugh received a prestigious award from the Royal Astronomical Society along with a scholarship to the University of Kansas, which allowed him to continue his formal education.

Clyde Tombaugh went on to make a large number of additional contributions to our knowledge of the universe and to receive many more awards and honors before his death on January 17, 1997. I am proud to note that Mr. Tombaugh was born on February 4, 1906, on a farm near Streator, IL, in LaSalle County—a community which I am privileged to represent in the Congress of the United States.

Unfortunately, on August 26, 2006, the International Astronomical Union, IAU, meeting in Prague and relying on the votes of only a handful of its approximately 10,000 members, made the decision to downgrade the status of Pluto.

This decision was met with protests from eminent scientists and astronomers all over the world. Perhaps foremost among those in the international scientific community strongly disagreeing with the IAU decision was Dr. S. Alan Stern. Named earlier this year by Time magazine as one of the "One Hundred Most Influential People in the World", Dr. Stern is also one of the lead consultants for the New Horizons Mission.

The New Horizons Mission is an unmanned spacecraft launched in January of 2006, which is projected to reach Pluto and the outer edge of our solar system in the year 2015. This spacecraft is carrying some of the ashes of Clyde Tombaugh.

In closing, I urge my colleagues to express their support for the reversal of the International Astronomical Union's decision and the official reinstatement of Pluto as the ninth and outermost planet in our solar system.

RECOGNIZING THE AMERICAN ASSOCIATION OF MOTOR VEHICLE ADMINISTRATORS ON THE OCCASION OF ITS 75TH ANNIVERSARY

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. MICA. Madam Speaker, I rise today to recognize the 75th Anniversary of the American Association of Motor Vehicle Administrators. The AAMVA will be holding their 2008 annual meeting in Orlando, Florida.

In 1932, growth in the motor vehicle population, increasing interstate travel, and an increase in death and injuries on the highways highlighted the need for a national organization for uniform interstate laws and programs.

In response, representatives of the States, recognizing this need for uniform and reciprocal administration of motor vehicle laws, formed the American Conference of Motor Vehicle Administrators. Subsequently in 1933 the group renamed itself the American Association of Motor Vehicle Administrators, or AAMVA.

AAMVA has been the recognized North American authority for driver licensing and motor vehicle administration. AAMVA's U.S. and Canadian members have worked collaboratively to support and improve motor vehicle administration, safety, identification security and law enforcement.

AAMVA has served as a liaison with other levels of government and the private sector, and its development and research activities have provided guidelines for more effective public service.

AAMVA has fostered a tradition of service in the motor vehicle and law enforcement professions, providing outstanding service to the community through superb customer service initiatives, information technology, safety, and the best in public affairs and consumer educational programs throughout North America.

I would like to commend the many achievements of AAMVA and encourage AAMVA to continue its tradition of excellence in service to motorists through its advocacy of improving highway safety.

HONORING COMMUNITY BRIDGES OF SANTA CRUZ COUNTY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. FARR. Madam Speaker, I rise today to honor Community Bridges of Santa Cruz County, which will gather to celebrate its 30th anniversary later this month. Community Bridges, a family of non-profit programs, provides otherwise unmet care to the citizens of Santa Cruz County and is a vital component of our community.

Since its inception on October 19, 1977, Community Bridges has worked to provide innovative human services to enhance our diverse community. Today the family of programs (Child and Adult Care Food Program; Child Development Programs; La Manzana Community Resources; Lift Line: Live Oak Family Resource Center. Meals on Wheels; and WIC Nutrition Program) serves nearly 30,000 Santa Cruz County community members each year.

Through its services, the group nurtures the entire life from beginning to end. Starting childhood, Community Bridges fosters a better life by providing childcare, after-school programs, and teen mentoring to ensure that children develop the skills they need to succeed in school and life. For those later in life Community Bridges helps residents maintain their dignity and independence by providing meal delivery, transportation, and literacy and language education.

With an eye on healthy living, Community Bridges combats childhood obesity and promotes community wellbeing by providing nutrition education programs, breastfeeding support for new mothers, and food reimbursements. Moreover, Community Bridges helps reduce the risk of child abuse and keeps families strong by providing parenting classes, fostering educational attainment, and connecting families to health insurance programs and other important resources.

They not only seek to address unmet human service needs in our county, but also focus on supporting existing efforts to serve the community by working with other local care providers. Community Bridges promotes civic engagement by actively seeking community input and providing leadership training opportunities for local residents. By building partnerships with local organizations they ensure the greatest efficiency and accessibility of services for Santa Cruz County residents. The broad reach and integrated structure of Community Bridges affords the agency the unique ability to swiftly identify and address community needs as they emerge.

Madam Speaker, it is an honor to express appreciation for the critical role Community Bridges serves in providing a safety net for the most vulnerable members of our community and helping to improve the quality of life for the children, families, and seniors in Santa Cruz County.

COURT RULINGS ON YUKOS MANAGEMENT

HON. ROGER F. WICKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. WICKER. Madam Speaker, I would like to share information with my House colleagues about the application of the rule of law and free market economics in Russia. While economic growth has been positive since the 1998 financial crisis, Russia's legal and political system has regressed, threatening the development of a diverse economy based on market principles and the rule of law. The Russian government's 2003 expropriation of the YUKOS Oil Company raises concern about the stability of the economy and continues to remind us that investing in Russia is still very risky.

As Co-Chairman of the Congressional Human Rights Caucus Russia Working Group, I would point out that the same legal system that has undermined the civil and human rights of former YUKOS head Mikhail Khodorkovsky and his business partner Platon Lebedev, also caused the company's downfall. In the YUKOS case, the Russian courts failed to adhere to basic principles such as private property rights protection, independent judges, due process and equal application of the law.

YUKOS, once Russia's largest oil company, was forced to declare bankruptcy in August 2006, when it could not pay claimed back taxes. After a series of auctions, YUKOS' remaining assets fell into the hands of the state-owned company, Rosneft. On November 22, 2007, Russia's Federal Tax Service announced it had completed YUKOS' bankruptcy procedure and that the company had ceased to exist as a legal entity.

In contrast to their experience in the Russian judicial system, Khodorkovsky and Lebedev have won several court rulings in other countries. The first favorable decision came in August 2006, when a Dutch court refused to give the Russian receiver of YUKOS, Eduard Rebgun, full control of its Dutch unit.

In August 2007, the Supreme Court of Switzerland ruled that the case against Khodorkovsky and Lebedev was politically motivated and refused to release bank documents to Russia in connection with the case.

Shortly afterwards, in October 2007, the European Court of Human Rights ruled that Russia had violated the rights of Lebedev during his arrest and pretrial detention, and the Russian government was ordered to pay him compensation.

However, in the most recent and significant ruling on October 31, 2007, a Dutch court ruled the YUKOS receiver did not have the right to sell off the firm's foreign assets in a bankruptcy auction in August. The court nullified all actions taken in that auction. The court also ruled that YUKOS was denied a fair trial to establish how much back taxes it owed to the Russian government.

The Dutch court ruling is important because it highlights three vitally important issues: First, the ability of Russian officials to appoint their own managers to run YUKOS; second, the bankruptcy of YUKOS and the process used to achieve it; and third, the validity of the original tax claim against YUKOS.

This decision, like many others before it, raises concerns about the legitimacy of the Russian court rulings in the YUKOS case. When the European Court of Human Rights along with courts in Switzerland, the United Kingdom, the Netherlands and other jurisdictions all reach the same conclusion, it strongly indicates that there is something very wrong in the application of the rule of law in Russia.

I want to share details of the October 31st Dutch court judgment relating to this case, and would like to submit for the RECORD the "Decision" section of that ruling.

JUDGMENT

District Court of Amsterdam, civil law division, case number/docket number: 355622/HA ZA 06-3612.

Judgement dated 31 October 2007 in the case of 1. David Andrew Godfrey, resident in London (United Kingdom); 2. Bruce Kelvern Misamore, resident in Houston, Texas (United States of America); 3. the private company with limited liability YUKOS Finance B.V., with registered seat in Amsterdam; claimants, procurator litis: Mr. R.J. van Galen versus 1. Eduard Konstantinovich Rebgun, in his capacity of trustee in the bankruptcy of the legal entity under the law of the Russian Federation OAO YUKOS Oil Company, having chosen domicile at Rotterdam; 2. Leendert Jacob Hogerbrugge, Resident at Leiden; 3. Sergei Savelyevich Shmelkov, resident at Moscow (Russian Federation); defendants, procurator litis: Mr. P.N. van Regteren Altena.

Claimants jointly hereinafter to be called Godfrey et al. and separately Godfrey, Misamore and Yukos Finance. Defendants jointly hereinafter to be called Rebgun et al. and separately Rebgun, Hogerbrugge and Shmelkov. OAO Yukos Oil Company hereinafter to be called Yukos Oil.

THE DECISION

The District Court:

Passes a declaratory judgment that all Shareholders' Resolutions in regard to Yukos Finance, in so far as taken by Rebgun in his capacity of trustee of Yukos Oil, including but not limited to the decision to dismiss Godfrey and Misamore as directors of Yukos Finance B.V. dated 11 August 2006 and the alleged decisions to appoint Shmelkov and Hogerbrugge as directors of Yukos Finance, are null and void;

Passes a declaratory judgment that all decisions taken by Shmelkov and/or Hogerbrugge in their supposed capacity of directors of Yukos Finance B.V. are null and void;

Orders Rebgun to lend his immediate and unconditional cooperation to the reversal of the (consequences of the) Shareholders' Resolutions he made in Yukos Finance, subject to a penalty of 10,000 Euros for each individual violation and of 1,000 Euros for each day that such violation continues, to a maximum of 500,000 Euros;

Forbids Rebgun to exercise any rights with respect to the shares of Yukos Finance or to have these rights exercised, subject to a penalty of 10,000 Euros for each individual violation and of 1,000 Euros for each day that such violation continues, to a maximum of 500,000 Euros;

Orders Shmelkov and Hogerbrugge, both jointly and severally, to lend their immediate and unconditional cooperation to the reversal of the (consequences of the) managerial decisions taken in Yukos Finance, whether individually or jointly, subject to a penalty of 100,000 Euros for each individual violation and of 100,000 Euros for each day that such violation continues, to a maximum of 100,000 Euros;

Forbids Shmelkov and Hogerbrugge to exercise any rights with respect to their alleged representative authority in Yukos Finance or to have these rights exercised, subject to a penalty of 100,000 Euros for each individual violation and of 100,000 Euros for each day that such violation continues. to a maximum of 100,000 Euros;

Orders Rebgun, Shmelkov and Hogerbrugge jointly and severally to pay the procedural costs on the side of Godfrey et al., estimated up to this judgment at 332,87 Euros in disbursements and 1,808 Evros in local counsel's salary:

Orders Shmelkov to pay the costs incurred in connection with the Russian translation of the Writ of Summons, being 10,882,06 Euros;

Declares the aforementioned orders and injunctions as well as the orders to pay the procedural costs immediately enforceable;

Dismisses all other applications.

This judgment was passed by Mr. W. Tonkens-Gerkema, Mr. C.S. Naarden and Mr. A.W.H. Vink and delivered in open court on 31 October 2007.

HONORING THE CAREER AND ACHIEVEMENTS OF NEIL NOLF

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Ms. SLAUGHTER. Madam Speaker, I rise today to celebrate the exemplary career of Mr. Neil Nolf, a talented public servant and good friend, who is retiring at the end of the year after decades of public service at the Niagara Falls Air Reserve Station. Since assuming his post as Public Affairs Officer in 1987, I have had the privilege of working with Mr. Nolf on many issues of critical importance to the residents of the 28th Congressional District of New York, especially those that involved improving the lives of the dedicated service men and women at the Air Base. His was a life dedicated to public service and his vision and leadership will be sorely missed.

Neil Nolf's life has been driven by a deep/rooted sense of commitment to his community and service to his country. Born and raised in western New York, Mr. Nolf graduated from Buffalo State College in 1975 and began work at the Social Security Administration in Buffalo. Mr. Nolf then left his home in western New York to begin work for the FBI in Washington, DC. From there, he fortunately returned to western New York to begin a very successful career at the Niagara Falls Air Reserve Station. While working full time, Mr. Nolf enlisted as a reservist with the 914th Airlift Wing in 1979, discovering and honing the unique leadership skills that have come to define his lifetime of service.

Never content with settling for the status quo, as Public Affairs Officer, Mr. Nolf has been responsible for transforming the Air Reserve Station into the efficient facility that it is today. Overseeing the construction of a new training facility, an officers and airmen quarters, a military entrance processing site, and a much needed runway extension, he was able to the ensure that the 914th Airlift Wing had the critical equipment and facilities required to be one of the most successful units in the country. His leadership has also been significantly tested in recent years, with the 914th Airlift Wing being the most deployed reserve unit in the Nation since the beginning of the Iraq War in 2004.

The Air Base, its surrounding communities, and indeed the Nation as a whole, owe a debt of gratitude to Mr. Nolf. His legacy will live on at the Air Base, and I look forward to seeing the Air Base continue to grow and flourish, adding much to the security and the economic viability of our Nation. I am honored today to have the opportunity to pay tribute to his service, and I wish Neil the best as he embarks on the next chapter of his storied life.

TRIBUTE TO NAPLES HIGH SCHOOL FOOTBALL TEAM

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. MACK. Madam Speaker, I rise today to honor the Naples High School Football Team for winning this year's Class 3A Florida State Championship at the Citrus Bowl last week.

Trailing 10–7 against St. Augustine, the Naples High Eagles turned an errant snap into a game-winning touchdown to win the game 17–10. The win keeps the Eagles' 15–0 season record spot-free and makes it the first undefeated season in school history.

Vince Lombardi once said, ". . . You've got to play with your heart, with every fiber of your body. If you're lucky enough to find a guy with a lot of head and a lot of heart, he's never going to come off the field second."

The young men of the Eagles Football Team have proven what Coach Lombardi said, and what he meant. Any of us who have played competitive sports understands the valuable lessons of hard work, teamwork and commitment. These memories and lessons will stay with these players for the rest of their lives and are made all the sweeter by their incredible season.

Madam Speaker, I know the people of Southwest Florida join me in offering our heartiest congratulations to the Naples High School Football Team, their coaches, students and fans. We couldn't be more proud of their accomplishments this season.

CONGRATULATING THE FOOTHILL HIGH SCHOOL AGRICULTURAL TEAM

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. COSTA. Madam Speaker, I rise today to congratulate the Foothill High School Agriculture Team of Bakersfield, California on receiving first place in the Parliamentary Procedure Event at the 80th annual National Future Farmers of America Leadership Conference.

The team defeated competition from groups representing 45 states, receiving the country's top Ag education honors. Abigail "Abby" Ryan was also named the national Outstanding Presiding President. Winning the state title earlier this year, the students went on to capture a title at the national competition.

Foothill High team members included Abigail Ryan (President), Amber Sawyer (Secretary), Vern Clark, Amanda Shuminski, Leanne Clark, and Wes Pounds. I would also like to recognize the Foothill High Agriculture Coach Josiah Mayfield.

Undoubtedly, the Parliamentary Procedure skills developed will promise success to students in years to come. Some of these skills included the ability to run orderly meetings on agricultural issues by introducing motions, debating topics and voting, demonstrating their knowledge of the principles of democratic assembly.

It gives me great pride to honor the Foothill High Ag Team and congratulate the Principal, Brenda Lewis, the Coach, Josiah Mayfield and these outstanding Ag students for receiving this distinguished award.

A TRIBUTE TO KEN REID AND DEBRA MADISON-REID

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Ken Reid and Debra Madison-Reid. Ken and Debra have known each other their entire lives. They played together as children in the streets of Bushwich where Debra resided and where Ken would visit relatives who lived on the next street. While the two of them were enrolled in high school, Debra's family moved to the same block as Ken's best friend.

Ken and Debra lost contact after high school though Ken had made countless attempts to win the heart of his long-time friend. After high school, Ken enrolled at Hofstra University, pursuing a degree in Broadcast Engineering. Following graduation, he accepted a position at New York Telephone Company, now Verizon. The very first day he reported for work, he opened the door and saw Debra and they were once again connected. They were married in Brooklyn, New York on October 18, 1982.

Years later, Debra and Ken found themselves without a tenant for the top floor of their brownstone. With no prospects in sight, they realized they had to get creative very fast. Ken has always purchased gift certificates to area spas; meanwhile, Debra was able to persuade Ken to host several of their own spa parties at places like the Presidential Suite at the Embassy Suites Hotel in Manhattan. Eventually, they would convert the top floor of their brownstone into a day spa.

The Spa Club in Bed-Stuy opened its doors December 30, 2006 and has become a place that nourishes the mind, body, and soul. Their clients include government officials, members of the Brooklyn Chamber of Commerce, members of the New Jersey Nets organization, local church congregates and other community organizations.

There are plans in the works to expand The Spa Club throughout the entire building within the next 2 years. There are also plans to have a location in the Atlantic Yards within the next 5 years.

Madam Speaker, I would like to recognize both Ken Reid and Debra Madison-Reid for their contributions to our community and providing a place for us to nourish our minds, bodies and souls after a hard day.

Madam Speaker, I urge my colleagues to join me in paying tribute to this beautiful couple who have the type of story of which movies are created.

TRIBUTE TO DEPUTY JEFF WILLIAMS AND OFFICER MICHAEL KETTERER

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. DOOLITTLE. Madam Speaker, on August 18, 2007, Placer County Sheriff's Deputy Jeff Williams and California Highway Patrol Officer Michael Ketterer responded to the call of a woman who was about to commit suicide. The woman planned to jump from the Foresthill Bridge, which at 730 feet tall is the third highest bridge in the country.

Upon arrival, Deputy Williams and Officer Ketterer were met by Mr. Michael Owens, who was attempting to calm the woman until help arrived. When the officers approached the woman, they realized she had climbed over the rail of the bridge and was hanging by her hands while her feet dangled beneath her. Exhibiting extraordinary bravery, Deputy Williams reached through the rail and grabbed the woman's left arm while the two other men assisted in attempting to pull the woman to safety. In doing so, all three men risked their own lives by leaning over the side of the bridge safety rail in order to rescue the woman from certain harm.

I would like to commend Deputy Jeff Williams for his heroic efforts. A graduate of Sierra College who currently resides in Roseville, CA with his wife Maria, Deputy Williams is an asset to his community and deserves to be praised for his selflessness and bravery.

RECOGNIZING THE LIFE OF OSSIE DAVIS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. RANGEL. Madam Speaker, I rise today to recognize the life of Ossie Davis, an American actor, World War II veteran, writer, and civil rights activist.

Raiford Chatman Davis, better known as Ossie Davis was born on December 18, 1917 in Cogdell, Georgia as the fifth child of Laura Cooper and Kince Davis. The name Ossie derived from a pronunciation of his first and middle initials, RC.

He began studying in 1939 at Howard University, but decided to withdraw to pursue his dream of being an actor. He relocated to New York City and began acting with the Rose McClendon Players in Harlem. He served as a surgical technician for the Army during World War II from 1942 to 1945. After returning from the war, he continued to pursue his dream of acting and debuted in the 1950 film No Way Out. He was an exceptional actor and appeared in many movies, television shows, and stage plays.

He married Ruby Ann Wallace, also known as Ruby Dee, in 1948. She was also an actress and civil rights activist. Their contribution to the civil rights movement was significant and inspiring. They played a key role in planning the historical 1963 March on Washington for Jobs and Freedom and served as emcees. They were friends of Martin Luther King, Jr., Malcolm X, and Rev. Jesse Jackson and worked side by side with them to advance the rights of African Americans. Mr. Davis had the honor of delivering the eulogy for Martin Luther King, Jr.

In 2007, their album "With Ossie and Ruby: In This Life Together," won a Grammy Award for Best Spoken Word Album. Mr. Davis passed away on February 4, 2005. His contributions to the performing arts and civil rights movement will live on for years to come.

IN RECOGNITION OF CHIEF OF POLICE RALPH MENDOZA'S OUTSTANDING SERVICE AND DEDICATION TO THE CITY OF FORT WORTH

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. BURGESS. Madam Speaker, I rise today in recognition of Fort Worth Chief of Police Ralph Mendoza. After more than 35 years with the Fort Worth Police Department, and almost eight years as the top cop, Ralph Mendoza will retire in February 2008.

During Mendoza's tenure, the city of Fort Worth saw reductions in crime and advances in technology. Serving as the first Hispanic Police Chief of Fort Worth, Mendoza is praised by other city officials, calling him an "outstanding chief" and applauding his efforts as Police Chief that led to a reduction in the crime rate for the city.

Additionally, others go on to say that Fort Worth "is indeed a better place" because of Mendoza's efforts, which helped to make the city the ninth-safest in the country.

Mendoza began his career with the Fort Worth Police Department in 1972 as part of the now-defunct cadet program. He graduated from the police academy in 1974 and later became the department's first Hispanic lieutenant, deputy chief and chief. He was appointed acting chief in August 1999, and was named Police Chief in January 2000.

I am sure the decision to retire was not an easy one for Chief Mendoza. I join his colleagues in wishing him all the best as he looks forward to spending more time with his wife, children and grandchildren.

It is with great honor that I recognize Chief Ralph Mendoza for his decades of hard work and selfless dedication given to the citizens of Fort Worth, Texas. I am proud to represent him in Washington, and his service will set a standard of devotion and true leadership, one that will never be forgotten.

CONGRATULATING THE CHAZY EAGLES AND LYME INDIANS 2007 NEW YORK STATE GIRLS SOCCER CLASS D CO-CHAMPIONS

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. MCHUGH. Madam Speaker, I rise today to extend my congratulations to the Chazy Central Rural School District's Eagles and the Lyme Central School District's Indians upon sharing the 2007 New York State Class D Girls Soccer Championship. This was the first State girls soccer championship in school history for both schools, which are located in my Upstate New York Congressional District.

On November 17, 2007, Chazy and Lyme became the New York State Class D Co-Champions when they played each other to a 0–0 tie after two overtime periods and 110 minutes. In the game, Lyme goalkeeper Alex Weston, who was named the tournament's outstanding goalkeeper, made 12 saves while Chazy's K.C. Olds set a State record with her 20th shutout of the season. Olds, who tied the Section VII career record with 37½ shutouts, was also a Third Team All-State selection.

The Chazy Eagles finished their season at 23–1–1 under the tutelage of Coach Joe Dumoulin, who was named Class D Coach of the Year. Other members of the team included assistant coaches Saania Duprey, Karissa House, and Cory Thompson and players Brigid Daul, a two-time Third Team All-State selection; Liz Favreau; Jessica Garrant; Co-Captain Brittany Godreau; Heather Guay; Co-Captain Madelaine Guay, a two-time First Team All-Conference selection and a First Team All-State selection; Astrid Kempainen; Caitlyn Lapier; Devin Latremore; Jennifer Lavigne; Co-Captain Samantha Lavigne; Ali Mitchell; Megan Ryan; Victoria Reynolds, a Second Team All-State selection; Morgan Roussy; Marie Trombly; Shauni Trombly; and Gabby Weeden.

The Lyme Indians finished the season 22–1–1 under Coach Mary Guyette, who is set to retire after 20 years of coaching. Other members of the team included assistant coaches Ashley Barbour and Kristin Robbins; and players Jennifer Augustus; Morgan Bocciolatt; Meredith Borden; Jessica Brown; Tiffany Brown; Katrena Lane; Rachel Matraw; Jasmine Noll; Hilary Rust, a Second Team All North selection; Olivia Speno, a Second Team All North selection; Brittany Sharlow; Cortney Strasser; and Tiffany Wright. Of note, Nikkia Raso and Terra Towne were named CoMost Valuable Players of the Frontier League. In addition, Raso, a First Team All-State selection, was named Class D girls soccer Player of the Year by the New York State Sportswriters and Coaches Organization while Towne was named Second Team All-State.

Madam Speaker, I am honored to represent the Chazy Eagles and the Lyme Indians girls soccer teams. Accordingly, I now ask my colleagues to join me in commending them for their hard work and accomplishments.

IN RECOGNITION OF THE CLEVELAND CHAPTER OF THE KNIGHTS OF RIZAL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. KUCINICH. Madam Speaker, I rise today in recognition of the Cleveland Chapter of the Knights of Rizal, and to celebrate their contributions in service to the Filipino community of Cleveland.

The Knights of Rizal are named after Dr. Jose Protacio Rizal, martyred in 1896 in the midst of the fight for Filipino independence from Spain. Dr. Rizal was an inspiration to a whole country and to celebrate his contributions to the fight for independence for the Philippines.

The Cleveland Chapter of the Knights of Rizal was founded fifteen years ago and has served the Filipino community with dedication and distinction.

Madam Speaker and colleagues, please join me in recognizing the Cleveland chapter of the Knights of Rizal. I commend the Knights of Rizal for their commitment to the Filipino community and the greater community of Cleveland.

ON THE PASSING OF LOUIS JORDAN

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. BUTTERFIELD. Madam Speaker, I respectfully pause today with a heavy heart as I share with my colleagues the sad news of the passing of my good friend Attorney Louis Jordan who was a native of Warren County, NC and lived in Goldsboro, NC. Louis slipped away from us last night leaving his wife Nancy James Jordan and their two adult children, Kevin and Kelly.

A good number of years ago, both Louis and I attended North Carolina Central University. It was there that we became roommates and subsequently grew to be very close friends. After graduation, I returned to my hometown of Wilson and Louis settled in Goldsboro. For more than 35 years, Louis provided a tremendous service to the Wayne County community through his community-oriented practice of law.

Madam Speaker, with many years between us and our law school days, our paths once again crossed. I was a sitting Superior Court Judge and Louis was a practicing attorney who argued many cases before me. He was never one to shy away from a fight and was equipped to slay any legal giant. Louis represented his clients well.

Louis later became an ordained minister and through his ministry exhibited his true dedication, commitment and loyalty to his community. He was a great mentor to the youth of the community and contributed great counsel and leadership to the City of Goldsboro's Board of Education and the Goldsboro public schools.

Madam Speaker, I ask my colleagues to join me in honoring Attorney Louis Jordan. The City of Goldsboro, the State of North Carolina and the United States of America have suffered a great loss.

IN HONOR OF THE VETERANS MEMORIAL SENIOR CENTER IN REDWOOD CITY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. LANTOS. Madam Speaker, I rise today to share news about a remarkable organization serving many of the constituents in my home district. The Veterans Memorial Senior Center in Redwood City recently celebrated its recognition as the first—and only—accredited senior center in San Mateo County, the third in California and just the 148th of the 15,000 senior centers in the United States. The senior center's accreditation status is bestowed by the National Institute of Senior Centers (NISC), a unit of the National Council on the Aging.

Accreditation is the official recognition that a senior center is meeting its mission in a nationally accepted professional fashion. It is based on compliance with nine standards of senior center operations developed by NISC. Accreditation is unique to the senior center field and demonstrates outstanding leadership and commitment to high quality programs and services to older adults.

Madam Speaker, the Veterans Memorial Senior Center is to be commended for its vision, collaborative relationships, volunteer programs, outreach programs, wide range of health and fitness programs, plus support services. Its mission is to provide inclusive programs that enhance the body, mind, and spirit focusing on health and wellness through a variety of social events, expressive arts, nutrition, fitness, educational, and recreational classes; plus social services support. And it does this very well.

On December 1, 2007, the Center celebrated its 25th Anniversary with a gala event featuring a theme of "Honoring Our Legacy and Looking Into Our Future." I rise today to recognize them on achieving this milestone, and to thank them on behalf of a grateful nation for all the good they do.

Madam Speaker, on behalf of my constituents and the House, I thank the Veterans Memorial Senior Center on Madison Avenue in Redwood City for its 25 years of service and note the exemplary work that Linda M. Griffith, its director, has done to achieve this prestigious accreditation.

TRIBUTE TO ALEXANDER MARTIN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Alexander Martin, son of Bob Martin and Kelly Martin of Kearney, Missouri. Alexander is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 374, and by earning the most prestigious award of Eagle Scout.

Alexander has been very active with his troop, participating in many scout activities. Over the years Alexander has been involved with scouting, he has earned 28 merit badges and held numerous leadership positions including assistant patrol leader, patrol leader, scribe, and assistant senior patrol leader. Alexander was also a past member of the Tribe of Mic-O-Say and earned his Brotherhood in Order of the Arrow.

For his Eagle Scout project, Alexander demonstrated his ability to effectively lead and organize by putting all that he learned into constructing a storage basement for his church rectory in Liberty, Missouri, with the help of his scout and adult helpers. Alexander spent more than 140 hours of diligently planning, designing, and installing two storage units in order to maintain supplies for important committees and organizations within the church.

Madam Speaker, I proudly ask you to join me in commending Alexander Martin for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING SCOTT SPERLING ON HIS 50TH BIRTHDAY

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. EMANUEL. Madam Speaker, I rise today to extend my warmest congratulations to Mr. Scott Sperling on the occasion of his fiftieth birthday. Scott is a man known for his intellect and business acumen, and I am fortunate to call him a friend.

Scott is currently Co-President of Thomas H. Lee Partners and Trustee and General Partner of various THL Equity Funds and is also President of TH Lee Putnam Capital. Additionally, he keeps busy as Director of Hawkeye Holdings, Thermo Fisher Corp., Univision Communications, Inc., Warner Music Group, and several private companies.

In addition to his business commitments and accomplishments, Scott is also a director of several charitable organizations including the Brigham & Women's/Faulkner Hospital Group, The Citi Center for Performing Arts and Wang Theater and Harvard Business School's Rock Center for Entrepreneurship.

Scott started on his illustrious career path after earning a B.S. from Purdue University and an MBA degree from Harvard University.

Scott and his wife Laurene have four children, Michael, Jenny, Zach, and Melanie. It seems as if each Sperling is more intelligent than the next, and much of the credit for that should probably go to Laurene.

Madam Speaker, it is a pleasure to wish a happy 50th birthday to my dear friend, Scott Sperling.

INTRODUCTION OF FOUNTAIN CREEK WATERSHED FEASIBILITY STUDY ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. UDALL of Colorado. Madam Speaker, today with my Colorado colleague, Representative JOHN SALAZAR, I am introducing a bill to authorize a feasibility study regarding a multipurpose project in the Fountain Creek watershed in Colorado. The bill is in the House companion to a similar bill, S. 2384, the Fountam Creek Feasibility Study Act, introduced by Senator Ken SALAZAR.

As Coloradans know, Fountain Creek is a major tributary to the Arkansas River. Its watershed, which encompasses some 927 square miles, supports a wide variety of plants and wildlife and directly affects many residents of our state—in fact, according to the 2000 census, more than 500,000 people live in the watershed's boundaries. But the effect of Fountain Creek's flows extends beyond the watershed's boundaries. Water from the watershed serves municipal, industrial and agricultural uses. Creeks within the watershed contribute about 15 percent of the—drinking water for Colorado Springs and are a source of irrigation for over 100 farms and ranches. The fertile farmland there produces wheat, corn, hay, oats, and vegetable crops; there are also many working livestock ranches along Fountain Creek. But the watershed has its problems, and in recent years, issues related to Fountain Creek have tended to divide local residents who otherwise would be united by its ability to serve as an important link for commerce and recreation.

Decades of neglect, increased waterflows resulting from urban development in the northern part of the watershed, increased stormwater discharges, and sewage spills have all contributed to the problems and the controversies. The watershed is subject to frequent flood damage, erosion, and sedimentation. In 1999 a major flood caused millions of dollars of damage to public and private property, and destroyed the foundations of numerous homes and roads. Indeed, earlier this year there was minor flooding from the Fountain in the Pueblo area. Farmers and ranchers near the downstream end of the watershed in particular have suffered substantial losses of productive farmland. Degradation of the water quality and thus aquatic and wetland habitats is accelerating due to wastewater spills, loss of natural vegetation, and high water volume. Simply put, Fountain Creek watershed's ecological conditions are unstable and under constant threat.

Senator SALAZAR's bill, and this House companion to it, aim at laying a foundation stone for the work of restoring Fountain Creek and turning the corridor between Colorado Springs and Pueblo into an environmental, agricultural, and recreational "crown jewel" for Colorado. Under the legislation, the Army Corps of Engineers would be required to conduct a study of the feasibility of constructing one or more dams and reservoirs to provide more reliable flood and sediment control, to conserve fish and wildlife and preserve their ecosystem, and to improve the water quality throughout the watershed. The Corps' expertise and experience will be critical to determining the options for restoring the health and stability of the Fountain Creek watershed.

The idea of such a multipurpose project on the Fountain is not new. It was first proposed in 1970 by the U.S. Army Corps of Engineers after the 1965 flood that inundated communities along the Fountain Creek, including particularly the city of Pueblo. The proposal was supported by the States of Colorado and Kansas and local officials, and was even the preferred option of the Army Corps for addressing flooding in the Fountain. Like Senator SALAZAR, I think a similar proposal should be evaluated again, in light of changed conditions and increased flows in Fountain Creek resulting from urban development in the Colorado Springs metro area.

Senator SALAZAR has laid out a vision to revitalize Fountain Creek and connect the communities along its bank in a regional project.

The feasibility study called for in S. 2384 and this House companion would be an essential first step. I agree with Senator SALAZAR on the desirability of taking that step, and the bill I am introducing today is intended to assist in making it happen.

IN HONOR OF MIKE LIPSKI

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. PICKERING. Madam Speaker, as we begin to wrap up this year's work in Congress, I wish to recognize a valued Mississippian who recently left my staff to pursue opportunities in the private sector back home in Mississippi. Mike Lipski served as my military legislative assistant and special projects director, and later, as my Legislative Director here in Washington, DC. Mike's heart has always been with his home on the Mississippi gulf coast; now he has returned there and taken a position as director of sector administration at Northrop Grumman. Mike's service to Mississippi and our country spans a lifetime of hard work.

Mike's two-decade service in the Navy stretches from his time as a surface warfare officer on the USS *Oliver Hazard Perry* to service as a Navy Civil Engineer Corps officer, including time at the Pentagon on the staff of the Chief of Naval Operations. He brought to my office experience as executive officer of Navy's Engineering Field Activity Southeast in Jacksonville, Florida, as well as a stint as a Navy Legislative Fellow serving on Senator TRENT LOTT's National Security staff.

On my staff, Mike utilized, promoted, increased, and protected the defense community's value, not only for security, but also as an engine of the economy. He demonstrated his commitment to the needs of our war fighters—past, current, and future—with his work on veterans legislation; support and funding for our troops in Iraq, Afghanistan, and around the world; and preparation and planning for military training and base infrastructure around Mississippi and specifically at Meridian's Naval Air Station and our National Guard facilities. He served as the point person in my office during the most recent round of BRAC, base realignment and closure. He coordinated statewide efforts of military and community leaders to effectively communicate the national mission value of our bases and defend them in the face of downsizing and cuts.

In my office, Mike provided calm and reasoned counsel and was a trusted advisor and effective implementer of my legislative agenda and appropriation priorities. He successfully worked with economic development interests to bring new and better jobs to Mississippi and implement strategic community development plans at our universities and industrial clusters. He has a strong vision for our State and creative ideas to reach those goals.

Hurricane Katrina presented unique challenges to all levels of leadership in Mississippi, from alderman to Congressman; from mayor to Governor. As we coordinated emergency response efforts on all levels of government, Mike Lipski served as my liaison to MEMA, Mississippi Emergency Management Agency, and slept on a cot at their headquarters for several days, when he wasn't on the coast with a satellite phone making immediate needs assessments and providing logistical coordination and advice. Mike traded his cot and sat-phone for a tie and clipboard and returned to Washington where he worked closely with me in developing and implementing Katrina reform measures: Federal contracting reform, housing and infrastructure policy, Federal relief and emergency recovery funding. His knowledge and experience with the Corps of Engineers provided a unique resource both during reform and in oversight as committees investigated the Government response to Hurricane Katrina.

Mike's wife, the former Jill Daria Wiltzius, has stood by him throughout his military career and his public service in my office. His transfers around the world have provided them both amazing international experiences but now Mike has convinced his Wisconsin girl to settle in Mississippi. Our State is a better place with the two of them as strong and honorable citizens. Jill is an outstanding educator and hopes to pursue her Ph.D. now that they are settled in Mississippi. I know Mike's family in Long Beach is very proud of him and his successful career is a tribute to his parents: John and Eleanor.

Now Mike will have time to sail, canoe, fly fish, and indulge his outdoor passions, but I have no doubt he will be integral in rebuilding and leading the coast to a full recovery.

Mike Lipski left a formative mark on the shape and operation of my office. We will miss his good nature, warm friendship, determined work ethic, and dry humor. I am proud of his service and the positive difference he has made for our State and the country. I am grateful to call him my friend. I thank him for his service to this office and to Mississippi and wish him the best of fortune in his new endeavors.

RECOGNIZING DEE CORK AND THE DENTON COUNTY VETERANS MEMORIAL

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. BURGESS. Madam Speaker, I rise today to thank Mr. Dee Cork for his years of service in the United States Armed Forces, and for his continued service to our country by building a memorial to veterans from Denton County, Texas.

Working along with Mr. Monty Slough, Mr. Cork identified the names of nine fallen service members and created a personal way to memorialize their service. Without prompting or financial support, Mr. Cork began building a granite tiled memorial to Denton County soldiers, sailors, airmen, and marines who died in service in Iraq or Afghanistan.

Mr. Cork has taken up the honorable but unfortunate task of paying respect to fellow veterans who pay the ultimate price while serving our country. In his own eloquent words Dee said, "It would be nice to see no one else on it, one is too many."

The mobile memorial built by veterans Monty Slough and Dee Cork is an example of why we hold our nation's veterans in such high esteem. I believe the character displayed by Mr. Slough and Mr. Cork should be highlighted as an example of American civic duty and community support; I rise here today to show them that courtesy.

It is with great honor that I recognize Mr. Dee Cork for his dedication to veterans and their families. I thank him for his work, I support his mission, and I am honored to have the opportunity to recognize him today.

CONGRATULATING THE CHAZY EAGLES UPON WINNING THE 2007 NEW YORK STATE BOYS SOCCER CLASS D CHAMPIONSHIP

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. MCHUGH. Madam Speaker, I rise today to congratulate the Chazy Central Rural School District Eagles upon winning the 2007 New York State Boys Soccer Class D Championship. Of note, this was the third state boys soccer championship in the last four years for Chazy, which is located in my upstate New York congressional district.

On November 18, 2007, the Eagles won the New York State Class D Championship when they defeated the Poland Tornadoes by a score of 1–0. In that game, Stetson Fields scored late in the second half after taking a pass from Co-Captain Jason Baker. Chazy, with a 14–2 shot advantage that pressured the Tornadoes' defense all game long, was then able to preserve their lead, with goalkeeper Jacob Beeman recording the shutout.

The Eagles completed the 2007 season with a record of 24–1–0 and with team Co-Captain Nolan Ryan as the holder of the state record for career goals; in his career, Ryan scored 173 goals, 59 assists, and 405 points. The Chazy Eagles were coached by Rob McAuliffe and assistant coaches Ian Brassard and Matt Devins; Brian Norcross is the Athletic Director. Other team members were scorekeeper Lindsey Seymour and players, Ben Baker, Jordan Barriere, Kenny Bulriss, Tyler Bulriss, Jonah Curtin, Tyson Duprey, Brad Hansen, Shea Howley, Steven LaBombard, Co-Captain Kyle LaFountain, Andrew LaPierre, Perry Latremore, Eric Martin, Nathan Racine, Kyle Reynolds, Kaleb Snide, Gaelan Trombley, and Chris Vliege. Madam Speaker, it is an honor to have the opportunity to recognize them for their significant accomplishment.

IN RECOGNITION OF DAN CICORA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. KUCINICH. Madam Speaker, I rise today in honor of Dan Cicora, and to celebrate his service to the veterans of Cuyahoga County.

Dan began his service to our country in 1969. As a soldier in the United States Army, Dan served in Vietnam with the 2nd Battalion, 32nd Artillery. Dan graduated cum laude from Ohio University in 1975, and in 1979 began his work with the Veterans Administration as a benefits counselor. Dan's extraordinary dedication to veterans and his sincere desire to serve our community has marked every position he has held with the VA, and he has won numerous accolades for his efforts. In May 1983 Dan received the VA Central Office Public Service Award, he has received five suggestion awards, and twenty-three awards for performance, quality and contribution.

Since 2003 Dan has served as the Congressional Liaison for the VA Cleveland office. In this capacity Dan has helped my office serve literally hundreds of veterans; he has been an invaluable asset to my office. I, as well as hundreds of Cleveland's veterans and their families, are indebted to Dan for his professionalism, compassion, and dedication.

Madam Speaker and colleagues, please join me in honoring Dan Cicora, on the occasion of his retirement, for over twenty-eight years of service to the veterans of Cuyahoga County. I wish him only the best as he begins to write a new and exciting chapter in his life. May others in our community draw inspiration from his example.

A TRIBUTE TO MRS. BELLA RUSSELL

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. BUTTERFIELD. Madam Speaker, I rise today to pay tribute to one of America's most deserving citizens, Mrs. Bella Russell who will be celebrating her 100th birthday on January 1, 2008. Mrs. Russell resides in Warren County within my Congressional District and is the grandmother of our friend and colleague, Congressman ALBERT RUSSELL WYNN.

Although Mrs. Russell was born in the County of Warren, she moved to Camden, NJ as a young child where she attended the public schools. In later years, Mrs. Russell married John Wesley Russell and through this marriage, three children were born. She is now the matriarch of this wonderful family with 15 grandchildren, 19 great-grandchildren, and 7 great-great grandchildren.

From the State of New Jersey, the family relocated to North Carolina where they acquired a 200-acre farm. While Mr. Russell operated the farm, Mrs. Russell dedicated much of her time as a homemaker and occasionally assisted on the farm. She was also very actively engaged in her community and served as 4–H Club Leader for more than 10 years.

Madam Speaker, Mrs. Russell has dedicated 70-faithful years of her life as a member of Russell Union RZUA Church. She has served as Church Mother for 50 years and took great pride in organizing church clubs and groups.

Madam Speaker, over her lifetime, Mrs. Russell has lived through some of the most significant historical periods of our time. Like so many of the great historical monuments she has stood the test of time and has survived Reconstruction; lynching; World War I; the Great Depression; World War II; the period of segregation; the Civil Rights Movement; Voting Rights Movement; School Desegregation and other momentous times. She is indeed a walking history reference and we take great pride in recognizing her for being blessed with such longevity.

I ask my colleagues to join me in paying tribute to Mrs. Bella Russell, a most deserving American.

COMMENDING THE STATEMENT OF VICE PRESIDENT AL GORE AT HIS ACCEPTANCE OF THE NOBEL PEACE PRIZE IN OSLO

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. LANTOS. Madam Speaker, last October, the 2007 Nobel Peace Prize was bestowed on a man who has dedicated his life to making this planet a more livable place for all of us and future generations. Vice President Al Gore has steadfastly served the people of the United States and the citizens of the world in his life's work, and I commend him for his leadership, foresight, and dedication in addressing the crisis of climate change.

For our part, and under the visionary leadership of Speaker NANCY PELOSI, Congress has taken a serious, groundbreaking step towards reducing our country's dangerous dependence on foreign oil by passing the Energy Independence and Security Act, which today became law. I am proud to have authored the international provisions, and could not be more proud of my colleagues for supporting a forward-looking piece of legislation that meets the tremendous challenge of combating climate change head-on. At long last, we are making a meaningful investment in new technologies that will yield clean, renewable energy.

Vice President Gore's Nobel acceptance speech last week in Oslo, Norway epitomizes the way in which he has been able to lead by example on this crucial topic. His words of truth and clarion call to action inspire us all to take care of this Earth we call home, and I am honored to enter his eloquent speech into the CONGRESSIONAL RECORD.

Al Gore. Your Majesties, Your Royal Highnesses, Honorable members of the Norwegian Nobel Committee, Excellencies, ladies and gentlemen.

I Have a purpose here today. It is a purpose I have tried to serve for many years. I have prayed that God would show me a way to accomplish it.

Sometimes, without warning, the future knocks on our door with a precious and painful vision of what might be. One hundred and nineteen years ago, a wealthy inventor read his own obituary, mistakenly published years before his death. Wrongly believing the inventor had just died, a newspaper printed a harsh judgment of his life's work, unfairly labeling him "the Merchant of Death" because of his invention—dynamite. Shaken by this condemnation, the inventor made a fateful choice to serve the cause of peace.

Seven years later, Alfred Nobel created this prize and the others that bear his name.

Seven years ago tomorrow, I read my own political obituary in a judgment that seemed to me harsh and mistaken—if not premature. But that unwelcome verdict also brought a precious if painful gift: an opportunity to search for fresh new ways to serve my purpose.

Unexpectedly, that quest has brought me here. Even though I fear my words cannot match this moment, I pray what I am feeling in my heart will be communicated clearly enough that those who hear me will say, "We must act."

The distinguished scientists with whom it is the greatest honor of my life to share this award have laid before us a choice between two different futures—a choice that to my ears echoes the words of an ancient prophet: "Life or death, blessings or curses. Therefore, choose life, that both thou and thy seed may live."

We, the human species, are confronting a planetary emergency—a threat to the survival of our civilization that is gathering ominous and destructive potential even as we gather here. But there is hopeful news as well: we have the ability to solve this crisis and avoid the worst—though not all—of its consequences, if we act boldly, decisively and quickly.

However, despite a growing number of honorable exceptions, too many of the world's leaders are still best described in the words Winston Churchill applied to those who ignored Adolf Hitler's threat: "They go on in strange paradox, decided only to be undecided, resolved to be irresolute, adamant for drift, solid for fluidity, all powerful to be impotent."

So today, we dumped another 70 million tons of global-warming pollution into the thin shell of atmosphere surrounding our planet, as if it were an open sewer. And tomorrow, we will dump a slightly larger amount, with the cumulative concentrations now trapping more and more heat from the sun.

As a result, the earth has a fever. And the fever is rising. The experts have told us it is not a passing affliction that will heal by itself. We asked for a second opinion. And a third. And a fourth. And the consistent conclusion, restated with increasing alarm, is that something basic is wrong.

We are what is wrong, and we must make it right.

Last September 21, as the Northern Hemisphere tilted away from the sun, scientists reported with unprecedented distress that the North Polar ice cap is "falling off a cliff." One study estimated that it could be completely gone during summer in less than 22 years. Another new study, to be presented by U.S. Navy researchers later this week, warns it could happen in as little as 7 years.

Seven years from now.

In the last few months, it has been harder and harder to misinterpret the signs that our world is spinning out of kilter. Major cities in North and South America, Asia and Australia are nearly out of water due to massive droughts and melting glaciers. Desperate farmers are losing their livelihoods. Peoples in the frozen Arctic and on low-lying Pacific islands are planning evacuations of places they have long called home. Unprecedented wildfires have forced a half million people from their homes in one country and caused a national emergency that almost brought down the government in another. Climate refugees have migrated into areas already inhabited by people with different cultures, religions, and traditions, increasing the potential for conflict. Stronger storms in the Pacific and Atlantic have threatened whole cities. Millions have been displaced by massive flooding in South Asia, Mexico, and 18 countries in Africa. As temperature extremes have increased, tens of thousands have lost their lives. We are recklessly burning and clearing our forests and driving more and more species into extinction. The very web of life on which we depend is being ripped and frayed.

We never intended to cause all this destruction, just as Alfred Nobel never intended that dynamite be used for waging war. He had hoped his invention would promote human progress. We shared that same worthy goal when we began burning massive quantities of coal, then oil and methane.

Even in Nobel's time, there were a few warnings of the likely consequences. One of the very first winners of the Prize in chemistry worried that, "We are evaporating our coal mines into the air." After performing 10,000 equations by hand, Svante Arrhenius calculated that the earth's average temperature would increase by many degrees if we doubled the amount of CO2 in the atmosphere.

Seventy years later, my teacher, Roger Revelle, and his colleague, Dave Keeling, began to precisely document the increasing CO2 levels day by day.

But unlike most other forms of pollution, CO2 is invisible, tasteless, and odorless—which has helped keep the truth about what it is doing to our climate out of sight and out of mind. Moreover, the catastrophe now threatening us is unprecedented—and we often confuse the unprecedented with the improbable.

We also find it hard to imagine making the massive changes that are now necessary to solve the crisis. And when large truths are genuinely inconvenient, whole societies can, at least for a time, ignore them. Yet as George Orwell reminds us: "Sooner or later a false belief bumps up against solid reality, usually on a battlefield."

In the years since this prize was first awarded, the entire relationship between humankind and the earth has been radically transformed. And still, we have remained largely oblivious to the impact of our cumulative actions.

Indeed, without realizing it, we have begun to wage war on the earth itself. Now, we and the earth's climate are locked in a relationship familiar to war planners: "Mutually assured destruction."

More than two decades ago, scientists calculated that nuclear war could throw so much debris and smoke into the air that it would block life-giving sunlight from our atmosphere, causing a "nuclear winter." Their eloquent warnings here in Oslo helped galvanize the world's resolve to halt the nuclear arms race.

Now science is warning us that if we do not quickly reduce the global warming pollution that is trapping so much of the heat our planet normally radiates back out of the atmosphere, we are in danger of creating a permanent "carbon summer."

As the American poet Robert Frost wrote, "Some say the world will end in fire; some say in ice." Either, he notes, "would suffice."

But neither need be our fate. It is time to make peace with the planet.

We must quickly mobilize our civilization with the urgency and resolve that has previously been seen only when nations mobilized for war. These prior struggles for survival were won when leaders found words at the 11th hour that released a mighty surge of courage, hope and readiness to sacrifice for a protracted and mortal challenge.

These were not comforting and misleading assurances that the threat was not real or imminent; that it would affect others but not ourselves; that ordinary life might be lived even in the presence of extraordinary threat; that Providence could be trusted to do for us what we would not do for ourselves.

No, these were calls to come to the defense of the common future. They were calls upon the courage, generosity and strength of entire peoples, citizens of every class and condition who were ready to stand against the threat once asked to do so. Our enemies in those times calculated that free people would not rise to the challenge; they were, of course, catastrophically wrong.

Now comes the threat of climate crisis—a threat that is real, rising, imminent, and universal. Once again, it is the 11th hour. The penalties for ignoring this challenge are immense and growing, and at some near point would be unsustainable and unrecoverable. For now we still have the power to choose our fate, and the remaining question is only this: Have we the will to act vigorously and in time, or will we remain imprisoned by a dangerous illusion?

Mahatma Gandhi awakened the largest democracy on earth and forged a shared resolve with what he called "Satyagraha"—or "truth force."

In every land, the truth—once known—has the power to set us free.

Truth also has the power to unite us and bridge the distance between "me" and "we," creating the basis for common effort and shared responsibility.

There is an African proverb that says, "If you want to go quickly, go alone. If you want to go far, go together." We need to go far, quickly.

We must abandon the conceit that individual, isolated, private actions are the answer. They can and do help. But they will not take us far enough without collective action. At the same time, we must ensure that in mobilizing globally, we do not invite the establishment of ideological conformity and a new lock-step "ism."

That means adopting principles, values, laws, and treaties that release creativity and initiative at every level of society in multifold responses originating concurrently and spontaneously.

This new consciousness requires expanding the possibilities inherent in all humanity. The innovators who will devise a new way to harness the sun's energy for pennies or invent an engine that's carbon negative may live in Lagos or Mumbai or Montevideo. We must ensure that entrepreneurs and inventors everywhere on the globe have the chance to change the world.

When we unite for a moral purpose that is manifestly good and true, the spiritual energy unleashed can transform us. The generation that defeated fascism throughout the world in the 1940s found, in rising to meet their awesome challenge, that they had gained the moral authority and long-term vision to launch the Marshall Plan, the United Nations, and a new level of global cooperation and foresight that unified Europe and facilitated the emergence of democracy and prosperity in Germany, Japan, Italy and much of the world. One of their visionary leaders said, "It is time we steered by the stars and not by the lights of every passing ship."

In the last year of that war, you gave the Peace Prize to a man from my hometown of 2000 people, Carthage, Tennessee. Cordell Hull was described by Franklin Roosevelt as the "Father of the United Nations." He was an inspiration and hero to my own father, who followed Hull in the Congress and the U.S. Senate and in his commitment to world peace and global cooperation.

My parents spoke often of Hull, always in tones of reverence and admiration. Eight weeks ago, when you announced this prize, the deepest emotion I felt was when I saw the headline in my hometown paper that simply noted I had won the same prize that Cordell Hull had won. In that moment, I knew what my father and mother would have felt were they alive.

Just as Hull's generation found moral authority in rising to solve the world crisis caused by fascism, so too can we find our greatest opportunity in rising to solve the climate crisis. In the Kanji characters used in both Chinese and Japanese, "crisis" is written with two symbols, the first meaning "danger," the second "opportunity." By facing and removing the danger of the climate crisis, we have the opportunity to gain the moral authority and vision to vastly increase our own capacity to solve other crises that have been too long ignored.

We must understand the connections between the climate crisis and the afflictions of poverty, hunger, HIV-AIDS and other pandemics. As these problems are linked, so too must be their solutions. We must begin by making the common rescue of the global environment the central organizing principle of the world community.

Fifteen years ago, I made that case at the "Earth Summit" in Rio de Janeiro. Ten years ago, I presented it in Kyoto. This week, I will urge the delegates in Bali to adopt a bold mandate for a treaty that establishes a universal global cap on emissions and uses the market in emissions trading to efficiently allocate resources to the most effective opportunities for speedy reductions.

This treaty should be ratified and brought into effect everywhere in the world by the beginning of 2010—two years sooner than presently contemplated. The pace of our response must be accelerated to match the accelerating pace of the crisis itself.

Heads of state should meet early next year to review what was accomplished in Bali and take personal responsibility for addressing this crisis. It is not unreasonable to ask, given the gravity of our circumstances, that these heads of state meet every three months until the treaty is completed.

We also need a moratorium on the construction of any new generating facility that burns coal without the capacity to safely trap and store carbon dioxide.

And most important of all, we need to put a price on carbon—with a CO2 tax that is then rebated back to the people, progressively, according to the laws of each nation, in ways that shift the burden of taxation from employment to pollution. This is by far the most effective and simplest way to accelerate solutions to this crisis.

The world needs an alliance—especially of those nations that weigh heaviest in the scales where earth is in the balance. I salute Europe and Japan for the steps they've taken in recent years to meet the challenge, and the new government in Australia, which has made solving the climate crisis its first priority.

But the outcome will be decisively influenced by two nations that are now failing to do enough: the United States and China.

While India is also growing fast in importance, it should be absolutely clear that it is the two largest CO2 emitters—most of all, my own country—that will need to make the boldest moves, or stand accountable before history for their failure to act.

Both countries should stop using the other's behavior as an excuse for stalemate and instead develop an agenda for mutual survival in a shared global environment.

These are the last few years of decision, but they can be the first years of a bright and hopeful future if we do what we must. No one should believe a solution will be found without effort, without cost, without change. Let us acknowledge that if we wish to redeem squandered time and speak again with moral authority, then these are the hard truths:

The way ahead is difficult. The outer boundary of what we currently believe is feasible is still far short of what we actually must do. Moreover, between here and there, across the unknown, falls the shadow.

That is just another way of saying that we have to expand the boundaries of what is possible. In the words of the Spanish poet, Antonio Machado, "Pathwalker, there is no path. You must make the path as you walk."

We are standing at the most fateful fork in that path. So I want to end as I began, with a vision of two futures—each a palpable possibility—and with a prayer that we will see with vivid clarity the necessity of choosing between those two futures, and the urgency of making the right choice now.

The great Norwegian playwright, Henrik Ibsen, wrote, "One of these days, the younger generation will come knocking at my door."

The future is knocking at our door right now. Make no mistake, the next generation will ask us one of two questions. Either they will ask: "What were you thinking; why didn't you act?"

Or they will ask instead: "How did you find the moral courage to rise and successfully resolve a crisis that so many said was impossible to solve?"

We have everything we need to get started, save perhaps political will, but political will is a renewable resource.

So let us renew it, and say together: "We have a purpose. We are many. For this purpose we will rise, and we will act."

TRIBUTE TO JOSEPH MICHAEL HERMAN

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Joseph M. Herman a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America and earning the most prestigious award of Eagle Scout.

Joseph has been very active with his troop, participating in many Scout activities. Over the many years Joseph has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Joseph Michael Herman for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CELEBRATING THE TEACHERS OF THE ILLINOIS FIFTH CONGRESSIONAL DISTRICT WHO RECEIVED NATIONAL BOARD CERTIFICATION IN 2007

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. EMANUEL. Madam Speaker, I rise today to recognize sixty eight distinguished teachers from Illinois' Fifth Congressional District who have been honored with National Board Certification by the National Board for Professional Teaching Standards.

National Board Certification is the highest level of certification in the teaching profession, and these teachers have earned this distinction through their service, commitment, and excellence in teaching.

Those who are honored with this award are widely considered to be at the peak of their profession, providing countless opportunities for children to learn and excel. National Board Certified teachers are also statistically proven to increase financial opportunities within their districts, strengthen the teaching practice, and improve student learning.

Applicants for this award may spend up to three years proving themselves, while undergoing peer reviews by 12 separate teachers, passing competency and skill testing within his or her individual specialty, and demonstrating educational outreach beyond the walls of the classroom.

Teachers everywhere play a critical role in our children's lives, and these sixty-eight individuals have exemplified that spirit and motivation, guiding students with patience, compassion, concern, and most of all, dedication to their profession.

Madam Speaker, I am proud tp honor these distinguished educators on their award of National Board Certification. I have no doubt that their efforts have had a tremendous impact on countless children throughout the Chicago-area, and that they will continue their profound effect for years to come.

I wish to congratulate:

Cynthia Ahn of O.A. Thorp Elementary Scholastic Academy; Cynthia Anderson of Highcrest Middle School; Wendy Anderson of Audubon Elementary School; Rolando Argumedo of Nobel Elementary School; Anita Aysola of Walter Payton College Preparatory High School; Rosemary Barilla of Sauganash Elementary School; Pamela Barreda of McPherson Elementary School; Becky Benkiser of Mitchell Elementary School; Jessica Bezares of Avondale Elementary School; and Patricia Bonness of Vaughn Occupational High School.

Daniel Caldwell of Northside College Preparatory High School; Elizabeth Campe-Montcalm of Sullivan High School; Paul Carrera of Lane Technical High School; Jennifer Catron of Depriest Elementary School; Holly Clark of Roosevelt School; Jennifer Cline; Alan Demski of Taft High School; Adlin Dominguez of Roque De Duprey Elementary School; Edward Dziedzic of Whitney M. Young Magnet High School; and Catalina Fernandez of Vaughn Occupational High School.

Laura Floyd of Mayer Elementary School; Anna Franczyk; Tiffany Frayer of Moos Elementary School; Mary Galligan of O.A. Thorp Elementary Scholastic Academy; Christopher Gamble of Whitney M. Young Magnet High School; Valerie Gemskie of Walter Payton College Preparatory High School; Donna Goode of Solomon Elementary School; Laurie Green of Bridge Elementary School; Francese Guerrero Borrull of Roosevelt High School; and Samara Guzman of Newberry Elementary Math & Science Academy.

Deidre Habetler of Dever Elementary School; Arthur Helbig of Casals Elementary School; Patricia Jones of Haugan Elementary School; Sarah Kissell; Renee Kreczmer of Sauganash Elementary School; Phyllis Kuziel-Perri of Hitch Elementary School; Wendy Lambie of Gray Elementary School; Joan Leber of Talcott Elementary School; Carrie Lewin of Donoghue Elementary School; and Martin Lombardo of Foreman High School.

Eileen Luciano of Sumner Elementary Math & Science Community Academy; Erin Luzadder of Palatine High School; Katrin Machaj of Lane Technical High School; Dona Maldonado of Hamline Elementary School; Gladys Maldonado of Haugan Elementary School; Martha Maly of Jenner Elementary Academy of The Arts; Mary Martin of Hawthorne Elementary Scholastic Academy; Tricia Mcgann of Sheridan Elementary Math & Science Academy; James Mcintosh of Roosevelt High School; and Traci Meziere of Central Elementary School.

Michelle Nash of Hammond Elementary School; Jennifer Nelson of New Field Elementary School; James Newman of Taft High School; Thomas O'Brien of Flower Career Academy High School; Marguerite O'Connell of Foreman High School; Alicia Peshel of Mitchell Elementary School; Johonna Pollack of Saucedo Elementary Scholastic Academy; Holly Pruett of O.A. Thorp Elementary Scholastic Academy; Ana Romero of Mckinley Park Elementary School; and Selma Saidane of Kellogg Elementary School.

Richard Sasso of Hinsdale South High School; Julianne Soble of Solomon Elementary School; William Spain of Amundsen High School; Darlene Stone of Donoghue Elementary School; Jennifer Trejo of Taft High School; Patrice Turk; Yoni Vallecillo of Senn High School; and Kristen Wilkens of Best Practice High School.

CONCERNS ABOUT BORDER PATROL ACTIONS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. UDALL of Colorado. Madam Speaker, like many of our colleagues I have seen recent news reports about the use of pepper spray by Border Patrol officers who have been the targets of attacks by people on the other side of our southern border.

I am sure that we all agree that the officers can and should defend themselves, but like others I am concerned about the extent to which use of pepper spray or other chemical agents could have unintended consequences.

In that connection, I think we should carefully consider a recent editorial in the Gazette, a daily newspaper published in Colorado Springs, Colorado.

As the editorial puts it:

> The Mexican Consulate has complained, and rightly so. The United States is not at war with Mexico, and it makes sense to maintain friendly relations with our southern neighbor.
>
> Border Patrol officials argued that the agents need to protect themselves, and that the smugglers should be blamed for hiding behind innocent people. Well, there are better ways to protect against criminals than to saturate entire neighborhoods with tear-gas canisters. For starters, the Border Patrol could engage in cooperative efforts with the Tijuana police or the Mexican federal authorities to go after the rock-throwers.

I think that is a suggestion well worth exploring.

For the information of all our colleagues, here is the complete text of the editorial:

[From the Colorado Springs Gazette, Dec. 18, 2007]

BORDER PATROL SHOULD STOP TEAR-GAS ATTACKS

What would Americans think if Mexican officials routinely fired pepper spray and tear gas into California neighborhoods as a way to root out, say, smugglers who were operating from the U.S. side of the border? How would we, as Americans, feel if our houses were damaged, our neighborhoods evacuated and our children endangered because of the aggressive tactics of the Mexican police or military?

Most Americans would no doubt be outraged. American officials would likely demand that Mexico cease and desist from such behavior. The anger would be perfectly justified.

Mexican officials are not attacking the United States, but U.S. Border Patrol agents are attacking the Colonia Libertad neighborhood of Tijuana. Mexicans have every right to be as angry as we would be if the roles were reversed.

In response to smugglers who are pelting Border Patrol agents in order to create a diversion, the Americans are stepping up their efforts. "Agents have used pepper spray in the past, but usually aimed directly at the smugglers," the Los Angeles Times reported Friday. "The new tactics, which saturate large areas, have forced dozens of temporary evacuations and sent some residents to hospitals."

The Mexican Consulate has complained, and rightly so. The United States is not at war with Mexico, and it makes sense to maintain friendly relations with our southern neighbor.

Border Patrol officials argued that the agents need to protect themselves, and that the smugglers should be blamed for hiding behind innocent people. Well, there are better ways to protect against criminals than to saturate entire neighborhoods with tear-gas canisters. For starters, the Border Patrol could engage in cooperative efforts with the Tijuana police or the Mexican federal authorities to go after the rock-throwers.

We understand that the issue of illegal immigration is extremely contentious, but even those advocating tougher U.S. enforcement measures should agree that there need to be limits to the policy. It's hard to make the argument that Mexicans are trampling our sovereignty while we so eagerly trample theirs.

IN HONOR OF MARY MILLS RITCHIE

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. PICKERING. Madam Speaker, as we wrap up this year in Congress, I want to honor Mary Mills Ritchie, who left my staff earlier this year to return to Mississippi. She was a dedicated member of my staff who honorably served my office and the people of Mississippi.

Mary Mills came to my office as our staff assistant in 2003, after graduating from the University of Mississippi earlier that year, and Jackson Preparatory School in 1999. She demonstrated her abilities to understand and affect public policy and with her dedicated work ethic, her role grew to Legislative Assistant for health care policy.

She managed this legislative portfolio at a critical time, as we worked with seniors and communities to implement the Medicare Reform Act of 2003 that provides prescription drug benefits to needy Americans. She served as my liaison to the Centers for Medicare & Medicaid Services and assisted pharmacists, hospitals, and other health care providers in Mississippi move through the Washington bureaucracies.

Following Hurricane Katrina, she played a critical role as we inserted language in the Deficit Reduction Act of 2005 that provided funds for 8½ months of Mississippi's state Medicaid budget: $850 million in budget relief at a time when Mississippi was straining under the pressures of disaster recovery.

While working in Washington, she met a young man from Texas named Spencer Ritchie and they married in March of 2005. But rather than carrying her away to the Lone Star State, she converted him into a Mississippian. He is now in law school at the University of Mississippi, where she works in Oxford.

Mary Mills' hard work and success is a tribute to her parents, Sam and Leila Lane. I know they and her brothers, Samuel and Ben, are very proud of her.

Madam Speaker, Mary Mills Ritchie left a formative mark on my health care agenda and on our office. We will not forget her good nature or her eagerness to learn and work. She possesses a rare grace and presence. This unique spirit carries her compassion and commitment to help, teach and serve others. She continues to bless the lives of all who know her. I thank her for her service to this office and to Mississippi.

RECOGNIZING MONTY SLOUGH AND THE DENTON COUNTY VETERANS MEMORIAL

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. BURGESS. Madam Speaker, I rise today to thank Mr. Monty Slough of Little Elm, Texas for his years of service in the United States Armed Forces, and for his continued service to our country by building a memorial to veterans from Denton County, Texas.

After checking records at the Department of Veterans Affairs, Monty identified the names of nine fallen service members and created a personal way to memorialize their service. Without prompting or financial support, Mr. Slough began building a granite tiled memorial to Denton County soldiers, sailors, airmen, and marines who died in service in Iraq or Afghanistan.

Mr. Slough has taken up the honorable but unfortunate task of paying respect to fellow veterans who pay the ultimate price while serving our country. In his own eloquent words Monty said, "This isn't going to bring them back, but they sure as hell are not going to be forgotten."

The mobile memorial built by veterans Monty Slough and Dee Cork is an example of why we hold our Nation's veterans in such high esteem. I believe the character displayed by Mr. Slough and Mr. Cork should be highlighted as an example of American civic duty and community support; I rise here today to show them that courtesy.

It is with great honor that I recognize Mr. Monty Slough of Little Elm, Texas for his dedication to veterans and their families. I thank him for his work, I support his mission, and I am honored to represent him in the 26th District of Texas.

IN REMEMBRANCE OF ANGELO WEDO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor the life of Angelo Wedo, a former shoemaker's helper and railroad worker, who served ten years as mayor of Brook Park, Ohio.

Born in Windber, PA, Angelo was the son of Italian immigrants. After graduating with a degree in accounting from Lehigh University, Angelo moved to the Cleveland area, where he worked as an accountant for Pre-form Marine Products before and after his stint as mayor.

In 1961, Angelo was elected Brook Park city treasurer. He served as Ward 4 councilman from 1966 to 1970 and as council president for two years before becoming mayor.

Angelo served as mayor from 1972 to 1981 and is credited for playing an integral role in establishing the city's first recreation center. In appreciation of his commitment to recreation facilities, a city park was named in his honor.

Angelo was the devoted husband of Sondra and the loving father of Greg, Michelle, Tony, Valerie, and Vicki. He was the cherished grandfather of six grandchildren.

Madam Speaker and colleagues, please join me in honoring Angelo Wedo, an enthusiastic member of the Brook Park community and dedicated servant of local government. May his commitment to Brook Park serve as an example to all of us.

TRIBUTE TO AARON DAVID HUDSPETH

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Aaron David Hudspeth a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America and earning the most prestigious award of Eagle Scout.

Aaron has been very active with his troop, participating in many Scout activities. Over the many years Aaron has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Aaron David Hudspeth for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INVESTIGATION NEEDED ABOUT TAPE DESTRUCTION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. UDALL of Colorado. Madam Speaker, many Americans are rightly concerned about reports that the Central Intelligence Agency destroyed tapes documenting the interrogation of two suspected Al Qaida terrorists.

This morning's newspapers report that the decision to destroy the tapes may have come after the matter had been discussed with legal advisers at the highest level in the Bush administration.

I do not know how accurate those reports may be. But I agree with an editorial in yesterday's Gazette, the daily newspaper of Colorado Springs, that Congress should investigate this matter.

In the words of the Gazette:

The House and Senate intelligence committees and other congressional committees have vowed to undertake investigations into the circumstances under which those tapes were destroyed. This is an appropriate use of the legislative branch's power to oversee the activities of the executive branch, especially when allegations of illegal activity are involved.

On Friday, however, the Justice Department asked the relevant congressional committees to postpone their investigations while preliminary investigations by the Justice Department and the CIA itself are under way. U.S. Attorney General Michael Mukasey also announced that the Justice Department would not comply with congressional requests for information at this time.

This stonewalling is inappropriate and only feeds suspicion. Congress is an equal branch of government under the Constitution. As such, it has full authority to conduct investigations into the activities of executive branch employees. * * *

In a democratic system the government is supposed to serve the interests of the people and eternal vigilance is the price of liberty. But the people cannot maintain vigilance over "their" government if the government is allowed to keep its arguably questionable activities secret.

I completely agree with that succinct summary of the situation, and urge the Intelligence Committees to proceed with their inquiries.

For the information of all our colleagues, I am attaching the complete text of the Gazette's editorial:

[From the Colorado Springs Gazette, Dec. 18, 2007]

OPEN GOVERNMENT—CONGRESS MUST INVESTIGATE TAPES' DESTRUCTION

Although the circumstances are suspicious surrounding a decision by the CIA to destroy videotapes of the interrogations of two al-Qaida suspects by CIA interrogators, it is virtually impossible to know whether those tapes contain evidence of "enhanced interrogation" techniques that rise to the level of torture. What is certain is that all the investigations into how and why those tapes were destroyed, and who ordered their destruction, should proceed with all deliberate speed.

Last week CIA Director Gen. Michael Hayden gave secret testimony to the Senate Intelligence Committee regarding the hundreds of hours of videotaped interrogation of two men identified as members of al-Qaida, Abu Zubaydah and Abd al-Rahim al-Nashiri. He acknowledged that the tapes had been destroyed sometime around 2005.

The House and Senate intelligence committees and other congressional committees have vowed to undertake investigations into the circumstances under which those tapes were destroyed. This is an appropriate use of the legislative branch's power to oversee the activities of the executive branch, especially when allegations of illegal activity are involved.

On Friday, however, the Justice Department asked the relevant congressional committees to postpone their investigations while preliminary investigations by the Justice Department and the CIA itself are under way. U.S. Attorney General Michael Mukasey also announced that the Justice Department would not comply with congressional requests for information at this time.

This stonewalling is inappropriate and only feeds suspicion. Congress is an equal branch of government under the Constitution. As such, it has full authority to conduct investigations into the activities of executive branch employees.

At the same time, the Justice Department is urging a federal judge not to hold a hearing into the destruction of the tapes. U.S. District Judge Henry Kennedy is presiding over a case involving 12 Yemeni prisoners being held at the detention camp at Guantanamo Bay on Cuba. Defense lawyers have urged such a hearing, noting that in 2005 Kennedy as the presiding judge in Zubaydah's and al-Nashiri's cases ordered that all evidence involving that case be preserved, and want to determine whether the destruction of the Zubaydah and al-Nashiri interrogation tapes violated that order.

It is possible for reasonable people to differ as to whether torture is ever justified. We agree with Sen. John McCain, who knows something about torture from his experience as a Vietnam prisoner of war, that the United States should maintain the moral high ground by abjuring torture. Most experienced interrogators also note that torture is not a reliable way to acquire accurate information.

A broad, informed debate on appropriate interrogation techniques is appropriate given widespread suspicion that the U.S. has used techniques that are tantamount to torture. The more information available, the more informed any such discussion will be. That's why it is deplorable that the Justice Department wants to quash congressional and judicial inquiries into the destruction of videotapes that may—or may not—have documented the use of inappropriate techniques by government operatives.

In a democratic system the government is supposed to serve the interests of the people and eternal vigilance is the price of liberty. But the people cannot maintain vigilance over "their" government if the government is allowed to keep its arguably questionable activities secret.

CONGRATULATING STRATON KARATOSSOS

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. PICKERING. Madam Speaker, the athletic tradition at Mississippi State University has celebrated the lives and accomplishments of many student and staff leaders over the years. Recently another has been added to this list when Straton Karatassos was inducted into the Mississippi Athletic Trainers' Association Hall of Fame.

Straton has a lifetime of experiences and stories as a manager and trainer of athletic teams. While working with the Georgia Southern baseball team in 1973, he made his first visit to Mississippi State University for a game, and later that year returned as a graduate student. Now, three decades later, Straton has become inseparable from the MSU athletic family. He was named State's head trainer in 1981, later served as assistant athletic director for sports medicine, and now works as assistant athletic director for athletic development within the Bulldog Club.

While he is a native of Savannah, GA, we like to claim him as a true son of Starkville. He and his wife, Harriet, of Batesville, MS, are central to the Bulldog community, and he is as much part of the teams at Mississippi State as are the players.

Madam Speaker, I hope the Congress joins me in congratulating Straton Karatassos for a lifetime of service to sport and saluting him in his induction into the Mississippi Athletic Trainers' Association Hall of Fame.

TRIBUTE TO KEITH MICHAEL GREENWOOD

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Keith Michael Greenwood a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America and earning the most prestigious award of Eagle Scout.

Keith has been very active with his troop, participating in many Scout activities. Over the many years Keith has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Keith Michael Greenwood for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING ROBERT F. RIORDAN

HON. TODD TIAHRT

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. TIAHRT. Madam Speaker, I rise today to recognize my good friend, Robert F. Riordan, who is retiring after many years of active involvement in the Kansas business community. Bob is set to retire at the end of the year as the head of government relations for Black & Veatch, a leader in energy and water industries, and one of Kansas's largest businesses.

Bob is the eldest of Francis Xavier and Elizabeth Parris Riordan's four sons. He was raised in Wichita and Salina, KS. Despite the loss of his father when Bob was only 13 years old, he excelled in academics and sports while at Sacred Heart High School in Salina. At Sacred Heart, he was captain of the basketball team, a member of the 1958 American Legion State Champions, and valedictorian of his class.

Upon graduation from Sacred Heart in 1960, he attended the United States Naval Academy. Bob received his commission as an ensign in 1964 upon his graduation from Annapolis. He married Pamela Elizabeth Sutton, and together they have three children and three grandchildren, with two more grandchildren on the way. Bob served his country for 11 years while on active duty as a naval officer. He made numerous deployments to Vietnam and saw much combat. His deployments included serving on the USS *Haverfield* (DER 393) and the USS *New Orleans* (LPH–11). While on active duty, he achieved the rank of lieutenant commander, a rank he made as an early selectee.

Wanting to spend more time with his family, Bob returned to Kansas after 11 years of service. Bob has always put his family first, and is a loving and caring husband and father. Throughout the years, he made financial and professional sacrifices to make sure that his relationship with his family came first.

Bob spent 3 years in Salina, working for Marymount College and the engineering firm of Wilson & Sons. While in Salina, he became interested in our Nation's energy policies and alternative energy. He started his own business for alternative energy in Salina before being appointed to a position with the then Kansas Department of Energy. After leaving his appointment, he moved to Lawrence, KS, and spent several years with the University of Kansas developing various forms of alternative energy. In 1982, Bob began doing government relations work for Kansas Power & Light, and was central to the development of their energy policies. While at Kansas Power & Light, Bob became vice president of operations, and helped to create a successful strategy to bring economically efficient power to Kansas.

In 1991, Bob left Kansas Power & Light to help create a fuel-cell company based out of Connecticut. He then came to work with Black & Veatch, starting with a project to build a power plant in Florida. He returned to Kansas in 1994 as head of Black & Veatch's government relations, and has continued in this position to the present day. Throughout his time at Black & Veatch, I have had the opportunity and privilege to work with Bob on a wide range of exciting projects.

Throughout his life, Bob has always been a man of integrity, honor, and loyalty. Bob's word is his pledge. More importantly, Bob will do something or take some action simply because it is the right thing to do. Bob never carries a grudge, and he never keeps score of what he has done for others. Through his service to his country, dedication to his career, and devotion to his family and friends, he exemplifies all that is best about Kansans.

I would like to wish Bob, and his wife Pam, all the best as they enter this new chapter of their lives.

IN SUPPORT OF THE JAMES ZADROGA 9/11 HEALTH AND COMPENSATION ACT

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. ROTHMAN. Madam Speaker, our Nation owes a debt of gratitude to those who selflessly rushed to Ground Zero to help their fellow citizens during and immediately following the terrorist attacks of September 11, 2001. These courageous American men and women thought of others first and themselves second. Truthfully, if it were not for the firefighters, rescue workers, emergency medical providers, and volunteers who helped in the days following 9/11, then the death toll may have been even higher. The healing process would have been even slower. And the cleanup would have taken even longer.

Today, however, many of these rescue workers and volunteers suffer severe respiratory illnesses and diseases as a result of their exposure to toxic debris and materials at Ground Zero. To add insult to injury, the Bush administration has failed to provide them with adequate health care and, in some cases, actually challenged the cause of their illnesses, which doctor after doctor has diagnosed as stemming from the poisonous air at Ground Zero.

Our Nation can and must do far better by our heroes. That is why I strongly support and have cosponsored the James Zadroga 9/11 Health and Compensation Act. This legislation would establish a World Trade Center Health program to provide medical monitoring, treatment, and compensation to emergency responders, recovery and cleanup workers, and other Ground Zero workers suffering serious diseases as a result of their efforts. It would also expand the number of individuals who are to be covered by such arrangements and creates a nationwide network of health care providers for treating victims residing outside the New York City area.

The American people understand that we have a duty to support our heroes—from those who saved lives in the aftermath of 9/11 to all of our service men and women returning from the wars in Iraq and Afghanistan. It's sad that we need legislation to force the Bush administration to do right by our heroes—but such is the situation we face. Thus, I will continue to fight for passage of the James Zadroga Act, will continue to seek increased funding to treat veterans and troops with post-traumatic stress disorder, severe brain injury, and other needs, and will work hard to elect a new President of the United States who will do more than pay lip service to the needs of our heroes.

Finally, I wish to applaud the good people at the Unsung Heroes Helping Heroes organization. While they never asked for anybody's praise, they have earned it—not only through their actions on 9/11, but also through their tireless advocacy on behalf of all those struggling with serious health problems caused by 9/11 and through their assistance to sick and injured 9/11 responders.

HONORING RETIRING DIRECTOR OF THE BUFFALO AND ERIE COUNTY PUBLIC LIBRARY SYSTEM MICHAEL C. MAHANEY

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. HIGGINS. Madam Speaker, I rise today to honor the service of Mr. Michael C. Mahaney, Director of the Buffalo and Erie County Public Library System, whose exemplary service will conclude on January 4, 2008.

Mr. Mahaney began his involvement with the Buffalo and Erie County Public Library (B&ECPL) in December of 1973 as a Library Page in the Central Library's Stack Department. In 1976, he received his Master of Library Science degree from the State University of New York at Buffalo, and began working as a part-time Librarian at the Fairfield, Mead and Kensington Branch Libraries before being appointed to a full-time Librarian position in the Central Library's Business and Labor Department.

Mr. Mahaney's love of the library system and his natural leadership abilities soon propelled him to more senior positions within the B&ECPL, including liaison to the Erie County Legislature, Library constituents, local and regional media and the Library Board of Trustees, and Chairman of the Library's long range planning committee. He was also an active member of the New York Library Association and American Library Association, frequently representing the Buffalo and Erie County Public Library on committees and task forces and at various state and national conferences.

In January 2000, Mr. Mahaney was promoted to the post of Deputy Director, Chief Operating Officer of the B&ECPL, responsible for the administration of all Library public support and planning functions and played a critical role in the development of the Library's strategic plan.

Following a national recruitment effort in January 2003, Mr. Mahaney was chosen overwhelmingly by the Library's Board of Trustees to serve as permanent Director of the B&ECPL. During this time, he was instrumental in guiding the community through the reorganization of the Library in the aftermath of Erie County's worst budget crisis in history.

In his last year as Director of the B&ECPL, Mr. Mahaney oversaw a $500,000 increase in county funding and the passage of the Library Protection Act, a local law safeguarding library funds after the county's annual budget is adopted, a goal library officials had sought for 14 years.

Madam Speaker, it is my honor to stand here today to pay tribute to the inspired leadership and remarkable contributions of Michael C. Mahaney during his 34 years of dedicated service to the Buffalo and Erie County Public Library System. I thank you, Madam Speaker, for allowing me this opportunity to honor Mr. Mahaney's past service and ask you and the rest of our colleagues to join me in wishing Mr. Mahaney the very best of health and success in the years to come.

INTRODUCTION OF THE FALSE CLAIMS ACT CORRECTIONS ACT OF 2007

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. BERMAN. Madam Speaker, I am pleased to introduce the False Claims Act Corrections Act of 2007, a bill designed to return the False Claims Act to its original intent. This legislation is sorely needed today, with the Department of Defense budget raided by unscrupulous contractors willing to enrich themselves at the expense of our Nation, and the Medicare program at risk of insolvency while organized crime and others pilfer funds meant for the care of our elderly and disabled. The proposed amendments would correct the effect of unduly restrictive judicial opinions by clarifying that Congress intends the law to reach all types of fraud on the Federal fisc, regardless of the form of the transaction. The amendments would also restore the intended incentives for whistleblowers, to act when they discover fraud against the United States Government.

The False Claims Act was signed into law by President Abraham Lincoln in order to combat rampant fraud in Civil War defense contracts. The Supreme Court has called the law the "Government's primary litigative tool for combating fraud," a law "intended to reach all types of fraud, without qualification, that might result in financial loss to the Government." The statute, which embodies principles developed in centuries-old English common law, contains incentives for private individuals to report false claims and fraudulent activity. It also allows private parties to sue on behalf of the United States and bring their private resources to support the Government's investigation and litigation. If the United States investigates and finds merit to the private party's allegations, it may intervene in and take control of the lawsuit.

During the first century after its enactment, however, the law fell into disuse as amendments and adverse case law chipped away at the incentives needed to bring whistleblowers forward. Moreover, the courts had restricted the law by construing ambiguities in the act against the Government. It had also become apparent that, in order for the law to have its intended impact, the Department of Justice needed the power to compel testimony and production of documents to investigate allegations made by informants.

In 1986, Senator CHARLES GRASSLEY and I worked together in an effort to restore the requisite incentives for whistleblowers and to clarify that the law was intended to reach all frauds on the Government, regardless of the form of the transaction. The False Claims Amendments Act was passed by Congress and signed into law on October 27, 1986. In addition to addressing incentives, the new law also provided for a subpoena-type authority for the Department of Justice so that the Department could fully investigate allegations raised by whistleblowers. Congress intended that the Department of Justice would use this new "civil investigative demand" authority to obtain documents and testimony, and then question witnesses and experts about this information to fully comprehend its significance.

I am very happy to report that, in the years since 1986, the amended Act has returned over $20 billion to the United States Government that otherwise would have been lost to fraud. For the most part, the law has been a resounding success. The Government has received full compensation for many of its losses, and has also imposed financial penalties on many who have knowingly over-billed the Government. It has utilized information from False Claims Act informants to impose criminal sanctions, including imprisonment, on the worst offenders. The Department of Defense and the Department of Health and Human Services, in turn, have debarred from Government contracting, and excluded from participation in the Medicare program, some of those subject to judgments and convictions. Other agencies have taken similar action. As a result of this aggressive enforcement action by our executive branch, many companies have been motivated to initiate compliance efforts, and have been deterred from engaging in the types of fraudulent schemes subject to enforcement activity.

Nonetheless, the law has not been a success in one critical respect: it could be doing far more. If construed according to Congress' original intent, it could be bringing in many billions of additional dollars in recoveries from those who have cheated at the expense of the taxpayer. Instead, some courts have misconstrued our intent, even in clear language in the law, in a manner that leaves entire categories of fraud outside the reach of the law. For example, courts have thrown out cases in which the Government has administered Government programs, and expended its funds through contractors and other agents, as opposed to direct expenditure. Many courts unreasonably have barred whistleblowers with potentially meritorious claims from pursuing cases. For example, the courts have dismissed cases brought by insiders who know key details of fraudulent schemes because they can't plead specific details of the billing documentation, such as the dates and identification numbers of invoices—information ordinarily sought and obtained in discovery. Finally, due to procedural requirements and an oversight in our original drafting, the Department of Justice has not employed the civil investigative demand authority as hoped.

The amendments proposed in this legislation will remove these debilitating qualifications and to clarify that the Act is intended to "reach all types of fraud, without qualification" leading to Government losses. We intend for these amendments to apply to all future cases as well as all cases that are pending in the courts on the date the amendments become law.

The Amendments' most critical goals are the following: Clarifying that the Act covers fraud on Government programs even when the Government uses agents and other third parties to administer Government programs and contracts; Clarifying that the Government's new or amended complaint in a qui tam action relates back to the original qui tam complaint to the same extent it would relate back if the Government had filed the original complaint; Clarifying that plaintiffs do not need to have access to individual claims data or documents to bring a False Claims Act case; Amending the Act so that a qui tam case may be dismissed in light of prior public disclosures only upon motion of the Government, and only if the case is truly parasitic; Amending and clarifying the Act to specify how the Act's chief investigative tool—the civil investigative demand—may be used to investigate violations of the Act; and clarifying how the Act applies to Federal employees who discover fraud during the course of their employment, by providing the Government authority to move to dismiss the action of any Federal employee who brings a qui tam action under the Act without first having provided the Government fair notice and opportunity to pursue such wrongdoing through its own False Claims Act action or other appropriate remedy.

Fighting fraud against U.S. taxpayers is not a partisan issue. When we passed the False Claims Act amendments in 1986, we did so with a strong bipartisan coalition in both houses. I'm pleased to continue that tradition by introducing this bill today with Representative JIM SENSENBRENNER as my partner. I look forward to working with him to make these amendments to the False Claims Act law this Congress.

TRIBUTE TO AARON N. MENICHETTI

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Aaron N. Menichetti a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America and earning the most prestigious award of Eagle Scout.

Aaron has been very active with his troop, participating in many Scout activities. Over the many years Aaron has been involved with Scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Aaron N. Menichetti for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING THE LIFE OF BILL STRAUSS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. DAVIS of Virginia. Madam Speaker, I rise today to honor the life of the late Mr. William Arthur Strauss.

I first met Bill Strauss in 1963 when we were both pages here in Washington. Bill served at the Supreme Court; I served in the Senate. Our respective careers continued to revolve around the Nation's capital—mine in Congress, Bill's in the executive branch.

Bill boasted an education few can match: an undergraduate degree from Harvard University in 1969, a law degree from Harvard, and a master's degree from Harvard's venerable John F. Kennedy School of Government. He returned to Washington with his young bride in 1973, joining the Department of Health, Education, and Welfare (now Health and Human Services) as a policy aide. He quickly moved up to the Presidential Clemency Board, directing a report on the impact of the Vietnam War on draft-eligible youth.

Bill Strauss continued his work for the Federal Government, moving to the Department of Energy in 1977. Subsequently, in 1980 Mr. Strauss became chief counsel and staff director of the Subcommittee on Energy, Nuclear Proliferation, and Government Processes.

Despite his long service in the Federal Government—or, possibly more aptly, as a result of it—Mr. Strauss discovered at a Memorial Day party in 1981 that he was blessed with the gift of improvisational comedy. Having performed successfully to a receptive audience of friends, Mr. Strauss realized he could make a living satirizing the goings-on within the Beltway.

During his office's Christmas party in 1981, Mr. Strauss, along with a group later christened the Capitol Steps, performed his first musical parody. Senator Charles Percy (R–Ill), his employer, and the rest of the staff knew instantly that Bill Strauss had a gift. The group grew steadily over the years, blossoming into the now $3-million-a-year industry with performances across the country.

Despite these notable achievements, Bill will probably be best remembered for founding the Critics and Awards Program, otherwise known as the Cappies. Bill was inspired to institute this regional institution, which honors exceptional high school dramatic and musical performances throughout the Washington, DC, metro area, after being diagnosed with an aggressive strain of pancreatic cancer. Every year, high school students gather at the Kennedy Center for a ceremony not unlike the Tony Awards in New York. I look forward to the Cappies every year, and hope this tradition continues for years to come.

I was saddened to hear Bill succumbed to cancer at his home in McLean, VA, on December 18, 2007. His legacy of both the Capitol Steps and the Cappies will keep his memory alive within the Capitol Beltway for many years to come. May the elected officials in this body never cease to give Mr. Strauss' company a plethora of material to keep the country laughing.

Madam Speaker, in closing, I would like to pay tribute to the life and accomplishments of Mr. William Arthur Strauss, and express my deepest condolences to all who knew and loved him.

[From the Washington Post, Dec. 19, 2007]

BILL STRAUSS, 60; POLITICAL INSIDER WHO STEPPED OVER INTO COMEDY

(By Joe Holley)

Capitol Steps founder Bill Strauss was a Harvard-trained lawyer and Senate subcommittee staffer when he broke through the chrysalis of Capitol Hill conventionality to become a musical satirist.

Mr. Strauss, who died Dec. 18 of pancreatic cancer at his home in McLean, recalled the breakthrough in a phone interview shortly before his death at age 60.

It was Memorial Day 1981, he said, and he was hosting a party that ended with a jam session around the piano. Party-goers riffed on parodies of Reagan-era news makers.

Mr. Strauss discovered that night that he had a facility for impromptu silliness and satire. He began to wonder whether, at age 34, he might be able to make a living at it, even though his only musical training was a stint in his elementary school orchestra.

During the next several months, when not worrying about nuclear proliferation and other weighty matters, he wrote musical parodies. Enlisting other musically gifted Senate staffers, he scheduled the group's debut at the annual office Christmas party of Sen. Charles Percy (R-Ill.), Mr. Strauss's employer.

The group christened itself the Capitol Steps, an allusion to the location of a late-night amorous moment enjoyed by Rep. John W. Jenrette (D-S.C.) and his wife, Rita.

Capitol Steps was a hit from the beginning. For the next few years, the group performed regularly for free at parties and in church basements. "We were clinging to our day jobs," co-founder Elaina Newport said. "Frankly, we were trying not to get in trouble."

Today, Capitol Steps is still performing, although not in church basements. It's a $3 million-a-year industry with more than 40 employees who sing and satirize at venues across the country.

The group's success was "totally out of the blue," Mr. Strauss said. "Neither I nor anyone else was expecting it."

Mr. Strauss's more serious side found expression in six books he co-authored about American generations and as co-founder of Cappies, a high school critics and awards program. He also wrote three musicals—"MaKiddo," "Stopscandal.com." and "Anasazi"—and co-wrote with Newport two books of satire, "Fools on the Hill" (1992) and "Sixteen Scandals" (2002).

"He packed several lifetimes into his 60 years," Newport said.

William Arthur Strauss was born in Chicago and spent most of his childhood in Burlingame, Calif., in the San Francisco area. He was a Capitol page in 1963, during his junior year in high school, and graduated from Harvard University in 1969. He received a law degree from Harvard Law School and a master's degree from Harvard's John F. Kennedy School of Government, both in 1973, but knew from his first semester in law school that he did not want to practice law. The summer his classmates took the bar exam, he and his wife were on a 40-day honeymoon trip across Africa.

The couple moved to Washington in 1973, and Mr. Strauss took a position as a policy aide for the Department of Health, Education and Welfare (now Health and Human Services). He moved the next year to the Presidential Clemency Board, where he directed a research team writing a report on the impact of the Vietnam War on the draft-eligible generation.

A year later, he and Larry Baskir co-wrote "Chance and Circumstance" (1978), a book about the Vietnam-era draft. Their second book, "Reconciliation After Vietnam" (1987), was said to have influenced President Jimmy Carter to issue a blanket pardon to draft resisters.

Mr. Strauss worked at the Department of Energy from 1977 to 1979 and then was offered the position of general counsel of the Selective Service System. Political objections derailed the offer: Someone pointed out that in the preface to "Chance and Circumstance," he had admitted helping a classmate eat enough to be too heavy for the draft.

The day Mr. Strauss heard about his rejection, he learned of an opening as a committee staffer with Percy. When Republicans took control of the Senate a year later, in 1980, Mr. Strauss became chief counsel and staff director of the Subcommittee on Energy, Nuclear Proliferation and Government Processes.

He had grown up listening to political satirists Tom Lehrer and Stan Freberg and had written a few political poems in college, but making a living with Capitol Steps was, in Mr. Strauss's words, "a big entrepreneurial leap."

He would never lack for material, however—from Sen. Gary Hart and "Monkey Business" to Vice President Dick Cheney ("The Angina Monologues"). In the late 1980s, he perfected his backwards talk routine, "Lirty Dies," just in time for President Bill Clinton ("Clinton's Libido Loco") and Monica Lewinsky ("My Mama Told Me: You'd Better Sleep Around").

Made up mostly of Republicans, with a few Democrats and independents—"to spread the blame a bit," Newport said—the troupe, at Mr. Strauss's insistence, has always tried to be equal-opportunity satirists. "Generally people wanted to be in the show," he said, even when they were the ones being spoofed.

As Capitol Steps was taking up more of his time, Mr. Strauss was exploring American history through the cycle of generations. With co-author Neil Howe, he wrote "Generations" (1991), "13th Gen" (1993), "The Fourth Turning: An American Prophecy" (1996), "Millennials Rising" (1999), "Millennials Go to College" (2003) and "Millennials and the Pop Culture" (2005).

In 1999, Mr. Strauss received a diagnosis of an aggressive strain of pancreatic cancer. The diagnosis prompted him to form the high school Critics and Awards Program, known as Cappies. "I decided this would be my calling, performing less and concentrating on starting this program," he said.

Cappies arranges for high school students to attend and review each other's shows, with top reviews published in local newspapers. Sixty Washington-area schools are involved with the program, as well as 17 additional schools in the United States and Canada. Top Cappies winners perform shows at the Kennedy Center, and student creative teams, under Mr. Strauss's oversight, have written two musicals. The most recent, "Senioritis," has been made into a movie that is to be released in March.

"He had so many different projects in the air," said Judy Bowns, his Cappies colleague for nine years, "and the amazing thing is that they were completed with a standard of excellence that was mind-boggling."

Survivors include his wife of 34 years, Janie Strauss of McLean; four children, Melanie Yee and Rebecca Strauss of McLean, Victoria Hays of Fairfax County and Eric Strauss of Reston; and one granddaughter.

PERSONAL EXPLANATION

HON. KATHY CASTOR

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Ms. CASTOR. Madam Speaker, on rollcall vote No. 1173, during consideration of H. Con. Res. 254, recognizing and celebrating the centennial of Oklahoma statehood I incorrectly voted "nay", when I intended to vote "Yea".

SCAPPOOSE-VERNONIA SCHOOL

HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. WU. Madam Speaker, as my colleagues know, in early December, the Pacific Northwest coast experienced severe storms. The storms caused devastating damage that isolated towns, left citizens without housing, transportation, communications, water, heat or electricity, and tragically caused loss of life. One city in my district, Vernonia, was particularly hard hit. The elementary, middle, and high school were all severely damaged. Because of the damage, Vernonia students in grades 6–12 are now going to school in the nearby community of Scappoose. Although the storm recovery continues, and will continue for sometime, I wanted to share with my colleagues the following communication from Scappoose High School Principal Sue Hays reporting on the first day of Scappoose-Vernonia school. Her message is one of communities coming together, neighbors and families helping each other. Simply put, Oregonians at their best.

I will continue to do all I can to assist Oregon communities and families recover from the storms, but I wanted my colleagues in the House to know that the compassionate, proud, and hardy Oregon spirit shines on. Here is Principal Hays' message:

"Dear Scappoose Families,

I wanted to let you know how our first day of Scappoose-Vernonia School was. It was a great day, a very emotional day as the Vernonia students arrived in seven buses. Their teachers greeted them at the cafeteria doors with open arms. Every comment from the Vernonia staff to students was so heart felt. Questions about how is your family? How is your house? Are you ok? And . . . "we are so glad you are here . . . we have missed you" was repeated with each child. Many hugs took place as if these students had not seen each other for a lifetime! It was a very emotional moment for some of us.

We managed to feed all 300 students that showed up in record time, and then the Vernonia students were off to the gym for an assembly and to get their new schedules. The Scappoose students then assisted the students to their classrooms and gave them guided tours of our building. Our Scappoose students came in for lunch shortly afterwards and then they headed home for the day.

It is now 3:30 and the halls are quiet and the Vernonia student's grades 6–12 are in class listening to teachers and working away on the latest assignment given to them. It is like nothing ever happened and they don't seem to know that they are even in Scappoose. They do know that there is teaching and learning going on, friends have reunited and the teachers that love them are there to support them and teach them.

I am so in awe of our staff and students who have handled this situation with grace, enthusiasm and superb organizational skills. The Vernonia students and staff have been very appreciative and they do have "stories" to tell. I talked to a couple of students today where one told me he still had 6 feet of water in his house. Another student told me he lost everything including his house. The lesson of the day was "giving and receiving".

Thank you all for your support and "class act" that your sons and daughters displayed today, even at 7:30 am in the morning! Report was that most everyone was on time!

If any of you wish to volunteer to "man" the donation areas at the high school, please let us know via email *scappoosehighschool@scappoose.k12.0r.us*. Mr. Casey Honl has volunteered to coordinated and supervise the donations! People are now wanting to donate appliances and furniture, and we are trying to locate a facility that we can store the items in. We are still accepting cash donations with checks made out to "Vernonia School Project". We are hoping to get all students a new pair of tennis shoes. I have 60 donated from Nike at this time. Lastly, we can't forget the food drive to fill our own food bank in Scappoose as well as sending food to Vernonia. The U-haul in front of the school will be open school hours Wednesday through Saturday am. Thanks again for being such a great community! You are loved!

IN TRIBUTE OF BERTRAM M. LEE SR.

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. RANGEL. Madam Speaker, I rise in tribute to Bertram M. Lee Sr., a trailblazing entrepreneur who exemplified the truest ideals of courage, fortitude and commitment. Bertram believed that there was nothing he could not achieve or conquer with personal dedication and faith as his instruments.

Bertram, who died in October 2003, gained national recognition as a successful entrepreneur and philanthropist. He broke through the barriers that sought to limit his vision to accomplish more than was expected of a person of his background. He launched large, sophisticated firms and expanded opportunities for other Black entrepreneurs and executives in media and telecommunications industries. As lead investor and president of Dudley Station Corporation he was in the vanguard of minority ownership of major media properties. His efforts culminated in 1982, when New England Television Corporation, a minority-led consortium acquired WNEV–TV, Boston's CBS affiliate. Under his leadership as President of the corporation from 1982–1986, both the value of the station and its journalistic quality increased.

Bertram went on to become the first minority owner of a professional sports franchise as co-owner and managing partner of the Denver Nuggets basketball team. In banking, he showed outstanding leadership as chairman of the board of directors of Boston Bank of Commerce. He also served on the boards of Shawmut Bank and Reebok International, Inc. A common thread woven through all of his accomplishments was his ability to expand existing boundaries and open opportunities in areas that were traditionally closed to African-Americans.

In politics, we worked together on the historic campaign to elect David Dinkins, the first African American mayor of my beloved city of New York. We shared a view of the world that believed in, and struggled for, the empowerment of African Americans no matter where they were on the globe. I urge my colleague to join me in recognizing this great American.

END OF SESSION

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. CARDOZA. Madam Speaker, as we prepare to adjourn for the holiday season, we eagerly await the chance to spend time with our loved ones.

Radio music and advertisements offer cheery Jingle Bell tunes, the Christmas tree on the West Lawn has been lit, and we leave with a spirit of benevolence, wishing all a merry Christmas.

But unfortunately, Madam Speaker, not all who like Christmas will have it be merry because of a Grinch mean and scary who vetoes our bills with nary a thought.

The Grinch stole Christmas, Madam Speaker. He's robbed from the WHOS, and there's not a one weaker. And who are the WHOS? Why, any child can tell you—the WHOS are the children, the hungry, the poor, the ones we should help, not shove out the door.

While the tone I take is somewhat lighthearted, the subject matter is serious. The President, at almost every turn, has thwarted our efforts to help the most needy and vulnerable in our society.

First, the President has been callous towards the most vulnerable—our children, especially foster children.

The President vetoed a 15 million dollar increase for those children who surrounded by domestic violence are forced to take the safest way out—run. These youth depend on programs authorized under the Runaway and Homeless Youth Act that fund homeless shelters and counseling to diffuse conflict at home and enable them to be reunited with their families.

Mr. Speaker, the 5 million dollar increase Congress approved for the Education for Homeless Children and Youth program—also vetoed by the President.

To the orphaned foster youth who are denied services when the clock strikes midnight on their 18th birthday, the President turns his back on them. Homeless, without health insurance, they become just another statistic to be quoted in the list of "throwaway" youth.

The President denied the sum of a mere 500,000 dollars to create a national registry on child abuse, a provision Congress passed with bipartisan support in the Adam Walsh Act.

Currently, Madam Speaker, child abusers need only to cross state lines to avoid prosecution and find employment as teachers or daycare providers. This national registry would track the offenses of predators to prevent abuse, and it is unconscionable to deny funds for this program.

That is not all that's been taken from under the tree. It's just the beginning, I hope you will see.

We demand so much from parents this day in age, Madam Speaker. They balance full-time parenting with full-time employment, often, at the cost of family life.

They make this sacrifice with the promise of providing a better future for their children. They send them to school and trust it will better equip them for tomorrow.

However, this President has turned a blind eye towards the education of our children.

The President's priorities translate into budget cuts for programs like Head Start, who will be forced to shut their programs door on 34,000 children.

Despite Congressional intent to increase funding for the 6.9 million children receiving special education, the President wants to reduce that funding and slash K–12 education by 1.3 billion dollars.

Madam Speaker, the President's priorities must not be allowed to stand. All children, no matter what their station in life, deserve a quality education and this Congress will continue to fight to ensure we honor our obligations to them.

And while the President will enjoy many Christmas carols this season, he wants to eliminate funding for Universal Newborn Hearing programs.

Madam Speaker, I could go on and on. This short, but illuminating list, best highlights the differences between the priorities of our two parties.

Congress will continue to fight for these vital programs and to ensure that the least among us are well protected. As we adjourn for the holidays and celebrate the season with our families, let us get in the Christmas spirit and rededicate ourselves to the welfare of the most vulnerable.

"And the Grinch with his Grinch-feet ice cold in the snow, stood puzzling and puzzling, how could it be so? It came without ribbons. It came without tags. It came without packages, boxes or bags. And he puzzled and puzzled 'till his puzzler was sore. Then the Grinch thought of something he hadn't before. What if Christmas, he thought, doesn't come from a store? What if Christmas, perhaps, means a little bit more."

Thank you, happy holidays.

PASSING OF JUDGE ERNEST A. LOVELESS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. HOYER. Madam Speaker, I rise today to honor the life and work of a dear friend of mine, Judge Ernest Loveless, and to offer my condolences to his family on his passing.

In the State of Maryland, few judges commanded more respect than Judge Loveless. First appointed to the 7th Judicial Circuit in 1960, Judge Loveless rose to the position of Chief judge in 1976. Serving on the bench until his retirement in 1992, Judge Loveless left behind a legacy of fair rulings and a more effective and efficient court.

During his 32 years on the 7th Circuit, Judge Loveless became known for his management skills. As the populations of Prince George's County and southern Maryland grew in the 1970s, Judge Loveless recognized the need to update the court's systems to better enable it to handle the increased caseload. He succeeded in installing new computer systems, and he made other necessary changes to help the 7th Circuit keep pace with the changing times.

Known across our State as an expert on juvenile law, Judge Loveless presided over thousands of adoption cases, even adopting two children of his own. He had the foresight to hire a resident psychologist to assist with family law matters, a valuable asset to the court and the cases it handles.

On a personal note, I believe it was clear to all who knew him that serving others was a deeply held value for Judge Loveless. Before becoming a judge, he served our Nation proudly in the Navy during World War II, and he then went on to serve the people of Maryland in the House of Delegates from 1954 to 1960. He was active in several civic organizations in Clinton, MD, and he continued to contribute to the community throughout his life.

Madam Speaker, Judge Loveless was a good and honest man who lived an honorable life, and he will long be remembered in southern Maryland and Prince George's County for his devotion, his knowledge of the law, and his fairness. I join countless Marylanders whose lives were touched by Judge Loveless in sending my deepest sympathies to his family and friends.

INTRODUCTION OF PREPAID DERIVATIVES BILL

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. NEAL of Massachusetts. Madam Speaker, I rise today to introduce legislation addressing the taxation of prepaid derivative contracts. The appropriate tax treatment of financial products is ever evolving, just as the market for these products is. Occasionally, Congress or the Treasury must step in and clarify how these new offerings should be treated under the tax code. And my bill today will do that.

Recently, a new product called Exchange Traded Notes, has caught the attention of regulators and investors. The main benefit of these notes is their tax treatment. Issuers have advised buyers that these interests receive almost unlimited tax deferral on any gain earned. And, they advise that even when the gain is recognized at the point that the note is sold or redeemed, it is taxed as long-term capital gain and not ordinary income. These notes can run as long as 30 years and track an exchange rate, index, or commodity.

So, with almost unlimited tax deferral, it seems that many other investments would pale in comparison. Already, many investors have caught on. These exchange-traded notes have garnered $4 billion of investment in a very short period of time. Some argue that this tax treatment is justified, as holders of these notes have some credit risk. If the issuer goes under, the holder may not get paid.

But this favorable tax treatment has not gone without notice. In a Tax Notes magazine article aptly titled, "Too Good To Be True?" one practitioner called this tax treatment, "The Wild West of the tax law." And one columnist in the Washington Post likened this new tax sheltering opportunity as opening "Pandora's Tax Box." It is important to note that this favorable tax treatment is premised on the opinion of one law firm.

More recently, Treasury has stepped in to clarify that Exchange Traded Notes tied to foreign currencies are debt and do generate taxable income to investors. In a companion notice, Treasury asked for comments on whether holders of other prepaid forward contracts should be required to accrue income during the term of the contract. It is possible that Treasury will produce guidance providing appropriate clarity in this market, but in the interim, I believe legislative action is warranted.

The legislation that I am filing today provides rules for the tax treatment of prepaid derivative contracts, which includes Exchange Traded Notes. Holders of such instruments will be required to include as interest income each year an amount determined by reference to a short-term interest rate. The basis in such contract would be adjusted by any income inclusion so that at disposition, any gain or loss would be properly accounted for just as it would be with any other investment receiving annual payments.

In past Congresses, I have pursued legislation to curb vehicles providing unlimited tax deferral to investors, such as swap funds. I believe it is important that our tax laws reach instances where interest is earned or gain recognized, especially where the products are complex or lack transparency. The legislation that I am filing today takes another step in that direction. But I welcome constructive comments from practitioners on both sides of this issue. Above all, if we amend the tax code, we want to get it right the first time.

I look forward to discussing this complex issue with my colleagues in the New Year and seeking their support for this bill.

H.R. 2640

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. CONYERS. Madam Speaker, this bill makes important changes to the national instant check system, designed to help States identify and prevent convicted felons and other dangerous individuals from owning firearms.

As it currently stands, millions of criminal records are not accessible by the instant check system, and millions of additional records fall through the cracks as a result of backlogs and other problems. The bill will help cure these problems by providing the resources and incentives needed to modernize the system and ensure that the records are up to date.

Improving and enhancing the instant check system will help prevent future tragedies such as the Virginia Tech shootings earlier this year, where there is clear reason to know, after due process, that the individual in question should not own a gun.

The House has passed this bill in each of the last two Congresses. Now the Senate has passed it, with changes dealing with the procedures for restoring gun ownership rights.

While I continue to have reservations about the new process for restoring gun ownership rights to individuals previously diagnosed with mental illness, and will be monitoring its implementation very closely, passage of the underlying bill is extremely important.

I want to again thank my good friends CAROLYN MCCARTHY and JOHN DINGELL, as well as RICK BOUCHER from the Judiciary Committee, and LAMAR SMITH, our Ranking Member, for all their work on this important matter.

I urge my colleagues to support this legislation.

RECOGNIZING THE DISTINGUISHED CAREER OF DR. RICHARD CHESTEEN

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 19, 2007

Mr. TANNER. Madam Speaker, I rise today to recognize the long, distinguished career of an esteemed educator, a dedicated public servant, a tireless community leader and my friend, Richard Chesteen, PhD.

Richard's academic career began almost 50 years ago. He earned his Associate's Degree from Holmes Junior College, his Bachelor's Degree from Delta State University, then his Master's Degree and Doctoral Degree in Political Science at the University of Mississippi. We have been fortunate to have him as a professor and faculty leader at the University of Tennessee at Martin, in the heart of northwest Tennessee, since 1969.

Dr. Chesteen's leadership has always stretched beyond the edge of the UTM campus. He has held active positions in scores of government and political organizations in Weakley and Obion counties and throughout Tennessee. Richard has served on the Obion County Commission, the Obion County Regional Planning Commission and the Obion County Democratic Party.

Statewide, Richard was a candidate for governor in the 1994 primary, where he earned a reputation for working on thoughtful solutions toward the problems facing our state at that time. Over the years, he has also served on the Tennessee Advisory Commission on Intergovernmental Relations, the Tennessee County Services Association and Tennessee Cares, an organization to help single parents with the educational support they need to get back into the workforce. These are just a few of an extensive list of ways Richard has served our community and state.

Even as he looks toward retirement, Dr. Chesteen is not giving up on his dedication to education. He has helped found the Richard Chesteen Endowment for Government Internships at the University of Tennessee Martin to offer more first-hand opportunities for today's political science students, who will be the leaders of tomorrow, both in this great chamber and in other leadership positions throughout our country.

Madam Speaker, I hope you and our colleagues will join me in congratulating Richard Chesteen and his family on his retirement, thanking him for his tireless service and honoring his work with the new Endowment for Government Internships.

SENATE—*Friday, December 21, 2007*

(Legislative day of Wednesday, December 19, 2007)

The Senate met at 9:30 and 44 seconds a.m., on the expiration of the recess, and was called to order by the Honorable JIM WEBB, a Senator from the State of Virginia.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 21, 2007.

To the Senate:

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the State of Virginia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. WEBB thereupon assumed the Chair as Acting President pro tempore.

RECESS UNTIL 11 A.M., SUNDAY, DECEMBER 23, 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until Sunday, December 23, 2007.

Thereupon, the Senate, at 9:31 and 10 seconds a.m., recessed until Sunday, December 23, 2007, at 11 a.m.

SENATE—*Sunday, December 23, 2007*

(Legislative day of Wednesday, December 19, 2007)

The Senate met at 11 and 50 seconds a.m., on the expiration of the recess, and was called to order by the Honorable JIM WEBB, a Senator from the State of Virginia.

RECESS UNTIL 9:30 A.M., WEDNESDAY, DECEMBER 26, 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until Wednesday, December 26, 2007.

Thereupon, the Senate, at 11 and 58 seconds a.m., recessed until Wednesday, December 26, 2007, at 9:30 a.m.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

SENATE—*Wednesday, December 26, 2007*

(Legislative day of Wednesday, December 19, 2007)

The Senate met at 9:30 and 2 seconds a.m., on the expiration of the recess, and was called to order by the Honorable JIM WEBB, a Senator from the State of Virginia.

RECESS UNTIL 10 A.M., FRIDAY, DECEMBER 28, 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until Friday, December 28, 2007, at 10 a.m.

Thereupon, the Senate, at 9:30 and 11 seconds a.m., recessed until Friday, December 28, 2007, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Friday, December 28, 2007*

PROCEEDINGS OF THE HOUSE OF REPRESENTATIVES AFTER SINE DIE ADJOURNMENT OF THE 110TH CONGRESS FIRST SESSION

APPOINTMENT OF MEMBERS TO THE COMMITTEE TO ATTEND FUNERAL OF THE LATE HONORABLE JULIA CARSON AFTER SINE DIE ADJOURNMENT

Pursuant to House Resolution 880, and the order of the House of January 4, 2007, the Speaker on December 22, 2007, appointed the following Members of the House to the committee to attend the funeral of the late Honorable Julia Carson.

Mr. Burton, Indiana

The members of the Indiana delegation:

Mr. Visclosky
Mr. Buyer
Mr. Souder
Mr. Pence
Mr. Hill
Mr. Donnelly
Mr. Ellsworth, and
Mr. Conyers, Michigan
Mr. Jefferson, Louisiana
Mr. Bishop, Georgia
Ms. Corrine Brown, Florida
Ms. Jackson-Lee, Texas
Ms. Kilpatrick, Michigan
Ms. Lee, California
Mrs. Jones, Ohio
Mr. Meek, Florida
Ms. Moore, Wisconsin

COMMUNICATION FROM THE CLERK OF THE HOUSE AFTER SINE DIE ADJOURNMENT

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, December 20, 2007.

Hon. NANCY PELOSI,
The Speaker, House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on December 20, 2007, at 12:02 p.m.:

That the Senate passed H.R. 1045.
That the Senate passed H.R. 4839.
That the Senate passed H.R. 2011.
That the Senate passed H.R. 3470.
That the Senate passed H.R. 3569.
That the Senate passed H.R. 3571.
That the Senate passed H.R. 3974.
That the Senate passed H.R. 4009.

That the Senate passed with an amendment H.R. 4253.

That the Senate passed with an amendment H.R. 3432.

That the Senate passed with an amendment H.R. 3997.

That the Senate passed S. 2478.

Appointments: United States-China Economic Security Review Commission.

With best wishes, I am
Sincerely,
LORRAINE C. MILLER,
Clerk of the House.

HOUSE ENROLLED BILLS AND JOINT RESOLUTION SIGNED AFTER SINE DIE ADJOURNMENT

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker pro tempore, Mr. VAN HOLLEN, on Thursday, December 20, 2007:

H.R. 1045. An act to designate the Federal building located at 210 Walnut Street in Des Moines, Iowa, as the "Neal Smith Federal Building".

H.R. 2011. An act to designate the Federal building and United States courthouse located at 100 East 8th Avenue in Pine Bluff, Arkansas, as the "George Howard, Jr. Federal Building and United States Courthouse".

H.R. 3470. An act to designate the facility of the United States Postal Service located at 744 West Oglethorpe Highway in Hinesville, Georgia, as the "John Sidney 'Sid' Flowers Post Office Building".

H.R. 3569. An act to designate the facility of the United States Postal Service located at 16731 Santa Ana Avenue in Fontana, California, as the "Beatrice E. Watson Post Office Building".

H.R. 3571. An act to amend the Congressional Accountability Act of 1995 to permit individuals who have served as employees of the Office of Compliance to serve as Executive Director, Deputy Executive Director, or General Counsel of the Office, and to permit individuals appointed to such positions to serve one additional term.

H.R. 3690. An act to provide for the transfer of the Library of Congress police to the United States Capitol Police, and for other purposes.

H.R. 3974. An act to designate the facility of the United States Postal Service located at 797 Sam Bass Road in Round Rock, Texas, as the "Marine Corps Corporal Steven P. Gill Post Office Building".

H.R. 4009. An act to designate the facility of the United States Postal Service located at 567 West Nepessing Street in Lapeer, Michigan, as the "Turrill Post Office Building".

H.J. Res. 72. Joint resolution making further continuation appropriations for the fiscal year 2008, and for other purposes.

Ms. Lorraine C. Miller, Clerk of the House, further reported and found truly enrolled bills of the following titles, which were thereupon signed by the Speaker pro tempore Mr. VAN HOLLEN, on Friday, December 21, 2007:

H.R. 660. An act to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes.

H.R. 4839. An act to amend the Internal Revenue Code of 1986 to make technical corrections, and for other purposes.

Ms. Lorraine C. Miller, Clerk of the House, further reported and found truly enrolled a bill of the following title, which was thereupon signed by the Speaker pro tempore, Mr. VAN HOLLEN, on Monday, December 24, 2007:

H.R. 2764. An act making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes.

SENATE ENROLLED BILLS SIGNED AFTER SINE DIE ADJOURNMENT

The SPEAKER pro tempore, Mr. VAN HOLLEN, announced his signature to enrolled bills of the following titles on December 20, 2007:

S. 1396. To authorize a major medical facility project to modernize inpatient wards at the Department of Veterans Affairs Medical Center in Atlanta, Georgia.

S. 1896. To designate the facility of the United States Postal Service located at 11 Central Street in Hillsborough, New Hampshire, as the "Officer Jeremy Todd Charron Post Office".

S. 1916. An act to amend the Public Health Service Act to modify the program for the sanctuary system for surplus chimpanzees by terminating the authority for the removal of chimpanzees from the system for research purposes.

The SPEAKER pro tempore, Mr. VAN HOLLEN, further announced his signature to enrolled bills of the following titles on December 21, 2007:

S. 863. To amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds.

S. 2436. To amend the Internal Revenue Code of 1986 to clarify the term of the Commissioner of Internal Revenue.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

S. 2499. To amend titles XVIII, XIX, and XXI of the Social Security Act to extend provisions under the Medicare, Medicaid, and SCHIP programs, and for other purposes.

SENATE—*Friday, December 28, 2007*

(Legislative day of Wednesday, December 19, 2007)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota.

APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 28, 2007.

To the Senate:

Under the provision of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. DORGAN thereupon assumed the chair as Acting President pro tempore.

RECESS UNTIL 10 A.M., MONDAY, DECEMBER 31, 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until Monday, December 31, 2007.

Thereupon, the Senate at 10:01 a.m., recessed until Monday, December 31, 2007, at 10 a.m.

EXTENSTIONS OF REMARKS

MAKE THE R&D TAX CREDIT PERMANENT

HON. BILL SALI

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Friday, December 28, 2007

Mr. SALI. Madam Speaker, in just a few days the Research and Development Tax Credit expires. Sadly, this will not be the first time Congress allowed this to happen. The world of business has its own challenges without adding the stressful uncertainty on whether the R&D tax credit will be available next year. A permanent extension of the R&D tax credit can go miles in advancing our competitive edge in the global economy.

Manufacturers, small companies, and any firm that does research relies on the R&D tax credit. Businesses must constantly meet changing consumer demands and do so by offering products and services, which makes R&D essential. Companies benefit from a R&D tax credit by improving their products and services. Congress has needlessly placed hardship and unnecessary risk on industries by not making this tax credit a reliable and predictable part of their business calculus.

We missed an opportunity to change that. When the House reconvenes, let us make the R&D tax credit permanent.

PERSONAL EXPLANATION

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, December 28, 2007

Mr. MARKEY. Madam Speaker, on December 19, 2007, I was unavoidably detained and missed rollcall vote 1186 on H.R. 2764. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 28, 2007

Mr. THOMPSON of California. Madam Speaker, unfortunately, I was unable to travel to Washington, DC, for votes during the week of December 17, 2007.

However, I would have recorded the following votes on the rollcall votes which I missed. They included:

DECEMBER 17, 2007

(1) H. Res. 856—Rollcall No. 1163—Expressing the heartfelt sympathy for the victims and families of the shootings in Omaha, Nebraska, on Wednesday, December 5, 2007—"yes."

(2) H. Res. 851—Rollcall No. 1164—Honoring local and state first responders, and the citizens of the Pacific Northwest in facing the severe winter storm of December 2 and 3, 2007—"yes."

(3) Previous Question—Rollcall No. 1165—On ordering the previous question to H. Res. 873—"yes."

(4) H. Res. 873—Rollcall No. 1166—Waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules—"yes."

(5) H. Con. Res. 271—Rollcall No. 1167—Providing for the sine die adjournment of the first session of the One Hundred Tenth Congress—"no."

(6) Previous Question—Rollcall No. 1168—On ordering the previous question to H. Res. 878—"yes."

(7) H. Res. 878—Rollcall No. 1169—Providing for the consideration of the Senate amendment to the bill (H.R. 2764) making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes—"yes."

(8) H.R. 4286—Rollcall No. 1170—To award a congressional gold medal to Daw Aung San Suu Kyi in recognition of her courageous and unwavering commitment to peace, nonviolence, human rights, and democracy in Burma—"yes."

(9) 1st Senate Amendment to H.R. 2764—Rollcall No. 1171—On motion to agree to the Senate amendment with the 1st House amendment—"yes."

(10) 2nd Senate Amendment to H.R. 2764—Rollcall No. 1172—On motion to agree to the Senate amendment with the 2nd House amendment—"yes."

(11) H. Con. Res. 254—Rollcall No. 1173—Recognizing and celebrating the centennial of Oklahoma statehood—"yes."

DECEMBER 18, 2007

(1) Previous Question—Rollcall No. 1174—On ordering the previous question to H.R. 877—"yes."

(2) H. Res. 877—Rollcall No. 1175—Providing for consideration of the Senate amendment to the House amendment to the Senate amendment to the bill (H.R. 6) to move the United States toward greater energy independence and security, to increase the production of clean renewable fuels, to protect consumers, to increase the efficiency of products, buildings, and vehicles, to promote research on and deploy greenhouse gas capture and storage options, and to improve the energy performance of the Federal Government, and for other purposes—"yes."

(3) H.R. 3793—Rollcall No. 1176—To amend title 37, United States Code, to require the Secretary of Defense to continue to pay to a member of the Armed Forces who is retired or separated from the Armed Forces due to a combat-related injury certain bonuses that the member was entitled to before the retirement or separation and would continue to be entitled to if the member was not retired or separated—"yes."

(4) H.R. 6—Rollcall No. 1177—To reduce our Nation's dependency on foreign oil by investing in clean, renewable, and alternative energy resources, promoting new emerging energy technologies, developing greater efficiency, and creating a Strategic Energy Efficiency and Renewables Reserve to invest in alternative energy, and for other purposes—"yes."

(5) H.R. 2761—Rollcall No. 1178—To extend the Terrorism Insurance Program of the Department of the Treasury, and for other purposes—"yes."

(6) S. 2271—Rollcall No. 1179—To authorize State and local governments to divest assets in companies that conduct business operations in Sudan, to prohibit United States Government contracts with such companies, and for other purposes—"yes."

(7) H. Res. 542—Rollcall No. 1180—Expressing the unconditional support of the House of Representatives for the members of the National Guard—"yes."

(8) H. Res. 884—Rollcall No. 1181—Providing for the concurrence by the House in the Senate amendments to H.R. 3997, with an amendment—"yes."

(9) H.R. 3690—Rollcall No. 1182—To provide for the transfer of the Library of Congress police to the United States Capitol Police, and for other purposes—"yes."

DECEMBER 19, 2007

(1) H.R. 3996—Rollcall No. 1183—To amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes—"no."

(2) S. 2499—Rollcall No. 1184—To amend titles XVIII, XIX, and XXI of the Social Security Act to extend provisions under the Medicare, Medicaid, and SCHIP programs, and for other purposes—"yes."

(3) H.R. 4040—Rollcall No. 1185—To establish consumer product safety standards and other safety requirements for children's products and to reauthorize and modernize the Consumer Product Safety Commission—"yes."

(4) H.R. 2764—Rollcall No. 1186—Making appropriations for the Department of State, foreign operations, and related programs for the fiscal year ending September 30, 2008, and for other purposes—"no."

HONORING THE MEMORY OF JOSEPH SNYDER, M.D.

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 28, 2007

Ms. BERKLEY. Madam Speaker, it is with great sadness that I rise to acknowledge the all too short life of Dr. Joseph Snyder who lost his valiant battle against cancer Monday, December 17.

Dr. Snyder was the preeminent kidney transplant specialist in the State of Nevada. He wrote the protocols and procedures that govern the transplantation of kidneys in our Nevada hospitals. Hundreds, if not thousands, of his fellow citizens are alive today due to the dedication, expertise, and extraordinary talents of this gifted physician.

Joseph Snyder was a caring doctor, a loving husband, and a wonderful and dedicated father to his two children, Johanna, age 6 and Sebastian, age 3.

Dr. Joe and his wife MaryJhan were happily married for 7 years. Together they shared a wonderful life and made a home for their children filled with joy and love.

In addition to his family, Dr. Joe enjoyed reading and attending the theatre. His interest was history, particularly the period surrounding America's Civil War.

A senior partner in the nephrology group Kidney Specialists of Southern Nevada, Dr. Snyder received his medical training at Georgetown University, graduating cum laude, and completed his fellowship at Portsmouth Naval Hospital in Virginia. He received his transplant training at the University of California at San Francisco. He was board certified in both internal medicine and nephrology.

Dr. Snyder held professional memberships in the Alpha Omega Alpha Honor Medical Society, International Society of Nephrology, and American Society of Transplant Physicians.

He relocated to Las Vegas in 1991. In addition to his partnership with Kidney Specialists of Southern Nevada, Dr. Snyder was a clinical assistant professor at the University of Nevada School of Medicine, as well as the head of the transplant program for the medical school. Dr. Snyder was a noted author of numerous publications in the field of renal disease and kidney transplantation procedures.

Dr. Joseph Snyder will be mourned and missed by his family, his colleagues, and his patients. His untimely death leaves a great void in the medical community of southern Nevada.

Most of all he will be remembered as a kind and loving family man, a dedicated physician, and a pillar of our community.

I extend my deepest sympathies to the Snyder family at this time of grief and reflection.

EQUAL RIGHTS FOR HEALTH CARE ACT—TITLE 42

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 28, 2007

Ms. RICHARDSON. Madam Speaker, I am proud to introduce the "Equal Rights for Health Care Act—Title 42." Our Founding Fathers wisely wrote that all Americans should have the equal rights of life, liberty and the pursuit of happiness. In order to have life one must be healthy and have adequate healthcare. Ensuring those rights of my constituents and the American people is our primary responsibility as Members of Congress. H.R. 4849 will prohibition discrimination of health care services and research programs that receive Federal funding based on sex, race, color, national origin, sexual orientation, or disability status.

The civil rights laws have historically been a powerful mechanism for effecting necessary change in the United States. Each law represents a national commitment to end discrimination and establish a mandate to bring the excluded into the mainstream. These equal rights laws ensure that the Federal government delivers on the Constitution's promise of equal opportunity so that every individual has the right to develop his or her talents. Healthcare should not be an exception to this precedent.

In 1971, only 18 percent of all women, compared to 26 percent of all men, had completed 4 or more years of college. In 1972, Title IX was introduced by Representative Edith Green of Oregon. In 2007, celebrating the 35th Anniversary of Title IX, which assured woman's right to education equality, the U.S. Department of Education showed 56 percent of all women compared to 44 percent of all men in four or more years of college. This mandate created a sea of change in our expectations of what equal funding could achieve.

Federal law prohibits discrimination across a wide array of public policy arenas, none more so than in relation to voting and public education rights. The "Equal Rights for Health Care Act—Title 42" H.R. 4849 seeks to have the same effect in the health care community. With the introduction of H.R. 4849, we as a Congress, are taking another step toward equal rights and I look forward to working with my colleagues from both sides of the aisle to accomplish this goal.

IN MEMORY OF BETH SHARON SAMUELS

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 28, 2007

Mr. WAXMAN. Madam Speaker, this week marks the first anniversary in the Hebrew calendar of the passing of Beth Sharon Samuels, an extraordinary constituent who lost her life to cancer in January 2007 at the age of thirty-one.

Beth grew up in Los Angeles, attending the Yeshiva University High School of Los Angeles and graduating as valedictorian. She went on to study at a women's seminary in Israel before graduating from Columbia University with a degree in mathematics. She then completed a three-year program at the Drisha Institute in Bible and Talmud, a Ph.D. in math at Yale, and earned an assistant professorship at the University of California, Berkeley. In the meantime, she gave birth to a daughter Danelle and later to daughter Natalia while undergoing intensive chemotherapy treatments.

Beth coupled her academic talent with a passion for Jewish learning. During her time at Columbia, she served as a leader of the Jewish community and was a force for change on behalf of women's participation in Jewish ritual life. While at the Drisha Institute she traveled around the country to teach young women how to engage Jewish texts and explore their spirituality. She imbued all of her pursuits with youthful energy and zeal.

According to her husband Ari, Beth wished that her legacy be the Jewish value of chesed—kindness. Her friends and family remember her for an extraordinary capacity to perform countless acts of kindness for others and help bring out the best in others. They celebrate her short life for its wisdom, zest, and humanity.

My condolences go out to her parents, Elana and Zachary, her husband, Ari, her daughters Danelle and Natalia and her extended friends and family on this solemn occasion.

SENATE—*Monday, December 31, 2007*

(Legislative day of Wednesday, December 19, 2007)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by the Honorable JACK REED, a Senator from the State of Rhode Island.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, December 31, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACK REED, a Senator from the State of Rhode Island, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REED thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT SINE DIE

The ACTING PRESIDENT pro tempore. Under the provisions of S. Con. Res. 61, as amended, the Senate stands adjourned sine die until Thursday, January 3, 2008.

Thereupon, the Senate, at 10 and 40 seconds a.m., adjourned sine die.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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